

CITY BOARD OF ADJUSTMENT

MINUTES: November 6, 2013

Name	Title	01/03/13	02/06/13	03/06/13	04/03/13	05/01/13	06/05/13	07/10/13	08/07/13	09/04/13	10/02/13	11/06/13	12/04/13
Jeff Bollman	Chairman	1	1	1	E	E	1	E	1	1	1	1	
Paul Cox	Vice Chairman	1	1	1	1	1	1	1	1	1	E	1	
Daniel Eggen	Boardmember	1	1	1	1	1	1	1	1	1	1	1	
Neil Kiner	Boardmember	E	E	1	1	1	1	1	E	1	1	1	
Barbara Walborn	Boardmember	1	1	1	E	1	E	1	1	1	1	1	
Marlene Walter	Boardmember	1	1	1	E	1	E	E	E	E	1	1	
James Olson	Boardmember	1	E	1	1	A	1	1	1	1	1	1	

TOTAL NUMBER OF APPLICATIONS 2013	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	6	3	4	3	3	4	2	2		29

Chairman Jeff Bollman called the meeting to order at 6:03 p.m. The City Board of Adjustment met in the first floor conference room of the Miller Building located at 2825 3rd Avenue North.

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; Dave Green; Planner I; Tammy Deines, Planning Clerk

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.

Approval of the October 2, 2013 Meeting Minutes

Chairman Bollman called for approval of the minutes.

October 2, 2013

Neil Kiner made a motion and it was seconded by Barbara Walborn to approve the October 2, 2013 meeting minutes as submitted. Corrections: Page 3-8, correct property owner from Al Littler to Al Blain. Replace “Jim Bollman/Jeff Bollman”. Amend motion to reflect: ...until November 6 to allow applicant and staff more time to review parcel ownership.

The motion carried with a unanimous voice vote.

Disclosure of Conflict of Interest

Chairman Bollman asked for disclosures of conflict of interest. There were no disclosures of conflict of interest.

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. There were no disclosures of outside communication.

Public Hearing:

Chairman Bollman stated the public hearing will be opened and this Board will allow public comment this evening. Ms. Cromwell reviewed the hearing process and presentation process for the meeting for how each variance will be reviewed and acted upon.

Ms. Cromwell read the legal description and Dave Green gave the Staff presentation which reviewed the request and recommendation below.

Item #1: Variance #1167 – 4182 Bainbridge Circle – Lot coverage - A variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 31% in a R-70 zone on Lot 12, Block 1 of Legends West Subdivision, a 9,833 square foot parcel of land for new single family dwelling. Tax ID: A30445. David and Joan Hardy are the owners.

REQUEST

The applicant is requesting a variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 31% in a Residential 7000 (R-70) zone on Lot 12, Block 1 of Legends West Subdivision, a 9,833 square foot parcel of land for a new single family dwelling. Tax ID: A30445. David and Joan Hardy are the owners.

RECOMMENDATION

Staff recommends conditional approval of the variance and is recommending the following conditions for the variance request:

1. The variance is only from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 31%. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 12, Block 1 of Legends West Subdivision generally located at 4182 Bainbridge Circle.
3. Any construction activities must take place between 7 am and 8 pm
4. The applicant is required to comply with all other building, engineering and zoning regulations, with the exception of the lot coverage, that apply at the time of construction.
5. The applicant will obtain a building permit within 1 year and have the construction of the home complete within 2 years.
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.

Discussion

Chairman Bollman asked the members of the Board for questions and discussion. Neil Kiner asked if a building permit has been issued. Dave Green stated the applicant has the drawings but no construction has taken place and he explained the lot coverage calculation for this application.

Jeff Bollman asked if staff would consider a condition of approval to require the patio remain unenclosed.

Chairman Bollman called for presentation by the Applicant

David Hardy, 1712 Wellington Place, Billings, Montana

Mr. Hardy is the property owner. Mr. Hardy stated they are requesting 98 additional square feet. He said they selected the lot due the proximity of his daughter and granddaughter. He pointed out the difficulty of situating a house on a five-sided lot. He said he would not be opposed to an additional condition of approval for the open patio to remain unenclosed.

Public Hearing

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1167. There was none.

Chairman Bollman closed the public hearing and called for a motion.

