

CITY BOARD OF ADJUSTMENT

MINUTES: March 6, 2008

Troy Boucher, Vice-Chairman called the meeting to order at 6:02 p.m. The City Board of Adjustment met in the City Council Chambers.

Name	Title	01/03/08	02/06/08	03/06/08	04/02/08	05/02/08	06/04/08	07/02/08	08/06/08	09/03/08	10/08/08	11/06/08	12/03/08
Leon Pattyn	Chairman	Cancelled	1	A									
Barbara Walborn	Boardmember		1	A									
Lyn McKinney	Boardmember		1	A									
Troy Boucher	Vice Chair		1	1									
Daniel Eggen	Boardmember		A	1									
Brent Nelson	Boardmember		1	1									
Paul Cox	Boardmember		1	1									

TOTAL NUMBER OF APPLICATIONS 2007	01/03/08	02/06/08	03/06/08	04/02/08	05/02/08	06/04/08	07/02/08	08/06/08	09/03/08	10/08/08	11/06/08	12/03/08	TOTAL
Variance	0	2	2										

Vice-Chairman Boucher asked Nicole Cromwell, Zoning Coordinator to introduce the City Board of Adjustment Members and Planning Department Staff. The following staff was in attendance:

Nicole Cromwell, Planner II/Zoning Coordinator
Elizabeth Allen, Planning Clerk

Public Comment:

There were none.

Approval of minutes:

On a motion by Boardmember Cox, seconded by Boardmember Nelson and approved with a 4-0 voice vote the minutes of February 6, 2008 were approved.

PUBLIC HEARINGS:

Vice-Chairman Boucher 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. She read the determinations for granting a variance.

Public Hearing:

Item #1: City Variance #1023 – 2016 6th Avenue North - A variance from BMCC 27-309 requiring a minimum 20 foot front setback to allow a 10 foot front setback and from BMCC 27-602 requiring a minimum 60 foot setback from the centerline of 6th Avenue North, a principal arterial street, to allow a 50 foot arterial setback and a variance from BMCC 27-309 requiring a minimum 10 foot side adjacent to street setback to allow a zero setback on N 21st Street for a new Youth Center on Lots 11 through 18 of Block 262, Billings Original Town, a 26,000 square foot parcel of land in a Controlled Industrial (CI) zone. Tax IDs A01918, A01919, & A01921. The Salvation Army is the owner and CTA Architects & Engineers, is the agent.

Ms. Cromwell read the legal description and reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. She said staff is forwarding a recommendation of conditional approval.

Discussion:

Boardmember Cox asked if this building size will impede fire truck or ambulance service to this property.

Ms. Cromwell stated that there is a complete right-of-way to the West and North and they have had no negative comments from other City departments or from any property owners.

Boardmember Eggen asked why they condition is from building permit approval within 18 months.

Ms. Cromwell stated that this project has some fund raising left to do before they can submit. The Board can prescribe any time line.

Boardmember Eggen asked **Ms. Cromwell** to explain the extent of the proposed zone change.

Ms. Cromwell explained the extent.

Boardmember Nelson asked when the proposed zone change was processed.

Ms. Cromwell stated that it was presented to the City Council in January. They are holding the application to see the outcome of this variance.

Boardmember Nelson feels that there are a lot of variances being requested and he would like to reconcile that.

Ms. Cromwell stated that the staff must review the application based on the criteria. They looked at the fact that this is a shallower depth property. The applicant would like to have a larger building because it would be more conducive to there project. The staff must also look at other properties in the area. There are other properties in the area with similar variances. This would not grant a special privilege to this property owner. The staff feels that they have set conditions that will protect the surrounding property owners.

Boardmember Nelson doesn't understand how the amount parking has been lowered for this property. **Ms. Cromwell** stated that the Engineering Department has recommended denial of the parking variance.

Vice Chair Boucher feels that the CBD zoning would be appropriate for this property. What was the rationale of the denial by the zoning commission?

Ms. Cromwell stated that the zoning commission felt that this would be jumping the gun in regards to the master planning and TIF district that are currently under way. The zoning commission felt that this was not the correct time to change the zoning.

Boardmember Cox asked if the railroad to the south was still functioning.

Ms. Cromwell stated that the railroad is still used by many businesses in the area.

Boardmember Nelson asked **Ms. Cromwell's** opinion on the decision of the zoning board and the comprehensive planning in the area.

Ms. Cromwell feels that the reasoning was sound. There would be some problems with a change to the CBD zoning because there is some infrastructure that must be complete in regards to parking in the area.

