

## CITY BOARD OF ADJUSTMENT

MINUTES: December 7, 2011

*Corrected and approved by a motion on January 4, 2012*

Name	Title	01/06/11	02/02/11	03/02/11	04/06/11	05/04/11	06/01/11	07/06/11	08/03/11	09/07/11	10/05/11	11/02/11	12/07/11
Jeff Bollman	Chairman	1	1	1	1	1	1	1	1	1	-	1	1
Paul Cox	Boardmember	1	1	1	1	1	1	1	1	1	-	1	1
Daniel Eggen	Vice Chairman	1	1	1	1	1	E	1	1	1	-	1	1
Neil Kiner	Boardmember	1	1	1	1	1	1	1	1	1	-	1	1
Barbara Walborn	Boardmember	1	E	E	1	1	1	1	1	1	-	1	1
Vacant	Boardmember	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	Boardmember	-	-	-	-	-	-	-	-	-	-	-	-

TOTAL NUMBER OF APPLICATIONS 2011	01/06/11	02/02/11	03/03/11	04/06/11	05/04/11	06/01/11	07/06/11	08/03/11	09/07/11	10/05/11	11/02/11	12/07/11	TOTAL
Variance	1	1	4	4	5	3	3	2	3	0	2	3	31

Chairman Bollman called the meeting to order at 6:03 p.m. The City Board of Adjustment met in the City Council Chambers.

Chairman Bollman asked Zoning Coordinator Nicole Cromwell to introduce the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator; Lora Mattox, Transportation Planner; and Tammy Deines, Planning Clerk.

**Others in Attendance:**

Agent H. Thomas Llewellyn, Applicant Jeff Kanning, Applicant Malcom Long, Doug James, Moulton Bellingham, Applicant Mitzi Racine, Applicant Bryan Kovash

**Public Comment:**

Chairman Bollman opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There was none. Chairman Bollman closed the public comment period at 6:05 p.m.

Chairman Bollman suggested moving approval of the minutes to the end of the agenda.

**Motion**

**Boardmember Walborn made a motion and it was seconded by Paul Cox to move approval of the minutes to Other Business Items at the end of this agenda. It was approved by a unanimous voice vote.**

### **Disclosure of Conflict of Interest**

Chairman Bollman asked for disclosures of conflict of interest. Boardmember Neil Kiner stated he has professional conflict of interest on Variance #1112 and will recuse himself from the vote on this matter.

### **Disclosure of Outside Communication**

Nicole Cromwell explained there are times applicants communicate directly with Board members and this should be communicated to the Board members in a public forum. The following written communications were received by staff:

**City Variance 1112: 12/5/2011: Gregory C. MacDonald, 2929 3<sup>rd</sup> Ave N, Billings, Montana**

**City Variance 1111: 11/18/2011: Tom Korb, 918 N 32<sup>nd</sup>, Billings, Montana, 59101**

**City Variance 1111: 11/30/2011: Charles & Marge Hall, fax, N 32<sup>nd</sup> Street, Billings, Montana**

**City Variance 1111: John Gobiasky, 936 N 32<sup>nd</sup> Street, Billings, Montana (e-mail)**

### **PUBLIC HEARINGS:**

Chairman Bollman asked Ms. Cromwell to read the determinations for granting a variance as well as review the rules for the procedure by which the public hearings will be conducted. Ms. Cromwell reviewed the procedures by which the meeting is conducted and the determinations for granting a variance. Ms. Cromwell explained the voting process for this meeting, as there are only five members and two vacancies on the Board of Adjustment. She stated opportunities will be given to the applicants if they wish to delay their application until a full Board is available. The next meeting is January 4, 2012.

### **Public Hearings:**

At 6:06 p.m., Chairman Bollman stated the public hearing will be opened and this Board will allow public comment this evening. Ms. Cromwell read the legal description and gave the Staff presentation which reviewed the request and recommendation below.

**Return Item - City Variance #1109 – 836 Joyce Circle** - A variance from 27-308 requiring a minimum front setback of 20 feet for a carport to allow a 0 front setback; from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 32% for an existing carport in a Residential Manufactured Home (RMH) zone on Lot 5, Block 2, Two Moon Subdivision, a 7,141 square foot parcel of land. Tax ID: A29156; Mitzi Racine, owner.

