

CITY BOARD OF ADJUSTMENT

MINUTES: March 5, 2014

DRAFT-to be approved by a motion on April 2, 2014

Name	Title	01/03/14	02/05/14	03/05/14	04/02/14	05/07/14	06/04/14	07/02/14	08/06/14	09/03/14	10/01/14	11/06/14	12/03/14
Jeff Bollman	Chairman	E	E	1									
James Olson	Vice Chairman	1	E	1									
Paul Hagen	Boardmember	1	E	1									
Frank Chesarek	Boardmember	1	1	1									
Matthew McDonnell	Boardmember	1	1	E									
Martin Connell	Boardmember	1	1	1									
Mark Noennig	Boardmember	1	1	1									

TOTAL NUMBER OF APPLICATIONS 2014	01/03/14	02/05/14	03/05/14	04/02/14	05/07/14	06/04/14	07/02/14	08/06/14	09/03/14	10/01/14	11/06/14	12/03/14	TOTAL
Variance	3	4	3										10

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

Attending: Bill Cole; Peter Staland; Jeff Schoenhard, Kelly Inns; Joe Studiner; Shawn Reichenbach; Lauren Waterton, Sanderson Stewart; Marshall Phil, Blueline Engineering; Dan Houser; George Warmer

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 5, 2014 Meeting Minutes

Chairman Bollman called for approval of the February 5, 2014 minutes.

Mark Noennig made a motion and Matthew McDonnell seconded to approve the February 5, 2014 meeting minutes as submitted.

The motion carried with a unanimous voice vote.

Disclosure of Conflict of Interest

Chairman Bollman asked for disclosures of conflict of interest. Chairman Bollman, noted Agenda Item #3, Variance #1180, and said he is a State employee; the parcel immediately to the east is owned and managed by the State of Montana Department of Resources but has no interest. Board member Noennig disclosed he represented the Ironwood Homeowners Association over the proposed use of one of the lots as access to this property when it was under prior ownership. This case has been resolved and is not particularly relevant. .

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.

- Staff received letter regarding City Variance #1180 from Mike Parnell, “Farm to Market Warehouse”, and it was included in the packets.

Public Hearings

Chairman Bollman stated the Board will open a public hearing and allow public comment this evening. Ms. Cromwell reviewed the hearing process and presentation process for the meeting for reviewing and acting on each variance. She stated four votes are required to pass a variance. This evening there are six Board members attending. A simple majority will approve requests.

Item #1: Variance #1178 – 210 Clark Avenue – Garage Size - A variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 38% (2,681 square feet) for the removal of a 300 square foot detached garage and re-building of a larger detached garage of 998 square feet in a Residential 7,000 (R-70) zone on 41 and 42, Block 17, West Side Staff recommends conditional approval of the variance.

1. The variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 38% (2,681 square feet) for the removal of a 300 square foot detached garage and re-building of a larger detached garage of 998 square feet in a Residential 7,000 (R-70) zone. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 41 and 42, Block 17, West Side Subdivision generally located at 210 Clark Avenue.
3. The applicant will submit and obtain a building permit for the garage within 1 year and have the garage built within 2 years.
4. The applicant will construct the garage in substantial conformance to the drawings submitted with this variance request.
5. Construction or demolition activity will not occur prior to 7 am or after 8 pm daily.
6. The applicant shall meet all other city code requirements for the proposed garage with the exception of this variance.

Discussion

Chairman Bollman asked the members of the Board for questions and discussion. Mark Noennig asked if there have been similar applications in this neighborhood. Dave Green related there was a similar request in the medical corridor and another located two blocks away from this location. Jim Olson asked about the process should the applicant decide to build an apartment above the garage. Dave Green said it would require another variance since there is not enough lot area for 2 dwellings on this lot. Paul Hagen stated he feels this will be a great addition to the area. Chairman Bollman called for presentation by the Applicant.

Public Hearing

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1178.

