



## CITY BOARD OF ADJUSTMENT AGENDA

**1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North  
Wednesday, February 5, 2014 at 6:00 p.m.**

### NOTICE TO THE PUBLIC

#### **Public Comment:**

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Board of Adjustment during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

**I. Call the meeting to order and introduction of City Board of Adjustment Members and Planning Department Staff.**

**II. Public Comment**

**III. Approval of Minutes:** January 2, 2014

**IV. Disclosure of any Conflict of Interest or any Outside (Exparté) Communication –** Board Members and Planning Staff. The Ex Parte Communication Binder is available at the Sign-In and Agenda station

**V. Regular Business:**

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

**Item #1: Variance #1174 – 635 & 637 Alderson Avenue – Lot Area -** A variance from 27-308 requiring a minimum lot area of 9,600 square feet for 2 dwelling units to allow a minimum lot area of 7,000 for 2 existing dwellings and from 27-308 requiring a minimum 20-foot rear setback to allow a 17-foot rear setback in a Residential 7,000 (R-70) zone on 18 & 19, Block 49, Suburban Homes Addition. Tax ID: A15520.

**Item #2: Variance #1175 – 415 Broadwater, Broadwater Elementary School Addition, Land Use Contrary to Zoning –** A request to conduct a public forum to allow land use contrary to zoning by a public agency on public land for the purpose of constructing an addition to Broadwater Elementary School in a Public zone on Lots 1-21 & 35-46, Block 29 of Suburban Homes Addition, a 2.62 acre parcel of land. The new addition will be within the 10 foot side adjacent to street setback on Wyoming Avenue and 4<sup>th</sup> Street West; a fence taller than 6 feet is planned for the playground perimeter and within the 20 foot front yard setback and the 10-foot side adjacent to street setback. Tax IDs: A15061 & A15068

**Item #3: Variance #1176 – 820 N 31<sup>st</sup> Street – McKinley elementary School Addition, Land Use Contrary to Zoning** – A request to conduct a public forum to all land uses contrary to zoning by a public agency on public land for the purpose of constructing an addition to McKinley Elementary School in a Public zone on Lots 1-24, Block 29 of Foster’s Addition, a 2.06 acre parcel of land. The new addition will be within the 10 foot side adjacent to street setback on 9<sup>th</sup> Street North; a fence taller than 6 feet is planned for the playground perimeter and within the 20 foot front yard setback and the 10-foot side adjacent to street setback. Tax ID: A07164.

**Item #4: Variance #1177 – 1702 Yellowstone River Road – Appeal of an Administrative Decision regarding a Home Occupation** – An appeal of the Zoning Coordinator’s Determination that a “mobile tattoo” business is not an allowed home occupation except for the office operations of such a business according to Section 27-606 BMCC. Offering tattooing, piercing or other body alterations (classified as SIC 7299) is not an allowed use in the Residential Professional (RP) zone (Section 27-306) and therefore not an allowed home occupation. The appeal requests the ability to provide tattoo, body piercing and other body alterations within the mobile (converted bus) unit while it is parked at their residence.

## **VI. Other Business/Announcements**

## **VII. Adjournment**

Information on the preceding item(s) may be obtained at the Planning & Community Services Department, 4<sup>th</sup> Floor of the Miller Building, 2825 3<sup>rd</sup> Ave North, Billings, MT 59101 or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony to Planning Division at the address above.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at [deinest@ci.billings.mt.us](mailto:deinest@ci.billings.mt.us)