### **REQUEST**

The applicant is requesting a variance from 27-308 requiring a minimum front setback of 20 feet for a carport to allow a 0 front setback; from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 32% for an existing carport in a Residential Manufactured Home (RMH) zone. Mitzi Racine is the owner and the property is located at 836 Joyce Circle. Staff is recommending denial of the proposed 0-foot front setback to allow a 10-foot front setback and conditional approval of the lot coverage variance. The Board of Adjustment opened the public hearing on this request on November 2, 2011 and received testimony from the applicant and staff. On November 2, 2011, the Board continued the public hearing and encouraged the applicant to consider options for the carport location.

Staff is recommending the following conditions for the variance request:

1. The variance is to decrease the required front setback from 20 feet to 10 feet and to increase the lot coverage from 30% to 32% for constructing a detached carport. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 5, Block 2, Two Moon Subdivision generally located at 836 Joyce Circle.
3. The applicant shall receive approval for a building permit within 3 months of Board approval. Re-construction of the carport at the approved 10-foot front setback shall be completed within 8 months of Board approval.
5. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
6. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Nicole Cromwell opened this agenda item with a PowerPoint presentation. She said she made a site visit and measured the distances between the concrete pad and the home. She noted a new site plan was not submitted. She stated the proposal to do a 10-foot front setback instead of a 15-foot setback would be reasonable.

### **Discussion**

Chairman Bollman called for questions and discussion by the members of the Board. In response to a question by Paul Cox, Ms. Cromwell stated the property was reposted and no response was received from the neighbors. Jeff Bollman asked if the side setback was measured. Nicole Cromwell noted the submitted site plan and said there is approximately 10 feet of lawn between the concrete and the neighboring fence. She stated the required setback on the yard is a minimum of 8 feet in the RMH zone. Neil Kiner asked about the correspondence received last month. Nicole Cromwell responded that three letters were received, and they stated the 0 front setback is not an option but a 15 foot front setback is acceptable. Daniel Eggen asked if the existing concrete pad will have to meet building specifications in addition to the new pad when the building permit is obtained. Nicole Cromwell stated it would have to meet the structural load that is required.

### **Public Hearing**

At 6:14 p.m., Chairman Bollman opened the public hearing and called for proponents of City Variance #1109.

### **Mitiz Racine, 836 Joyce Circle, Billings, Montana**

Ms. Racine said she re-measured the property and found that there is only 10 feet available. She said she concurs with the remaining staff recommendations. Jeff Bollman asked if she would have concern with the addition of a condition that no walls or doors will be added to the structure. Ms. Racine replied and said she would not have a problem with this. Daniel Eggen asked if she is agreeable to the time frame. Ms. Racine said the concrete pad existed when she purchased the house and is assuming it was done at the time the subdivision developed. She stated a contractor would be brought in to calculate the depth needed for the concrete pad to come into compliance.

At 6:21 p.m. Chairman Bollman asked if there was anyone wishing to speak for or against City Variance #1109. There was none. Chairman Bollman closed the public hearing and called for a motion from the Board.

**Motion**

**A motion was made by Barbara Walborn and seconded by Paul Cox to conditionally approve City Variance #1109 at 836 Joyce Circle as presented by staff.**

**Discussion**

Chairman Bollman called for discussion on the motion. Daniel Eggen stated he would like to amend the motion to add a condition that no walls or doors will be added to the carport.

**Motion**

**Daniel Eggen made a motion and it was seconded by Paul Cox to amend the original motion and add Condition of Approval # 7 to state, “No walls or doors shall be added to the carport. It shall remain open and not enclosed”.**

**Discussion**

Chairman Bollman called for discussion on the motion. Barbara Walborn said she feels if the carport were enclosed it would fit better with the neighborhood. Jeff Bollman voiced concern with the need for clear vision at the 10-foot setback. Paul Cox concurred and pointed out this property is located on a corner.

Chairman Bollman called for a vote on the amended motion.

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	<b>1</b>			
Paul Cox	<b>1</b>			
Daniel Eggen	<b>1</b>			
Barbara Walborn	<b>1</b>			
Neil Kiner	<b>1</b>			
Vacant	-	-	-	-
Vacant	-	-	-	-

The amended motion passes with a unanimous vote.

Chairman Bollman called for a vote on the original motion.

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	<b>1</b>			
Paul Cox	<b>1</b>			
Daniel Eggen	<b>1</b>			
Barbara Walborn	<b>1</b>			
Neil Kiner	<b>1</b>			
Vacant	-	-	-	-
Vacant	-	-	-	-

**City Variance #1109 conditionally approved.**

Chairman Bollman asked Ms. Cromwell for presentation of agenda item #2-City Variance 1110-2014 Alderson Avenue. Ms. Cromwell read the legal description and Lora Mattox gave the Staff presentation which reviewed the request and recommendation below.