In Favor

Applicant - Shawn Reichenbach, 210 Clark Avenue, Billings, Montana

Mr. Reichenbach is the agent for property owners Rhiana Kyle and Christopher Hoellwarth. He stated there will not be living quarters inside the garage and the way the garage will be set on the property will not change the aesthetic view from the street. He said they plan to tear the existing garage down, and build the new garage around the nearby tree. He stated they plan to bring everything up to code and build a fence.

Chairman Bollman asked if there was anyone else wishing to speak in favor or against City Variance #1178. There was none. Chairman Bollman closed the public hearing and called for a motion.

Motion

Board member Olson made a motion and seconded by Board member Noennig to approve City Variance #1178- 210 Clark Avenue with the conditions and findings of fact recommended by staff.

Discussion

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

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	1			
James Olson	1			
Paul Hagen	1			
Frank Chesarek	1			
Matthew McDonnell				1
Martin Connell	1			
Mark Noennig	1			

The motion passed, 6-0.

Item #2. Variance #1179 – 4910 Southgate Drive – Geyser Park – Proposed Hotel - A variance from 27-1005 requiring a maximum building height of 40 feet to allow a maximum building height of 57 feet for the construction of a new hotel in an Entryway General Commercial (EGC) zone on a portion of Lot 1, Block 1 Geyser Subdivision a 92,106 square foot parcel of land. Tax ID: A28409. perimeter and within the 20 foot front yard setback and the 10-foot side adjacent to street setback. Tax IDs: A15061 & A15068.

Dave Green gave a presentation and recommended conditional approval to the board. He noted the applicants are currently in the process of subdividing this property into two lots. He commented on a proposed a change to the language in Condition of Approval #2, to state, “The variance applies to the lot that will be created by the subdivision that the hotel is shown sitting on by the submitted drawings.”

Staff recommends conditional approval of the variance.

1. The variance is for a maximum building height of 57 feet and no other variance is intended or implied by this approval.
2. The variance applies to Lot 1, Block 1, Geyser Subdivision, 4910 Southgate Drive.
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. Per request of Board member Noennig, Dave Green noted a posted site plan and provided clarification on the subdivision of the lot and the proposed location for the hotel. Board member Connell asked Dave Green if he had any communications with Mike Parnell, the owner who sent the letter of objection. Mr. Green stated there was no other communications other than the objection letter. Chairman Bollman asked about approved height variances. Dave Green said historically the Board granted height variances for heights between 45 feet and 52 feet.

Chairman Bollman called for presentation by the Applicant.

Public Hearing

At 6:20 Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1179.

In Favor

Marshall Phil, Blueline Engineering, 2110 Overland, Billings, Montana

Mr. Phil is the agent for property owners John and Rebecca Williamson. He provided the Board with an exhibit that he had discussed with Mr. Parnell. He stated Mr. Parnell is concerned the size and scope of the projects would block the view of his property. He explained the subdivision distance from the proposed structure to Mike Parnell's buildings and that there will be another hotel between Mr. Cornell and this site. Mr. Phil explained the subdivision process and requested that Condition of Approval #2 apply to the hotel parcel only.

Board member Chesarek asked if the variances were in play when the Sports Plex was constructed, and Marshall Phil noted the existing hotels are older than the Sports Plex. In response to a question by Board member Noennig, Mr. Phil said an architectural group designed the hotel. The subdivision will create a lot line to allow for some equipment and parking after the removal of the pool. The applicant has requested the height variance to gain 78 rooms for this complex.

Peter Staland, Developer, (no address given)

Mr. Staland noted the project photographs provided in the packets and said they are planning this hotel to benefit the community and be one of the nicest facilities in Billings. He said a reduction in the number of units would not make this project economically feasible. The architect found 57 feet to be the lowest height possible for this application, which is close to one other variance granted in the area. The hotel will have a lodge-like theme and negotiations are taking place as to whether it will be a franchise.

