

CITY BOARD OF ADJUSTMENT

MINUTES: November 6, 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	10/08/14	11/06/14	12/03/14
Jeff Bollman	Chairman	E	E	1	1	1	1	1	E	1	1	1	
James Olson	Board member	1	E	1	E	1	1	1	1	1	1	E	
Paul Hagen	Vice Chair	1	E	1	1	1	1	1	1	1	1	1	
Frank Chesarek	Board member	1	1	1	1	1	1	1	1	1	1	1	
Matthew McDonnell	Board member	1	1	E	1	1	E	1	1	1	1	E	
Martin Connell	Board member	1	1	1	1	1	E	1	1	E	1	1	
Mark Noennig	Board member	1	1	1	1	1	1	1	1	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	10/08/14	11/06/14	12/03/14	TOTAL
Variance	3	4	3	4	3	7	3	2	2	2	1		31

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.

Others in Attendance: Applicant Nicole Anderson

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.

Approval of the October 8, 2014 Meeting Minutes

Chairman Bollman called for approval of the October 8, 2014 minutes.

Board member Connell made a motion and Board member Hagen seconded to approve the October 8, 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. 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. There were no disclosures of outside communication.

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 of the Board of Adjustment are required to pass a variance. This evening there are 5 Board members attending. A simple majority will approve requests.

Planner Dave Green reviewed the application for Variance request #1198 and presented the Board with the staff report for this request.

Item #1 Variance #1202 – 416 & 416 ½ 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 square feet for 2 existing single family homes on Lots 39 & 40, Block 34, Suburban Homes Addition. No new construction is planned but the variance, if approved, would allow the owner to re-build 1 or both dwellings in the future. Tax ID: A15183.

REQUEST

The applicant is requesting a variance from 27-308 requiring a minimum lot area of 9,600 square feet for two dwelling units to allow a minimum lot area of 7,000 square feet for two existing single family homes on Lots 7 & 8, Block 9, Westside Addition Subdivision. The property is zoned Residential-7000 (R-70). No new construction is planned but the variance, if approved, would allow the owner to re-build one or both dwellings in the future. Tax ID: A17802, Dorian Fournier, owner.

RECOMMENDATION

Staff is recommending the following conditions for this variance request:

1. The variance is to decrease the minimum lot size from 9,600 square feet to 7,000 square feet for two existing single family homes. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 39 & 40, Block 34, Suburban Homes Addition generally located at 416 and 416 ½ Alderson Avenue.
3. Any future re-construction of the existing structure will require compliance with all Building Codes, Fire Codes, Engineering Codes, Zoning Regulations, and city ordinances that apply at the time of re-construction with the exception of the variance request.
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. There was none.

Public Hearing

At 6:09 p.m., Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1202.

Proponents

Nicole Anderson, 2750 Wold Road, Laurel, Montana

Ms. Anderson said her real estate agent brought this to her attention and explained to her that the variance is needed for resale purposes.

Opponents

There was none.

Chairman Bollman asked if there was anyone else wanting to speak in favor or against City Variance #1202. There was none. Chairman Bollman closed the public hearing, and called for a motion.

Motion

Board member Chesarek made a motion and it was seconded by Board member Noennig to conditionally approve Variance #1202 with the conditions presented by staff and adoption of the Findings of Fact.

Discussion

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

Chairman Bollman called for a roll call vote on the motion.

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 4-1 with Board member Connell voting against the motion. City Variance #1202 is conditionally approved.

Discussion

Chairman Bollman asked the members of the Board for questions and discussion on the motion. There was none.

Other Business/Announcements:

- Nicole Cromwell announced the next City Board of Adjustment meeting will be held on **Wednesday, December 3, 2014**, and discussed next month's applications with the Board.
- Board member Connell congratulated Board member McDonnell on the birth of a relayed a baby girl and said that is why he is absent this evening.
- Board member Connell relayed comment from Charlie Hamwey stating the Realtor's Association is extremely happy with the Board of Adjustment's attentiveness in its review and decisions on application submittals.
- The Planning Division office will be closed on Tuesday, November 22, 3025 to observe Veterans Day.

Adjournment: 6:20 p.m.

ATTEST: APPROVED BY A MOTION ON DECEMBER 3, 2014

Jeff Bollman, Chairman

Tamara L. Deines, Planning Clerk