



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, <@Date@, 6:00 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

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 Zoning Commission 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.

Call the meeting to order.

Introduction of City Board of Adjustment Members and Planning Department Staff.

Public Comment

Approval of Minutes: June 3, 2015

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.

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:

Public Hearings:

- a. **City Variance #1218 – 2252 George Street – Lot Coverage** - A variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 39% for the construction of a new 864 square foot detached garage in a Residential 7,000 (R-70) zoning district on Lot 4, Valley View Acres Subdivision, a 7,922 square foot parcel of land. Tax ID: C09350.

Other Business/Announcements

Adjournment

Information on the preceding item(s) may be obtained at the Planning & Community Services Department, 4th Floor of the Miller Building, 2825 3rd Ave North, Billings, MT 59101 or phone 247-8676. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony. Information on the preceding item(s) may be obtained at the Planning & Community Services Department, 4th Floor of the Miller Building, 2825 3rd Ave North, Billings, MT 59101 or phone 247-8676. 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.

City Board of Adjustment
Meeting Date: 07/01/2015

Information

Subject

Approval of Minutes: June 3, 2015

Attachments

2015_06_03_BBOA_Minutes

CITY BOARD OF ADJUSTMENT

MINUTES: June 3, 2015

Name	Title	01/07/15	02/04/15	03/04/15	04/01/15	05/06/15	06/03/15	07/01/15	08/05/15	09/02/15	10/07/15	11/04/15	12/02/15
Jeff Bollman	Chairman	1	1	1	1	1	1						
James Olson	Board member	1	E	1	1	1	1						
Paul Hagen	Board member	1	1	E	1	E	1						
Frank Chesarek	Board member	1	1	1	1	1	1						
Matthew McDonnell	Vice Chairman	1	E	1	1	1	1						
Martin Connell	Board member	1	1	1	1	1	1						
Mark Noennig	Board member	1	1	1	1	1	1						

TOTAL NUMBER OF APPLICATIONS 2015	01/07/15	02/04/15	03/04/15	04/01/15	05/06/15	06/03/15	07/01/15	08/05/15	09/02/15	10/07/15	11/04/15	12/02/15	TOTAL
Variance	1	1	2	4	2	2							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 Wyeth Friday, Planning Division Manager; Nicole Cromwell, Zoning Coordinator, and Tamara Deines, Planning Clerk.

Attending: Ken Kunkel, Sandy Kunkel, Lucinda Battenschlag, Crystal Hopper

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 May 6, 2015 Meeting Minutes

Chairman Bollman called for approval of the May 6, 2015 minutes.

Board member Connell made a motion and Board member Hagen seconded to approve the May 6, 2015 meeting minutes as submitted.

The motion carried with a unanimous voice vote, 6-0.

Disclosure of Conflict of Interest

Chairman Bollman asked for disclosures of conflict of interest.

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

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.

Board member	Yes	No	Site visit?	Not Present
Jeff Bollman		1		
James Olson		1		
Paul Hagen		1		
Frank Chesarek		1	Yes	
Matthew McDonnell		1		
Martin Connell		1	Yes	
Mark Noennig		1	Yes-1216	

Public Hearings

Chairman Bollman asked Ms. Cromwell to review the procedure, she 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 in favor of the Board of Adjustment are required to pass a variance. This evening there are 7 Board members attending. A simple majority will approve requests.

Zoning Coordinator Nicole Cromwell reviewed the application for Variance request #1216 and presented the Board with the staff report for this request.

Item #1 Variance 1216 –1934 Poly Drive – Garage Setback to Street - A variance from 27-310(i) requiring a minimum front setback of 20 feet (Dahlia Lane) to allow a minimum 10-foot front setback for a new detached garage of 840 square feet in a Residential 9,600 (R-96) zoning district on Lot 6 (Less 10 feet), Block 3 Sweeney-Carlson Subdivision, a 19,248 square foot parcel of land. Tax ID: A16889.

RECOMMENDATION

The Planning Division is recommending conditional approval with the following conditions:

1. The variance is to allow a 10 foot setback from the east property line for the purpose of constructing a new 840 square foot detached garage. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 6, (less south 10 feet), Block 3, of Sweeney-Carlson Subdivision, generally located at 1934 Poly Drive.
3. The detached garage shall be constructed in substantial conformance to the drawings submitted to the Planning Division with this application.
4. No construction activity will be done before 7 a.m. or after 8 p.m.
5. The owner will complete the Building Permit process for BP-15-01355 within 3 months of Board of Adjustment approval. The owner will complete the construction within 18 months of Board of Adjustment approval.
6. The owner will not park or store any vehicle on the driveway so it extends over the pavement of Dahlia Lane.
7. If sidewalks are constructed in the future on the west side of Dahlia Lane, the owner will not park or store any vehicle on the driveway so it extends over the pavement of the sidewalk.
8. Failure to begin or complete the approved actions on the variance will void the approved variance.
9. 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. . Board member Olson asked if Conditions of approval #6-7 apply to any other lots. Nicole Cromwell said these are standard requirements under City Code.