Bill Cole, Cole Law Firm, 3733 Tommy Armor, Billings, Montana

Mr. Cole represents developer Peer Staland. He said the buy sell is contingent on the subdivision and variance applications. He pointed out four height variances granted including one immediately adjacent to the Sports Plex. The language change for Condition #2 will address Mr. Parnell's concerns by having the variance apply to just the portion of the lot where the lodge will be located. He commented from a citizen's perspective, this project is a unique idea as the outside of the

building will promote the historical resources of Billings with a western feel. The interior will carry a local history theme pointing to Clark’s canoe camp; Pompey’s Pillar, and the pictograph caves.

In Opposition

Jeff Schoenhard, Kelly Inns, (no address given)

Mr. Schoenhard has the Best Western Kelly Inn north across Southgate Drive. He said he is not opposed to another hotel but the Best Western is at 40 feet in height. Their concern is the request is for over 40% increase in the height. He said they may have considered adding another floor if they had known a variance could be granted. He stated they are also concerned with this structure potentially blocking the view of their facility. He said there may be other lots that may be better suited if this number of rooms is needed. In response to question by Board member Noennig, Mr. Schoenhard said they have a larger lot area, and have three floors and 88 rooms. Mr. Schonhard said this structure may block their signage as it is lower than their building.

Joe Studiner, Hampton Inn, 5110 South gate Drive, Billings, Montana

Mr. Studiner said he is not against competition but feels the request for 40% increase in height is too much. He said they obtained a variance for the Hampton in at a 45 foot height but would have liked the opportunity to go higher. Mr. Studiner explained he was not involved with the Hampton Inn when they obtained the variance in 2000. In response to Board member Noennig, Mr. Studiner said this project will have no effect on their view shed.

Rebuttal

Bill Cole, Cole Law Firm, 3733 Tommy Armor, Billings, Montana

Mr. Cole stated this is the first time they have heard these concerns. He pointed out the proposed structure is narrow and will have less impact on views. He said there is precedence for approval of these types of requests. He commented Billings is a “pancake community”, and there is a need to build upward.

At 6:46 p.m., Chairman Bollman closed the public hearing and called for a motion.

Motion

Board member Connell made a motion and Board member Olson seconded to approve City Variance #1179-4910 Southgate Drive with the conditions including the amendment to Condition #2 and findings of fact recommended by staff.

Discussion

Chairman Bollman called for discussion on the motion. There was none. Chairman Bollman called for a roll call vote for City Variance #1179.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman	1			
James Olson	1			
Paul Hagen	1			
Frank Chesarek	1			
Matthew McDonnell				1
Martin Connell	1			
Mark Noennig	1			

The motion passed 6-0.

Item #3: Variance #1180 – C/S 3030, Tract 1 (Price Subdivision) – Building Height – A variance from 27-308 requiring a maximum building height of 34 feet to allow a maximum building

height of 50 feet for new dwellings to be constructed in the proposed Price Subdivision, in a residential 9,600 (R-96) zone, on Tract 1, C/S 3030, a 166-acre parcel of land. Tax ID: D04555. Staff recommends conditional approval of the variance.

1. The variance is for a maximum building height of 50 feet and no other variance is intended or implied by this approval.
2. The variance applies to Tract 1, COS 3030, the future Price Subdivision, Lots 1 through 5, Block 1.
3. Should any of the lots in the proposed Price Subdivision be subdivided this variance would only apply to lots of 1 acre or larger.
4. This variance will be in effect for a period of 7 years, until March 5, 2021.
5. The applicant must act to execute the variance on each lot on or before March 5, 2021. If any lot included in this variance remains unimproved on March 6, 2021, the requirements for the underlying zoning district applicable at that time shall apply to such lots and this variance shall no longer be valid for those unimproved lots.
6. The applicant shall meet all other current building, engineering and zoning codes of the City of Billings, with the exception of height for the 7 year period.
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 for a period of 7 years from date of approval.