Proponents:

Bill Kennedy, 902 Parkhill Dr, after attending the City Council meetings regarding the zone change where it was tabled feels that variances are more appropriate for the area. This will enhance the property and the surrounding property. It will provide a gym and a youth homeless shelter right across from North Park. This will help for redevelopment in the area because it will take a blighted area and improve it. They would ask for the support of the board on this

Gorden Tryan, 2361 Crimson Lane, President of BIRD. He was the dissenting voice against the zone change in this area. The change to CBD would change 4 to 5 blocks and it would change the feel of the district. It would also create parking problems in this area. The variance request is supported by all the neighboring properties and they feel that this will be a good fit. There will be very little traffic because of the use of this property. A homeless teen shelter and a gym with little to no seating will not generate much traffic. He feels that the variance will be a better solution for the problems. They have raised \$300,000 to master plan this area. A rezoning will change the process to create the plan. A whole district can be created in this area that will work together and incorporate the park and the teen center.

Marin Carnell, 2305 currently renovating the Peirce Packing Plant. They support the variances in this area. This area is the most blighted and the highest crime rate in the city of Billings. They want to keep the Salvation Army in the area because they will be good partners.

Mike Yackowich 206 South 32nd St, he works within the community in drug prevention and with youth in the community. He would ask the board to support what the Salvation Army is doing in this area.

Anni Pestel, agent of the applicant CTA Architects, 512 Ave C, they support the new TIF district and would ask the board to approve the variance. The parking is difficult but they will provide as much parking as possible.

Jerry Leggit, 1313 2nd St West, works in the advisory board for the Salvation Army. This building must be built contiguously to the other center. If they are unable to develop

Major Keith Botchum, of the Salvation Army, 560 Collisum Dr, they want to find a way to bring this program about. The basketball court will help to get children off of the street. He thanked **Ms. Cromwell** for her presentation and said that it was very well researched. They are only asking for 10 feet for the front setback. They are trying to create as many parking spots as possible.

Boardmember Eggen is concerned about the children crossing 6th Ave to get to North Park. He asked if they are going to ask for a stop light at this area.

Major Botchum stated that they are looking into that. They will be working with high school age not younger children. There are currently 40-60 seniors at Senior High School who are homeless. They want to help these kids.

Anni Pestel stated that there is a safe crossing about 2 blocks from this sight.

Opponents:

Rebuttal:

The public hearing closed at 6:16 p.m.

Motion:

On a motion Boardmember Cox, seconded by Boardmember Nelson and approved with a 4-0-3 voice vote Variance #1023 was approved with the following conditions:

Boardmember	Yes	No	Abstain	Not Present
Leon Pattyn				X
Barbara Walborn				X
Lyn McKinney				X
Troy Boucher	X			
Daniel Eggen	X			
Brent Nelson	X			
Paul Cox	X			

Discussion:

Boardmember Eggen asked if there are any plans submitted currently.

Ms. Cromwell stated that staff currently has an only conceptual drawings.

Boardmember Cox would speak in favor of this variance even though he has some reservations about the parking.

Boardmember Eggen would also speak favor of the motion.

Boardmember Nelson felt that after hearing Gordon Tryan speak he has a better understanding of what is happening in this area.

Vice Chair Boucher asked if the applicant would like to delay the decision. Major Botchum said he would accept the board’s decision.

Item #2: City Variance #1024 – 409 & 415 South 24th Street - A variance from BMCC 27-310(g)2.b requiring a maximum projection of 4 feet for a canopy in a front yard to allow a projection of 9.5 feet for a canopy for the addition of two entrance canopies on an existing building on Lots 18 through 22, Block 179, Billings Original Town, 17,500 square foot parcel of land in a Community Commercial (CC) zone. Tax IDs A01188 & A01189. ConocoPhillips Company is the owner and A.T. Architecture is the agent.

Ms. Cromwell read the legal description and reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. She said staff is forwarding a recommendation of conditional approval.

Discussion:

Boardmember Eggen asked if **Ms. Cromwell** has seen a cross section of the plans. He would like to know if the canopies will be free or supported. **Ms. Cromwell** did not know but the architect is here and would be able to answer the questions.

Boardmember Nelson asked if this would require additional landscaping. **Ms. Cromwell** stated that the building would need a 25 % increase before it would require landscaping.

Proponents:

Alex Tummorup, 848 Main St, this is part of Conoco's beautification of this area. They are changing this from a warehouse to an office. They are changing the façade to beautify this property. They are proposing to have steel columns support the canopies.

Jill Hoffman, 401 S 23rd St. She would like the board to recommend approval. Their primary concern is the safety of the employees and customers. This will protect from the weather and keep the walking surfaces dry. They are beautifying the area.

Opponents:

Rebuttal:

The public hearing closed at 7:05 p.m.

Motion:

On a motion by Boardmember Eggen, seconded by Boardmember Cox and approved with a 4-0 voice vote Variance #1024 was approved with the following conditions:

Boardmember	Yes	No	Abstain	Not Present
Leon Pattyn				X
Barbara Walborn				X
Lyn McKinney				X
Troy Boucher	X			
Daniel Eggen	X			
Brent Nelson	X			
Paul Cox	X			

Discussion:

Other Business:

Election of Officers:

Adjournment:

The meeting was adjourned at 7:09 p.m.

Troy Boucher, Vice-Chairman

ATTEST:

Elizabeth Allen, Planning Clerk