Public Hearing

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1216. There was none. Chairman Bollman closed the public hearing, and called for a motion.

Motion

Board member Olson made a motion and Board member McDonnell seconded the motion to conditionally approve City Variance #1216 with the conditions and Findings of Fact presented by Staff.

Discussion

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

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 7-0. City Variance #1216 is conditionally approved.

Item #2:

Variance 1217 – 3402/3404 and 3406/3408 Gallatin Place – Lot area – A variance from 27-308 requiring a minimum lot area of 9,600 square feet for a duplex dwelling to allow a minimum lot area of 8,540 square feet (3402/3404) and 8,099 square feet (3406/3408) for 2 existing duplex dwellings in a Residential 7,000 (R-70) zone, Lots 1 & 2, Block 2 of Patricia Subdivision. No new construction is planned but if the variance is approved, the duplexes could be re-built in the future if damaged or destroyed. Tax IDs: C02163 and C01264.

REQUEST

Item #2 - Variance 1217 – 3402/3404 and 3406/3408 Gallatin Place – Lot area – A variance from 27-308 requiring a minimum lot area of 9,600 square feet for a duplex dwelling to allow a minimum lot area of 8,540 square feet (3402/3404) and 8,099 square feet (3406/3408) for 2 existing duplex dwellings in a Residential 7,000 (R-70) zone, Lots 1 & 2, Block 2 of Patricia Subdivision. No new construction is planned but if the variance is approved, the duplexes could be re-built in the future if damaged or destroyed. Tax IDs: C02163 and C01264.

RECOMMENDATION

The Planning Division is recommending conditional approval and adoption of the findings of the 7 criteria for Variance 1217.

Staff is recommending the following conditions for the variance request:

1. The variance is to allow a duplex or 2 units on Lot 1, Block 2 (8,450 square feet) and a duplex or 2 units on Lot 2, Block 2 (8,099 square feet), Patricia Subdivision. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 1 & 2 of Block 2 Patricia Subdivision, generally located at 3402/3404 and 3406/3408 Gallatin Place.
3. Any future re-construction of the existing structure will require compliance with other all other zoning regulations and city ordinances that apply at the time of re-construction.
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.

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1217. There was none.

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

Motion

Board member Chesarek made a motion and Board member Connell seconded the motion to conditionally approve City Variance #1217 with the conditions and Findings of Fact presented by Staff.

Discussion

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

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 7-0. City Variance #1217 is conditionally approved.

Other Business/Announcements:

- The next City Board of Adjustment meeting will be held on **Wednesday July 1, 2015.**
- The Planning office will be closed on Wednesday, on Monday July 6, 2015 to observe Independence Day.

Adjournment: 7:00 p.m.

ATTEST: DRAFT. To be Approved by a motion on July 1, 2015

Jeff Bollman, Chairman

Tamara L. Deines, Planning Clerk



City Board of Adjustment

Meeting Date: 07/01/2015

SUBJECT: City Variance #1218 - 2252 George Street - Lot Coveage

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: David Green

Information

REQUEST

City Variance #1218 – 2252 George Street – Lot Coverage - A variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 39% for the construction of a new 864 square foot detached garage in a Residential 7,000 (R-70) zoning district on Lot 4, Valley View Acres Subdivision, a 7,922 square foot parcel of land. Tax ID: C09350.

RECOMMENDATION

Staff recommends conditional approval of the variance.

APPLICATION DATA

OWNER: Daniel and Georgia Naasz

AGENT: None

LEGAL DESCRIPTION: Lot 4, Valley View Acres Subdivision

ADDRESS: 2252 George Street

CURRENT ZONING: Residential 7000

EXISTING LAND USE: Single Family Residential

PROPOSED USE: Single Family Residential

SIZE OF PARCEL: 7,922 square feet

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Surrounding Property

City Variance #734 – 2227 George Street – Conditionally Approved June-04-1996 - A variance to allow construction of a duplex in an R-70 Zone on Lots 12-17, Block 5, Briggs Subdivision.

City Variance #1015 – 230 South Santa Fe – Conditionally Approved September 5, 2007 - A

variance from Section 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 34%, Section 27-308 requiring a minimum 20 foot rear yard setback to allow a 1 foot rear yard setback and Section 27-308 requiring a minimum 5 foot side yard setback to allow a 3.5 foot side yard setback for an addition to an existing home. On a 7,480 square foot parcel of land zoned Residential 7,000 (R-70) on Lot 23, Block 8 of Central Heights Subdivision, 4th Filing.