**Item #2: City Variance #1110 – 2014 Alderson Avenue** - A variance from 27-310(g) requiring a maximum projection in a side yard of 2 feet to allow a maximum projection of 3.5 feet in a side yard for the purpose of reconstructing an open exterior deck in a Residential 6,000 (R-60) zone on the East 70 feet of the West 140 feet Lot 2, Arnold Subdivision, a 13,650 square foot parcel of land. Tax ID: A02336, Bryan D. Kovash, Henry & Mary Reed, owners

### **REQUEST**

The applicant is requesting a variance from Section 27-310(g) requiring a maximum projection in a side yard of 2 feet to allow a maximum projection of 3.5 feet in a side yard for the purpose of reconstructing an open exterior deck in a Residential 6,000 (R-60) zone on the East 70 feet of the West 140 feet of Lot 2, Arnold Subdivision, a 13,650 square foot parcel. Bryan D. Kovash, Henry & Mary Reed, owners. Planning staff is recommending conditional approval of the proposed variance.

Staff is recommending conditional approval of the proposed variance.

1. The variance is to increase the maximum projection in a side yard from 2 feet to 3.5 feet to reconstruct two existing open exterior decks. No other variance is intended or implied with this approval.
2. The variance is limited to the East 70 feet of the West 140 feet of Lot 2, Arnold Subdivision, 1<sup>st</sup> Filing generally located at 2014 Alderson Avenue.
3. The reconstruction of the open exterior decks within the 5 foot side yard setback will require the appropriate fire rating per the Building Code for the decks. With the exception of the increased maximum side yard projection, all other zoning code requirements for the new decks will apply.
4. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Planner Lora Mattox opened with a PowerPoint presentation of the Staff report for this request.

### **Discussion**

Chairman Bollman called for questions and discussion from the members of the Board. In response to a question by Jeff Bollman, Lora Mattox stated a fire rating is triggered with a less than five foot distance from a property line. She explained the applicant may seek an easement from the adjacent property owner for an 8.5-foot “no construction zone”. Jeff Bollman asked if building a one hour wall to the top railing would be an alternative. Lora Mattox explained the building official stated he is open to working with the applicant for a solution other than a wall. She said the applicant submitted a building permit and this may have been discovered during the permit review process.

### **Public Hearing**

At 6:33 p.m., Chairman Bollman opened the public hearing and called for the applicant’s presentation or for comments on City Variance #1110-2014 Alderson Avenue.

**Applicant**

**Bryan Kovash, 2410 Arvin Lane, Billings, Montana**

Mr. Kovash said this structure was built in 1984, and it included the deck. He stated the decks are in a state of disrepair and need to be re-built. He learned of the need for a variance when he submitted the building permit. He commented this could happen to anyone and the rules have changed. Mr. Kovash said the hardship is the cost of \$16,000 to rebuild the decks to the wood bases. He said building a wall to the railing could be expensive or the other option may be to make the decks all metal. Mr. Kovash stated he thinks this is ridiculous as they wish to replace the existing decks. He said a hazard will be created if they are not allowed to repair them. In response to a question by Barbara Walborn, Mr. Kovash said they are not expanding the deck but replacing the original decks at the same size. Paul Cox asked about the Building Department’s suggestion to build a wall. Mr. Kovash said an alternative would be to have the church grant a “no construction zone” easement. He commented this may not be a good thing for the church, as it would limit their options also.

Chairman Bollman asked for anyone wishing to speak in favor or against City Variance #1110-2014 Alderson Ave. There was no other testimony. Chairman Bollman closed the public hearing at 6:36 p.m.

**Motion**

**Neil Kiner made a motion and it was seconded by Paul Cox conditionally to approve City Variance #1110 as recommended by staff.**

**Discussion**

Chairman Bollman called for discussion on the motion. There was none.