Discussion

Chairman Bollman asked the members of the Board for questions and discussion. Board member Hagen referred to the Price Subdivision plat and asked if the proposed home will block the view of the homes facing to the east on Autumnwood Drive. Dave Green said this is a valid concern. He pointed out the Price Subdivision lots are extremely large and these homes would be over 400 feet away. Board member Noennig asked about the height of the rims and Board member Bollman said it is about a 200 foot elevation change. Board member Bollman asked for clarification on the effective dates denoted in Condition of Approval #4 & #5 as the language in #4 will make the structure nonconforming and may be redundant as condition #5 answers the need. The consensus of the Board is to strike Condition of Approval #4.

Public Hearing

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1180.

In Favor

Lauren Waterton, Sanderson Stewart, 1300 North Transtech Way, Billings, Montana

Ms. Waterton is the agent for property owners Larry and Amy Price. She said there have been several development proposals for this property, and the current owners have chosen to have just five large lots to create a sense of privacy. This will be a private community zoned R-9600; at this point there is only an initial building design for the one lot. She commented it is realistic to assume the building envelopes will be adjusted for the other lots which will not have the scale of the house for this project. She said they would support the removal of Condition of Approval #4 as it is not the intent to become nonconforming after seven years. Ms. Waterton provided clarification on the proposed envelope locations on the lot and the allowances for Ironwood and in the County. In response to a question by Jim Olson, Dave Green reiterated the height requirement for variances granted in the Ironwood subdivision. Any lot with an area of 40,000 square feet can build a home that is 48 feet tall. Jim Olson commented having the height restrictions the same as Ironwood Subdivision could potentially answer concerns. Board member Connell commented structures with the steeper pitched roofs need the additional height.

In Opposition

Dan Houser, Yellowstone Club Estates, 3803 Ben Hogan Lane Billings, Montana

Mr. Houser said that he and his wife purchased his property about a year ago. Mr. Houser explained they have always been concerned with this development's potential effects on their property. He said there have been several different development proposals from previous owners but access to the property has been an issue as there is only one way in and one way out. When approached, the Yellowstone Country Club denied access through to Ben Hogan Lane. He stated he is not opposed to the subdivision development but is opposed to the variance. He distributed photos to the Board and stated his lot is located 160 yards from Lots 2 & 3. He said a 50-foot structure would rise above his property and hinder his view as Lot 2 is on the rise of a hill.

Mr. Houser stated he would like to mitigate this height variance. It not only will block views from his yard but will affect property values and the livability of the area. He stated the topography is much higher in the Price Subdivision. He stated he may not have purchased his property had these houses existed. He said he would like to keep the height allowance at 34 feet.

In response to Board member Connell, Mr. Houser replied he has spoken with other neighbors regarding these issues. Board member Chesarek commented there would only be a two foot difference if the variance allowance matched the 48-foot height limitations granted for Ironwood Subdivision. Mr. Houser said he understands but it is a lot closer than it appears. He said he would not have a concern if it were at the same level in terms of topography as Ironwood. He stated this structure will affect the skyline and the geography is plenty high enough to meet the height desired for their aesthetic view. Board member Noennig commented a higher end home may have a positive impact on property values. Mr. Houser concurred but stated the height is his concern as he would rather see the skyline. He would like to ensure the future value of his property is marketable for what it is today.

Rebuttal

Lauren Waterton, Sanderson Stewart, 1300 North Transtech Way, Billings, Montana

Ms. Waterton spoke regarding the impact of requesting 48 feet to mirror the variance allowance for Ironwood Subdivision. She said the consideration for this proposal is for the existing house under design for Lot 1, and what would be reasonable considering the size of the lots. She said if the 48-foot limitation is workable, they could return to the applicant and make it work with the design. She said the criterion for siting the homes related to topography and the views. Mark Noennig asked if this building site is located on the highest part of Lot 3. Ms. Waterton referred to the photos and said she does not believe the structure will exceed the rims. She said the variance granted in the Ironwood Subdivision for 45 feet was for the home formerly owned by Shane Gunlock home located on Cedarwood Drive.

Chairman Bollman asked if there was anyone else wanting to speak in favor or against City Variance #1180. There was none. Chairman Bollman closed the public hearing at 7:23 p.m., and called for a motion.

