

CITY BOARD OF ADJUSTMENT

MINUTES: March 6, 2013

Approved by a motion on April 3, 2013

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

TOTAL NUMBER OF APPLICATIONS 2012	01/03/13	02/06/13	03/06/13	04/03/13	05/01/13	06/05/13	07/03/13	08/07/13	09/04/13	10/02/13	11/06/13	12/04/13	TOTAL
Variance	3	4	1										8

Chairman Jeff 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, Planner; and Tammy Deines, Planning Clerk

Others in Attendance: Citizen Jeanne Weber, Agent Carey Chapman

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.

Approval of the February 6, 2013 Meeting Minutes

Chairman Bollman called for the approval of the February 6, 2013 meeting minutes. Daniel Eggen requested a correction on page 3 to read, “demolition” permit.

Motion

A motion was made by Jim and seconded by Paul Cox to approve the February 6, 2013 meeting minutes with corrections.

The motion carried with a unanimous voice vote.

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. Nicole Cromwell disclosed Planning staff received a letter from adjacent property owner, Carole Hayes.

Public Hearing:

At 6:04 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 Variance #1141 – 2314/2316 Yellowstone Avenue – A variance from 27-308 requiring a minimum lot area 9,600 square feet for a duplex dwelling to allow a lot area of 9,000 square feet in a Residential 7,000 (R-70) zone, East 40 feet of Lot 12 and the west 20 feet of Lot 13, Block 2 Arnold Subdivision, 2nd Filing. Tax ID: A02482. Martha Gonzales, owner and Carey Chapman, agent.

REQUEST

The applicant is requesting a variance from 27-308 requiring a minimum lot area of 9,600 square feet for a duplex dwelling to allow a lot area of 9,000 square feet in a Residential 7,000 (R-70) zone. The property is legally described as the East 40 feet of Lot 12 and the West 20 feet of Lot 13, Block 2, Arnold Subdivision, 2nd Filing and is generally located at 2314/2316 Yellowstone Avenue. The owner is Martha Gonzales and the Agent is Carey Chapman. The variance, if granted, would allow the owner to re-build the existing structures if damaged in the future. No construction or re-building is planned at this time. Planning staff is recommending conditional approval of the proposed variance.

Staff is recommending the following conditions for the variance request:

1. The variance is to decrease the minimum lot size from 9,600 square feet to 9,000 square feet for an existing duplex dwelling. No other variance is intended or implied with this approval.
2. The variance is limited to the East 40 feet of Lot 12 and the West 20 feet of Lot 13, Block 2, Arnold Subdivision, 2nd Filing, generally located at 2314/2316 Yellowstone Avenue.
3. Any future re-construction of the existing structure will require compliance with other all other zoning regulations and city ordinances that apply at the time of re-construction.
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 asked the members of the Board for questions and discussion. Jim Olson asked if the setback requirements would have to be met should the garages be destroyed. Daniel Eggen stated any future construction of the garages would have to meet the perspective setback requirements. Nicole Cromwell said she was unsure if this particular configuration would work in that instance.

Public Hearing Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1141.

Chairman Bollman called for presentation by the applicant.

Carey Chapman, 1745 Mary Street, Billings, Montana

Ms. Chapman is the agent for the applicant, Martha Gonzales. She stated the purpose of this request is to convey the property, and there is a contingent sale on the property if this request is approved.

Chairman Bollman asked if there was anyone else wishing to speak in favor or against City Variance #1141. There was none. Chairman Bollman closed the public hearing at 6:12 p.m.

Motion

A motion was made by Jim Olson and it was seconded by Paul Cox to approve City Variance #1141- 2314/2316 Yellowstone Avenue with the conditions recommended by staff.

Discussion

Chairman Bollman called for discussion on the motion.

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

The motion carried, 7-0. City Variance #1141 is conditionally approved.

Other Business/Announcements:

The next City Board of Adjustment meeting will be held on April 3, 2013. Marleen Walter will be absent.

Adjournment:

Motion

At 6:16 p.m. Daniel Eggen made a motion and it was seconded by Paul Cox to adjourn.

The motion carried with a unanimous voice vote.

ATTEST: Approved by a motion on April 3, 2013

Chairman Jeff Bollman

Tamara L. Deines, Planning Clerk