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	1			
Paul Cox	1			
Daniel Eggen		1		
Barbara Walborn	1			
Neil Kiner	1			
Vacant	-	-	-	-
Vacant	-	-	-	-

**The motion carried and 4-1, City Variance #1110 is conditionally approved.**

**Item #3: City Variance #1111, 104 and 108 Avenue E, Billings, Montana**

**City Variance #1111 – 104 & 108 Avenue E** – A variance request from Section 27-308 requiring a lot area of 14,000 square feet for two separate dwelling units to allow a lot area of 9,974 square feet for two existing dwelling units on Lot 11-A-1, Block 18, North Elevation Subdivision, 3<sup>rd</sup> Filing in a Residential 7,000 (R-70) zone. No building or reconstruction is planned at this time; the lot area variance would allow the current owner to create a unit-ownership on the property. Tax ID A11824, Andrew and Laura Wilson, owners and H. Thomas Llewellyn, agent.

## **REQUEST**

The applicant is requesting a variance from 27-308 requiring a minimum lot area of 14,000 square feet for two existing dwelling units to allow a 9,974 square foot lot area in a Residential 7,000 (R-70) zone on Lot 11-A-1, Block 18, North Elevation Subdivision, 3<sup>rd</sup> Filing. Tax ID A11824; Andrew and Laura Wilson, owners and H. Thomas Llewellyn, agent. No building or reconstruction is planned at this time; the lot area variance would allow the current owner to create a unit-ownership on the property. Planning staff is recommending conditional approval of the proposed reduction of the minimum lot size required of 14,000 square feet to 9,974 square feet for two existing dwelling units. Staff is recommending conditional approval of the proposed variance.

Staff is recommending the following conditions for the reduction in minimum lot size variance request:

1. The variance is to decrease the minimum lot size from 14,000 square feet to 9,974 square feet for existing two single-family dwellings. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 11-A-1, Block 18, North Elevation Subdivision, 3<sup>rd</sup> Filing generally located at 104 & 108 Avenue E.
3. Any future rebuilds or remodel of the subject structures will need to be done in compliance with the City's adopted building code and site development code. With the exception of the minimum lot size required, all other zoning code requirements will apply.
4. The owner shall complete the creation of the unit-ownership documents within 1 year of approval of this variance.
5. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Planner Lora Mattox opened with a PowerPoint presentation of the Staff report for this request. She noted the citizen communications for this variance, including one citizen's e-mail requesting a return call. She said she was unable to return the call as it would not connect to the number provided. The citizen's concern was the rear lot line but the applicant is not proposing to change any lot line with this proposal.

## **Discussion**

Chairman Bollman called for questions and discussion from the members of the Board. Paul Cox asked if this property was originally platted as two lots. Lora Mattox said staff found no record of this, but it could have been done prior to the online records. She pointed out this is common in this neighborhood. Daniel Eggen asked regarding Condition of Approval #3 and if this property may have to have a rebuild letter for lending purposes. Lora Mattox explained the variance would handle the rebuild for the two dwellings as far as the lot size requirement due to the reduction in lot size. She pointed out there is no other variance request and the minimum lot size variance would allow them to rebuild the single family dwellings.

## **Public Hearing**

At 6:45 p.m., Chairman Bollman opened the public hearing and called for the applicant's presentation or for comments on City Variance #1111- 104 and 108 Avenue E.

**Applicant**

**Tom Llewellyn, 3936 Ave B, Billings, Montana**

Mr. Llewellyn is the agent for Andrew and Laura Wilson, the owners of the property. He explained the ownership change from rental units to ownership units. He said the unit ownership declaration is prepared and will be reviewed by Planning Staff. He said this is a positive approach to handle these types of properties. He requested approval of this variance and said he is in concurrence with the Staff recommendation. He said the declaration will help to address the rebuild letter. He explained the limited common areas will be taken care of by each owner/tenant, and the existing tenants intend to purchase the dwellings as a townhome limited ownership. Mr. Llewellyn spoke of Montana House Bill 460 and the definition allowing ownership of the land under the structure. He said HUD recertification is no longer needed and can be financed the same as any single family home.

Chairman Bollman asked for anyone wishing to speak in favor or against City Variance #1111-104 and 108 Avenue E. There was no other testimony. Chairman Bollman closed the public hearing at 6:50 p.m.

**Motion**

**Daniel Barbara made a motion and it was seconded by Neil Kiner conditionally to approve City Variance #1111 as recommended by staff.**

**Discussion**

Chairman Bollman called for discussion on the motion. There was none.

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	1			
Paul Cox	1			
Daniel Eggen	1			
Barbara Walborn	1			
Neil Kiner	1			
Vacant	-	-	-	-
Vacant	-	-	-	-

**The motion carried unanimously. City Variance #1111 is conditionally approved.**

\*\*At this time, Boardmember Neil Kiner removed himself from the hearing and sat in the audience.