Motion

Board member Chesarek made a motion, and it was seconded by Chairman Bollman to approve City Variance #1180-C/S 3030, Tract 1 with the conditions and findings of fact recommended by staff including striking Condition of Approval #4 and with changes to Condition of Approval #1, to state: The variance is for a maximum building height of 48 feet and no other variance is intended or implied by this approval.

Discussion

Chairman Bollman called for discussion on the motion.

Board member Connell said the real issue is whether this is a 200-foot variance due to the rise in the ground versus the adjacent subdivisions. He said he is opposed to this request as he feels this is the wrong design for this location and the applicant is taking too big of advantage of the lot to the detriment of the neighbors. Board member Hagen concurred and stated he is also in opposition as he feels the request is excessive.

Board member Chesarek asked the applicant if he was aware of pending development of this property and Mr. Houser replied he knew that this property would be developed at some point in time. Board member Noennig asked for further clarification of the 200-foot topographic difference referred to by Board member Connell. Board member Bollman said this is the distance to the top of the Rims. Discussion followed on the gradient lines on the topographic map. Nicole Cromwell reminded the Board of their ability to grant a lesser variance and choose to grant variances on some the lots in the subdivision and not others. Board member Connell suggested postponing a decision in order to obtain more information on the topography of each of the lots.

Substitute Motion

Chairman Bollman made a substitute motion and it was seconded by Board member Connell to delay action until the April 2, 2014 meeting in order to obtain information on the elevations for the building envelopes in relation to the neighboring properties to the south, the two closest lots in Yellowstone Club Estates, and the westerly properties in Ironwood to understand the elevation differences.

Discussion

Agent Lauren Waterton asked for clarification on the type of information needed and if the Board is requesting elevations for all adjoining property elevations compared to the building elevations for the Price Subdivision lots. The Board asked to have it graphically represented and if possible, superimpose the houses with a backdrop of the rims to give a better understanding of the grade changes.

Chairman Bollman called for a roll call vote on the Substitute Motion to delay action on City Variance #1180.

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	1			
James Olson		1		
Paul Hagen	1			
Frank Chesarek	1			
Matthew McDonnell				1
Martin Connell	1			
Mark Noennig	1			

The motion passed 5-1. Action on City Variance #1180 is delayed until the next City Board of Adjustment meeting and public hearing on Wednesday, April 2, 2014.

Other Business/Announcements:

A. Election of Officers:

Chairman: Nominations were made and seconded by members of the Board for Board members Frank Chesarek, Mark Noennig, and Jeff Bollman to serve as Chairman of the Board of Adjustment. Board member Noennig stated he may be unable to serve as he may have schedule conflicts.

Vice Chairman: Nominations were made and seconded by members of the Board for Paul Hagen to serve as Vice Chairman of the Board of Adjustment.

By a concurrence of a raise of hands, Jeff Bollman will serve as Chairman and Paul Hagen will serve as Vice Chairman of the City Board of Adjustment for the 2014 term.

Other Business

A. March 5, 2014 Memorandum from Brent Brooks, City Attorney

Nicole Cromwell noted the reply below received from City Attorney Brent Brooks which she had previously distributed to the Board via e-mail prior to this meeting.

1. Exparte' Communications

Board member Connell stated he feels the Board asked proper questions but the attorney's answers are wholly inadequate. He stated he would still like to have a meeting as exparte' communications and lack of sworn testimony propagated the law suit against the City. Nicole Cromwell reminded the Board that it may not be appropriate for Mr. Brooks as legal counsel for the City and Board member Connell as a litigant to meet due to the ongoing litigation. Board member Connell said he has read the 2006 memo and would like a clear policy. Nicole Cromwell clarified and said Mr. Brooks has asked for a list of questions from this Board to get a grasp on the vagueness issue. Board member Connell stated he would be happy to author this. She said the attorneys for the City of Missoula and the City of Helena forwarded similar memos to their governing bodies regarding exparte' communication and land use decisions. The Board asked that Nicole Cromwell send the 2006 City Attorney's exparte' memo to the members of the Board and that members compose and forward specific questions regarding the vagueness of the memo to Chairman Bollman.