Motion

A motion was made by Boardmember Kiner and it was seconded by Boardmember Olson to approve City Variance #1167-4182 Bainbridge Circle with the conditions and findings of fact recommended by staff with an additional condition of approval that the open patio remain unenclosed.

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			
Marlene Walter	1			
James Olson	1			
Neil Kiner	1			

The motion carried, 7-0. City Variance #1167 is conditionally approved.

Ms. Cromwell read the legal description and Dave Green gave the Staff presentation which reviewed the request and recommendation below.

Item #2. Variance #1166 – Variance #1168 –4700 Block of King Ave East – Building Height - A variance from 27-1005 requiring a maximum building height of 40 feet to allow a maximum building height of 45 feet in an EGC zone on lots 9A and 10A, Block 1 of Miller Crossing Subdivision, 2nd Filing a 2-acre parcel of land for a proposed new 74-unit AmericInn Hotel. Tax IDs: A34241 and A34242. South Billings Center, LLC, owner and Sanderson Stewart, agent.

REQUEST

The applicant is requesting a variance from 27-1005 requiring a maximum building height of 40 feet to allow a maximum building height of 45 feet in an Entryway General Commercial (EGC) zone on lots 9A and 10A, Block 1 of Miller Crossing Subdivision, 2nd Filing, a 2-acre parcel of land for a proposed new 74-unit AmericInn Hotel. Tax IDs: A34241 and A34242, South Billings Center, LLC, owner and Sanderson Stewart, agent.

RECOMMENDATION

Staff recommends Conditional Approval of the variance.

Staff is recommending 7 conditions for the variance request:

1. The variance is for a maximum building height of 45 feet and no other variance is intended or implied by this approval.
2. The variance applies to Lots 9A and 10A, Block 1 of Miller Crossing Subdivision, 2nd Filing, 4700 Block of King Avenue East.
3. The proposed building will be located and oriented in substantial conformance with the submitted site plan.
4. The applicant will apply for a building permit within 18 months of the Board of Adjustment approval of the variance. Construction of the hotel 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. The applicant shall meet all other building, engineering and zoning codes, with the exception of height, of the City of Billings.
7. 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. Dave Green pointed out the location for another project proposed for a hotel on an adjacent parcel in response to Paul Cox. Neil Kiner asked regarding the separation distance. Dan Eggen asked for clarification of the site map and Dave Green explained the applicant will need to submit for a lot line relocation so they are not building across two lots. Dan Eggen asked about future plans for ingress and egress improvements for King Avenue East. In response to a question by Barbara Walborn, Nicole Cromwell said bridge improvements may be the County's responsibility; this may be addressed by the tax increment finance district. Jim Olson agreed there may be traffic issues. Jeff Bollman asked if the adjacent hotel has submitted a building permit and Dave Green explained the proposed building is wider and they are able to spread the structure across the lot.

Public Hearing

Chairman Bollman asked if there was anyone else wishing to speak in favor or against City Variance #1168.

Proponents

Patrick Davies, Sanderson Stewart, 1300 N Transtech Way, Billings, Montana

Mr. Davies is the agent for the applicant, South Billings Center, LLC. He stated the request is similar to other requests in this area. He commended Mr. Green for his presentation.

Opponents

There was none.

Chairman Bollman asked if there was anyone else wishing to speak in favor or against City Variance #1168. There was none. Chairman Bollman closed the public hearing and called for a motion.

Motion

A motion was made by Boardmember Kiner and it was seconded by Boardmember Cox to approve City Variance #1168 with the conditions and Findings of Fact recommended by staff.

Discussion

Chairman Bollman called for discussion on the motion. Neil Kiner asked if there has been any discussion for building height increase in Entryway Zoning and Nicole Cromwell said this has not been brought forward by Staff.

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

The motion passes. City Variance #1168 is conditionally approved 7-0.

Other Business/Announcements:

--Nicole Cromwell said there are three members, Paul Cox, Barbara Walborn, Dan Eggen, who are term limited from applying to serve on the Board of Adjustment. Marlene Walter will not reapply for a second term. Applications must be received by November 29, 2013.

--The Planning & Community Services Department will be closed on Monday, November 11, 2013 in observance of Veterans Day.

--The next City Board of Adjustment meeting will be held on Wednesday, December 4, 2013.

Adjournment: 6:56 p.m.

ATTEST:

Chairman Jeff Bollman

Tamara L. Deines, Planning Clerk