**Item #4: City Variance #1112-`Shiloh Crossing Boulevard, Billings, Montana – Scheels** – A variance from 27-309 requiring a maximum building height of 70 feet to allow a maximum building height of 87 feet; from 27-1443 requiring a maximum wall sign size of 250 square feet to allow a wall sign size of 544 square feet in a Controlled Industrial (CI) zone and the South Shiloh Corridor Overlay district on Lot 3A, Block 1, Shiloh Crossing Subdivision, a 15.93 acre parcel of land

**REQUEST**

The applicant is requesting a variance from 27-309 requiring a maximum building height of 70 feet in a Controlled Industrial (CI) zone to allow a maximum building height of 87 feet; from 27-1443

requiring a maximum wall sign size of 250 square feet in the South Shiloh Corridor Overlay district to allow a wall sign size of 544 square feet on Lot 3A (to be Lot 3A-2), Block 1, Shiloh Crossing Subdivision, a 15.93 acre parcel of land. Shiloh Crossing, LLC is the owner and Sanderson Stewart is the agent. Staff is recommending conditional approval of the proposed variances.

Staff is recommending 6 conditions for the variance request:

1. The variance is for a maximum building height of 87 feet and for 2 wall signs of 544 square feet each. No other variance is intended or implied by this approval.
2. The variance applies to Lot 3A (to be Lot 3A-2), Block 1 of Shiloh Crossing Subdivision.
3. The proposed building will be located and oriented in substantial conformance with the submitted site plan. Minor adjustments to the site plan are allowed.
4. The applicant will apply for a building permit within one (1) year of the Board of Adjustment approval of the variance. Construction of the retail store will be completed within 3 years of Board of Adjustment approval.
5. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
6. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Planner Nicole Cromwell opened with a PowerPoint presentation of the Staff report for this request.

### **Discussion**

Chairman Bollman called for questions and discussion from the members of the Board. Jeff Bollman asked about the allowable size for a wall sign if it were not in the Shiloh Overlay District corridor. Nicole Cromwell replied it would depend on the building size, and which elevations are facing the street. She determined it would be approximately 1200 square feet total allowable wall sign area for the proposed building.

### **Public Hearing**

At 7:09 p.m., Chairman Bollman opened the public hearing and called for the applicant's presentation or for comments on City Variance #1112-1101 Shiloh Crossing Boulevard-Scheels.

### **Applicant**

#### **Steve Corning, 315 Wyatt Circle, Billings, Montana**

Steve Corning is a co-developer of this property. He pointed out three generations of the Long family are in attendance this evening. He commented on criticisms of big box stores being architecturally unappealing. He stated this is arguably the nicest retail installation that has been built in Billings; and an excess of 40 million dollars will be spent in construction of the building itself. He commented this format store is built around the country, including locations in Boise, Idaho and Denver, Colorado. Mr. Corning said there will be a significant economic impact to the community with the creation of 400 jobs in the new facility; with 250 full time employees working at the highest retail pay scale in the state of Montana. He noted this is a multi-generational family-owned business and Scheel's has 28 stores. Paul Cox asked about the building height restrictions for the properties along Shiloh Road. Mr. Corning stated the pads in front allow for 25 feet.

**Jeff Kanning, Collaborative Design, 2280 Grant Road, Billings, Montana**

Mr. Kanning stated their firm has been involved with the master planning for Shiloh Crossing. He is here this evening to speak in favor of this application. Mr. Kanning said this will be an anchor store to Shiloh Crossing. He stated the property is subject to the requirements of the Shiloh Road Overlay District and a reciprocal easement agreement (REA) and will have continuity to landscaping. He concurred that Scheels is not typical box store. He noted the majority of the massing of the store is 52-feet. He said with exception of the front door, you are never confronted with an 87-foot wall as it is set back from the store mass. Mr. Kanning said the key item is that other buildings will buffer this property from the street and other properties. Regarding the signage, Mr. Kanning said if this were not in the corridor, 850 square feet of signage would be allowable and they will be under this number. Paul Cox asked about the exit and egress, and new roundabout. Mr. Kanning explained the original concept included a roundabout but this was changed. He said no other roundabouts will be constructed, and there is a loop road around the perimeter for fire and emergency access.

