

CITY BOARD OF ADJUSTMENT

MINUTES: March 7, 2012

Approved by a motion on April 3, 2012

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

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

Chairman Bollman called the meeting to order at 6:00 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; and Tammy Deines, Planning Clerk.

Others in Attendance:

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 6:02 p.m.

Disclosure of Conflict of Interest

Chairman Bollman asked for disclosures of conflict of interest. There was none.

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. No written communications were received by staff.

Approval of the January 4, 2012 Meeting Minutes (The February 7, 2012 meeting was cancelled)

Chairman Bollman called for the approval of the January 4, 2012 meeting minutes.

- 1) Jeff Bollman requested the following amendment for the clarified motion for Variance #1113, "A motion was made by Daniel Eggen and seconded by Paul Cox to deny the variance to construct a maximum detached structure of 2,560 square feet and to conditionally approve the variance to allow the construction of a maximum detached accessory structure of 1,500 square feet with the conditions recommended by staff."
- 2) On Page 5 Jeff Bollman, change "lot coverage" to "structure size"

Motion

A motion was made by Neil Kiner and seconded by Daniel Eggen to approve the January 4, 2012 meeting minutes with corrections as stated.

The motion carried with a unanimous voice vote.

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.

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.

Item #1: City Variance #1114 – 312 S 31st Street – Lot Area and Lot Coverage – A variance from 27-308 requiring a minimum lot area of 12,000 square feet and a maximum lot coverage of 40% for two (2) existing dwellings in a Residential 6,000 zone (R-60) to allow a lot area 3,500 square feet and a lot coverage of 44% on Lot 7, Block 197, Billings Original Town a 3,500 square foot parcel. Tax ID: A 01360, Allen D. Jordan, owner

REQUEST

The applicant is requesting a variance from BMCC 27-308 requiring a minimum lot area of 12,000 square feet for two single family dwelling units and maximum lot coverage lot coverage of 40% to allow a lot area of 3,500 square feet and lot coverage of 44% in a Residential 6,000 (R-60) zone. The property is legally described as Lot 7, Block 197, Billings Original Town and has an address of 312 S 31st Street. If the variance is approved, the owner intends to refinance the property but does not intend any major re-construction at this time. If approved, the variance would allow the owner to re-build one or both dwelling units if damaged or destroyed in the future. Staff is recommending conditional approval of the proposed variance.

RECOMMENDATION

Staff recommends conditional approval of the proposed variance.

Staff is recommending the following conditions for the variance request:

1. The variance is to reduce the required lot area from 12,000 square feet for 2 single-family detached dwellings to 3,500 square feet and to increase the allowed lot coverage from 40% to 44%. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 7, Block 197, Billings Original Town generally located at 312 S 31st Street.
3. Approval of the variance does not exempt the property from compliance with other adopted city codes at the time of any needed reconstruction including but not limited to building codes, site development and other zoning regulations.
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.

Discussion

Chairman Bollman called for questions and discussion by the members of the Board. In response to Barbara Walborn, the applicant explained there are three mail boxes on the house as he installed a locking mailbox for security purposes. Nicole Cromwell clarified and said this property is taxed as two units. Daniel Eggen asked regarding setback compliance. Nicole Cromwell provided several examples and said that the applicant could return for a setback variance at a later time. In response to a question by Barbara Walborn, the applicant explained he did not apply for a concurrent setback variance as he assumed he would have to build upwards, and he is not familiar with the parameters of a setback variance. Marleen Walter asked if the back of the house was photographed and who uses the rear garage and driveway. Mr. Jordon said the back house is rented and the occupant uses the driveway. He said the garage door faces the alley and the garage is used for personal storage.

Public Hearing

At 6:19 p.m., Chairman Bollman opened the public hearing and called for proponents of City Variance #1114-312 S 31st Street.

Allen Jordan, 312 S 31st Street, Billings, Montana

Mr. Jordon is the property owner. He stated he purchased this property five years ago and has made several upgrades including landscaping. He said he feels this would be an asset to the neighborhood and asked for approval of this variance. He stated he is not asking for anything more than what already exists; needs to refinance the property; and a rebuild letter is required.

At 6:19 p.m. Chairman Bollman asked if there was anyone wishing to speak for City Variance #1113. 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 the Variance #1114-312 S 31 Street with the conditions recommended by staff.

Discussion

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

Chairman Bollman called for a voice vote.

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	1			
Paul Cox	1			
Daniel Eggen	1			
Barbara Walborn	1			
Neil Kiner	1			
Marlene Walter	1			
James Olson				1

The motion carries.

Other Business/Announcements:

- A. Announcement: The next City Board of Adjustment meeting will be held on Wednesday, April 4, 2012. Boardmembers Daniel Eggen, Jeff Bollman and Marleen Walter will be absent. Discussion followed and it was decided to try to reschedule the April 4, 2012 meeting for the following Wednesday, April 11, 2012. Planning Clerk Tammy Deines will notify the applicants and the Board of Adjustment when the schedule change is confirmed.

Adjournment: 6:42 p.m.

Motion

On a motion by Boardmember Kiner and seconded by Boardmember Walter the meeting was adjourned with a unanimous voice vote.

Chairman Jeff Bollman

ATTEST:

Tamara L. Deines, Planning Clerk