City Variance #1015 – 2215 Monad Road – Conditionally Approved August 3, 2011 –

A variance from Section 27-308 requiring a minimum lot area of 10,000 square feet for an existing 4-plex to allow a lot area of 7,422 square feet in a Residential Multi-family-Restricted (RMF-R) zone on Lot 22, Block 14, Central Heights Subdivision 5th Filing.

City Variance #1157 – 2215 George Street - Conditionally Approved July 10, 2013 - A

variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 38% for the purpose of constructing a new detached garage (400 sf) and a new attached sunroom (337 sf) in an R-7000 zone on a 7,688 square foot parcel of land. The property is described as Lot 24A, Block 5, Briggs Subdivision 2nd Filing.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: Residential Multi-Family Restricted Land Use: Multi-family dwellings
SOUTH:	Zoning: Residential 7000 (R-70) Land Use: Single Family Residential
EAST:	Zoning: R-70 Land Use: Single Family / Multi-Family
WEST:	Zoning: R-70 Land Use: Multi-Family dwellings

BACKGROUND

This area of Billings has a variety of housing types including single family, duplexes, and multi-family structures. The property is also close to the 24th Street West business corridor, and the King Avenue West business area. It is close to roads with high traffic use, Monad, 19th Street West and South 24th Street West. This part of the neighborhood has quite a few multi-family buildings and some of them have a very high lot coverage allowance. There are other single family properties in the area that have detached garages off the alley as do several of the apartment buildings. After a drive through the neighborhood to see what types of attached and detached structures there are on surrounding properties, it was observed that several homes have detached garages, covered patios, and sheds in the back yard. In some cases, the property had all of the above amenities in the backyard. Although planning has only one variance on record on George Street requesting lot coverage increases, it appears that several neighboring properties may have exceeded lot coverage requirements without receiving variances.

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

RECOMMENDATION

Staff recommends Conditional Approval.

Attachments

Determinations

Attachments

DETERMINATIONS

The Board of Adjustment shall make the following determinations prior to granting a variance:

- 1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;**

There are not any special circumstances existing on this property that would create a hardship but they are in a neighborhood that has quite a few property owners with what appears as having exceeded the allowable lot coverage.

- 2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;**

There are several properties on the same street as the subject property with a detached garage, sheds, and/or covered patios that appear to be over lot coverage but there are no variances on record for these other properties. There was a variance granted July 10, 2013 requesting lot coverage of 38% at 2215 George Street.

- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;**

The variance will not allow the applicant any special privileges. Other properties in the area appear to exceed lot coverage for attached and detached structures.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

The variance is in harmony with the general purpose and intent of the zoning regulations and the growth policy.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Chapter;**

Staff is recommending the following conditions for the increased maximum lot coverage variance request:

1. The variance is to increase the maximum lot coverage from 30% to 39%. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 4, Valley View Acres Subdivision generally located at 2252 George Street.
3. Construction of the detached garage will be in substantial conformance with the submitted site plan and shall meet all other required City regulations, with the exception of this variance for lot coverage.
4. The applicant will receive a building permit approval within 6 months of the Board of Adjustment approval of the variance. Construction of the garage will be completed within 18 months of Board of Adjustment approval.
5. Construction activity is not to start before 7 am and will end by 8 pm daily.
6. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.

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.

- 6. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance; and**

The applicant will obtain a building permit within 6 months of approval of this variance and have the construction completed within 18 months of this variance approval.