2. Digital Recordings

Nicole Cromwell related that digital recordings are not required but are highly recommended. The City Clerk uses them to assist in taking the City Council minutes and keeps them as public record for a period of one year after the approval of the minutes. Board member Connell voiced concern with recording meetings. He related the instance of offhand comments made by Board members during a Board of Adjustment meeting while considering an application. He said the City will lose a current law suit due to what can be heard in the meeting recording.

Nicole Cromwell stated the City Clerk's staff retains meeting recordings as public records for one year. She said this Board could choose to not have recordings but this would be procedurally different from any of the other Boards and Commissions. In response to a question by Board member Noennig, Nicole Cromwell stated the State of Montana Secretary of State sets the retention schedule guidelines. She noted there have been a few instances of technological failures in the past. The recording establishes a legislative record. Staff receives public records requests and court proceedings take place within 30 days of the meeting. She said it is up to the Chairman to keep people from talking over those testifying or making comments on the side. Chairman Bollman commented on the need for carefulness of speech during meetings.

Discussion followed on the need to have the written minutes reflect word for word of what is on the recording. Board member said it creates a conflict if this isn't done.

Nicole Cromwell said the City Council sets the standard for the other Boards and Commissions. Planning Clerk Tammy Deines stated she needs a recording of the meeting as a critical tool for writing accurate minutes. Board member Noennig commented on similar issues experienced with Legislative history and he said it may be something the Board should compose to forward to City Council. Board member Connell contended the difference is the Board of Adjustment has quasi-judicial authority.

3. **Roll call votes:** Nicole Cromwell said this is required by State Statute, (76-2-325 MCA) Board member Connell said his purpose was to keep Board members from being singled out but he accepts State Statute as a reason to continue with roll call votes.
4. **Proposed change to language on the City Variance application form to add MCA citation for False Swearing and Perjury:** Nicole Cromwell said these two statutes are difficult to prosecute as there is a need to prove beyond a reasonable doubt a person has deliberately submitted false testimony or information.

Board member Noennig stated he is very disappointed in this response as it missed the point. He argued putting this language in a form does not change what the law says. He said it is a discretionary function of the prosecutor, (the City Attorney), if they decide not to prosecute. He suggested the City is being defensive about implying they have the duty to enforce this; the law states false statements made in a public hearing is false swearing and false material statements are perjury. He stated the purpose of this language is to impress upon applicants there is recourse should they not tell the truth and someone chooses to enforce it. He said the only way to pursue this is to appeal to those people who met and made the decision without talking to the Board. Nicole Cromwell explained that City Administrator Tina Volek's reasoning for this decision may be due to the issues experienced with the limited number of complaints received when this language was included on the complaint form for police misconduct. Board member Connell explained the purpose for this request is to relate to applicants the penalty for perjury. He said he is willing to debate this with the City Administrator and he does not feel it has anything to do with having a law suit with the City. Board member Noennig stated it's a public meeting that is subject to the requirements; the basis for denial of this request is leaving him cold. Nicole Cromwell mentioned some instances in which applicants' testimonies could be mistakenly taken for perjury. Board member Connell related several instances during public meetings when lies stated as testimony made a difference in governing board decisions. He commented on several instances that allegedly occurred during a public hearing in May 2013. Nicole Cromwell cautioned him from further discussion about specific cases. Board members reviewed the definition language in the statutes. She stressed that variances deal with land uses. Board members Connell and Noennig asked for a meeting with City Administrator Tina Volek in order to consider the facts. Chairman Bollman suggested scheduling a meeting either in advance or following a regularly scheduled Board of Adjustment meeting. After completion of his review, Board member said he determined the Attorney's memo misses Statute MCA 45-7-202.

Adjournment: 8:17 p.m.

ATTEST: Draft -to be approved by a motion on April 2, 2014.

Chairman Jeff Bollman

Tamara L. Deines, Planning Clerk