**Doug James, Moulton Bellingham Law Firm, 1570 Westridge Circle, Billings, Montana**

Mr. James stated he is representing the developers. He pointed out the Shiloh Overlay District does apply and creates the sign restriction. He stressed it is important to focus on the portion of the property that is in the Shiloh Overlay District, and it is a narrow strip of land along Shiloh Crossing Boulevard, the interior access drive. He mentioned signage is important and a sign code was adopted for medical purposes and allowed in the St. Vincent’s subdivision that is north and west of this property. Mr. James strongly encouraged approval of the variance request with conditions.

Chairman Bollman asked for anyone wishing to speak in favor or against City Variance #1112-1101 Shiloh Crossing Boulevard – Scheels. There was no other testimony. Chairman Bollman closed the public hearing at 7:30 p.m.

**Motion**

**Paul Cox made a motion and it was seconded by Daniel Eggen conditionally to approve City Variance #1112 as recommended by staff including an adjustment to Condition #4 to state, “The applicant will apply for a building permit within 18 months of the Board of Adjustment approval of the variance. Construction of the retail store will be completed within 4 years of Board of Adjustment approval.”**

**Discussion**

Chairman Bollman called for discussion on the motion. Barbara Walborn stated this will be a good addition. Paul Cox noted proportion is the consideration.

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	1			
Paul Cox	1			
Daniel Eggen	1			
Barbara Walborn	1			
Neil Kiner	-		1	
Vacant	-	-	-	-
Vacant	-	-	-	-

**The motion carried unanimously, with Neil Kiner abstaining. City Variance #1112 is conditionally approved.**

### **Other Business/Announcements:**

- A. Announcement: The next City Board of Adjustment meeting will be held on Wednesday, January 4, 2012.
- B. Announcement: Marlene Walter has been appointed to the City Board of Adjustment. There is one remaining vacancy.
- C. **Approval of the September 7, 2011 Meeting Minutes**  
Chairman Bollman called for the approval of the September 7, 2011 meeting minutes. The following amendments were requested:

- Page 23: Paul Cox *asked whether* incremental income is considered in the Department of Revenue valuation. *Nicole Cromwell said it is not.*
- Page 24: Jeff Bollman ~~opened the public hearing and~~ called for any proponents or opponents of the administrative decision.
- Page 25, paragraph 1, He said the overall intent of the city of Billings' is not to have these signs *at this location.*
- Page 25, paragraph 1, *Jeff Bollman* stated he would suspect this may have been a determination in the value *when the structures were purchased by Lamar*, as they know there are limitations with these structures *due to their nonconforming status.*
- Page 25, paragraph 1, Neil Kiner spoke to factoring the costs of rebuilding ~~or being considered total losses that may not appear to be so.~~ *often are more than they appear.*
- Suggestion was made to insert names instead of pronouns or separate the paragraphs for clarification purposes within longer paragraphs of text.

### **Motion**

**A motion was made by Neil Kiner and seconded by Barbara Walborn to table approval of the September 7, 2011 meeting minutes. The minutes will be redrafted and resubmitted for approval at the January 4, 2012 Board of Adjustment meeting.**

**Motion carries with a unanimous voice vote.**

### **D. Approval of the November 2, 2011 Meeting Minutes**

Chairman Bollman called for the approval of the November 2, 2011 meeting minutes.

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- Page 4, motion, A motion was made by Paul Cox and seconded by Daniel Eggen to amend the original motion to change Condition #1: The variance is to decrease the required side setback from 5-feet to 1-foot for the purpose of constructing *an addition* to the existing dwelling. No other variance is intended or implied with this approval.
  - Page 8-9, Daniel Eggen explained the requirement has to do with encroachment of the line of ~~site~~ sight and this is universal with any construction.
  - Page 8-9, Jeff Bollman suggested Ms. Racine *consider* requesting a delay of action on this request for a month to allow her to do some research as to what will be workable.  
Page 8-9, Jeff Bollman asked Ms. Racine if the staff recommendation for approval of the lot coverage and 15-foot front setback is ~~entertainable.~~ *attainable.*

**Motion**

A motion was made by Neil Kiner and seconded by Daniel Eggen to approve the November 2, 2011 meeting minutes with corrections.

The motion carried with a unanimous voice vote.

**Adjournment:** 7:55 p.m.

**Motion**

On a motion by Boardmember Eggen and seconded by Boardmember Cox the meeting was adjourned with a 5-0 voice vote.

**ATTEST: APPROVED AS CORRECTED ON JANUARY 4, 2012**

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**Chairman Jeff Bollman**

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**Tamara L. Deines, Planning Clerk**