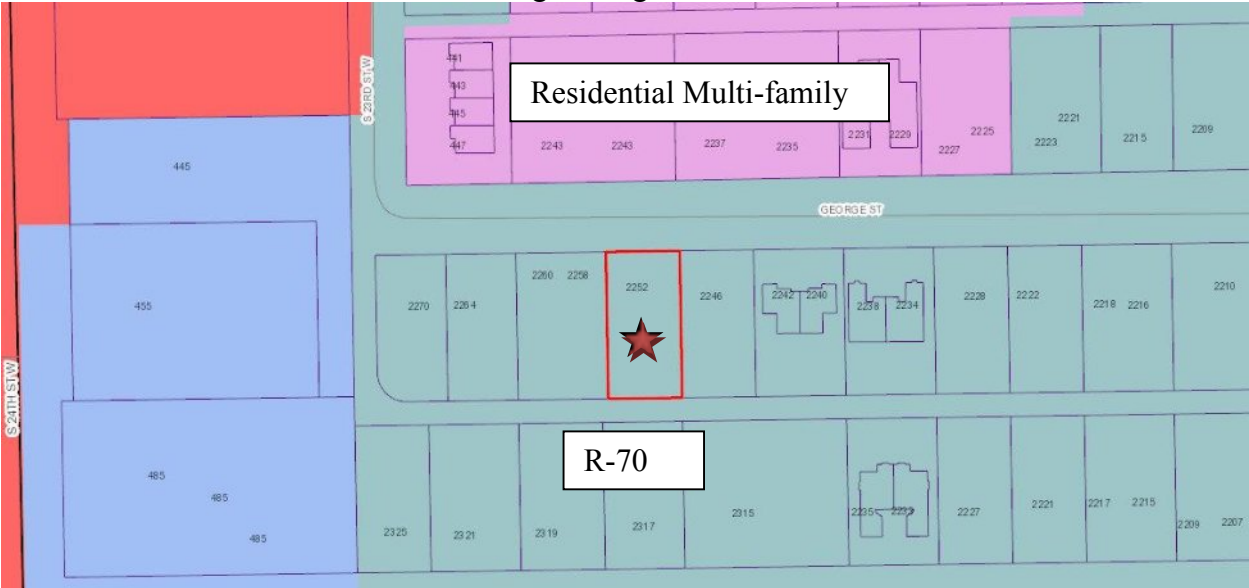
- 7. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.**

The granting of this variance would not allow a use that is not allowed in the zoning district. Detached garages are an allowed use in all residentially zoned districts in the city.

ATTACHMENTS

- A: Surrounding Zoning & Site Location
- B: Site Photographs
- C: Aerial View
- D: Application form
- E: Application Letter
- F: Site Plan
- G: Applicant Supplied Photos

ATTACHMENT A
Surrounding Zoning & Site Location



Subject property ★

ATTACHMENT A
 Surrounding Zoning & Site Location Continued

Subject Property

Properties that may be over lot coverage typ



ATTACHMENT B
Site Photographs



Subject Property



Looking west from subject property

ATTACHMENT B
Site Photographs, Continued



Looking north across from subject property



Looking east of subject property

ATTACHMENT C
Aerial view



Subject Property ★

ATTACHMENT D

Application form

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1219 **- Project #** 02-15-00109

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings-Yellowstone County Unified Zoning Regulations.

TAX ID # C09350 CITY ELECTION WARD # 3

Legal Description of Property: Valley View Acres Subd, S07, T01S, R26E, Lot 4

Address or General Location (If unknown, contact City Engineering): _____

2252 George Street Billings, MT 59102

Zoning Classification: R-7000

Size of Parcel (Area & Dimensions): 7922 Sq Ft 122 x 65

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: To exceed the allowed square footage of structures on our property. Existing structure lot coverage is 28%, requested structure lot coverage 39%.

Facts of Hardship: Inadequate indoor storage.

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Daniel A & Georgia E. Naasz

(Recorded Owner) 2252 George Street Billings, MT 59102

(Address) 406-655-8153 naasz@bresnan.net

(Phone Number) (email)

Agent(s): _____

(Name)

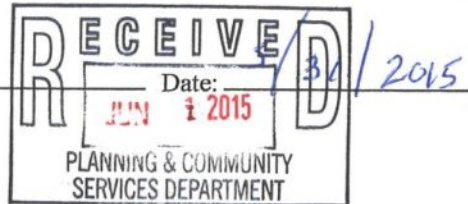
(Address)

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Daniel A. Naasz
(Recorded Owner)
Georgia E. Naasz



ATTACHMENT E
Applicant letter

May 31, 2015

Dear Chairperson of the Board of Adjustments,

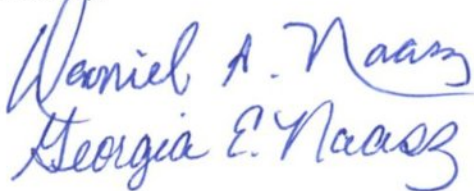
The proposed detached garage at 2252 George Street, Billings, MT 59102 will consist of an 864 square foot building abiding by city setbacks.

A variance is being sought in order to allow the proposed detached garage to exceed the R7000 limit of 30%. Current existing structures lot coverage is 28%, the proposed structure lot coverage would be 39%.

There is a need for this variance for the proposed detached garage because the owner's current means of storage are inadequate. The new garage will allow us to store our classic vehicles out of sight from neighbors and passing traffic. We have had incidents of vandalism and theft to our vehicles and would like to have them in a secure building on site. The new garage will also increase the value of the lot and make for a more efficient use of the property.

Thank you for consideration of our variance request.

Sincerely,

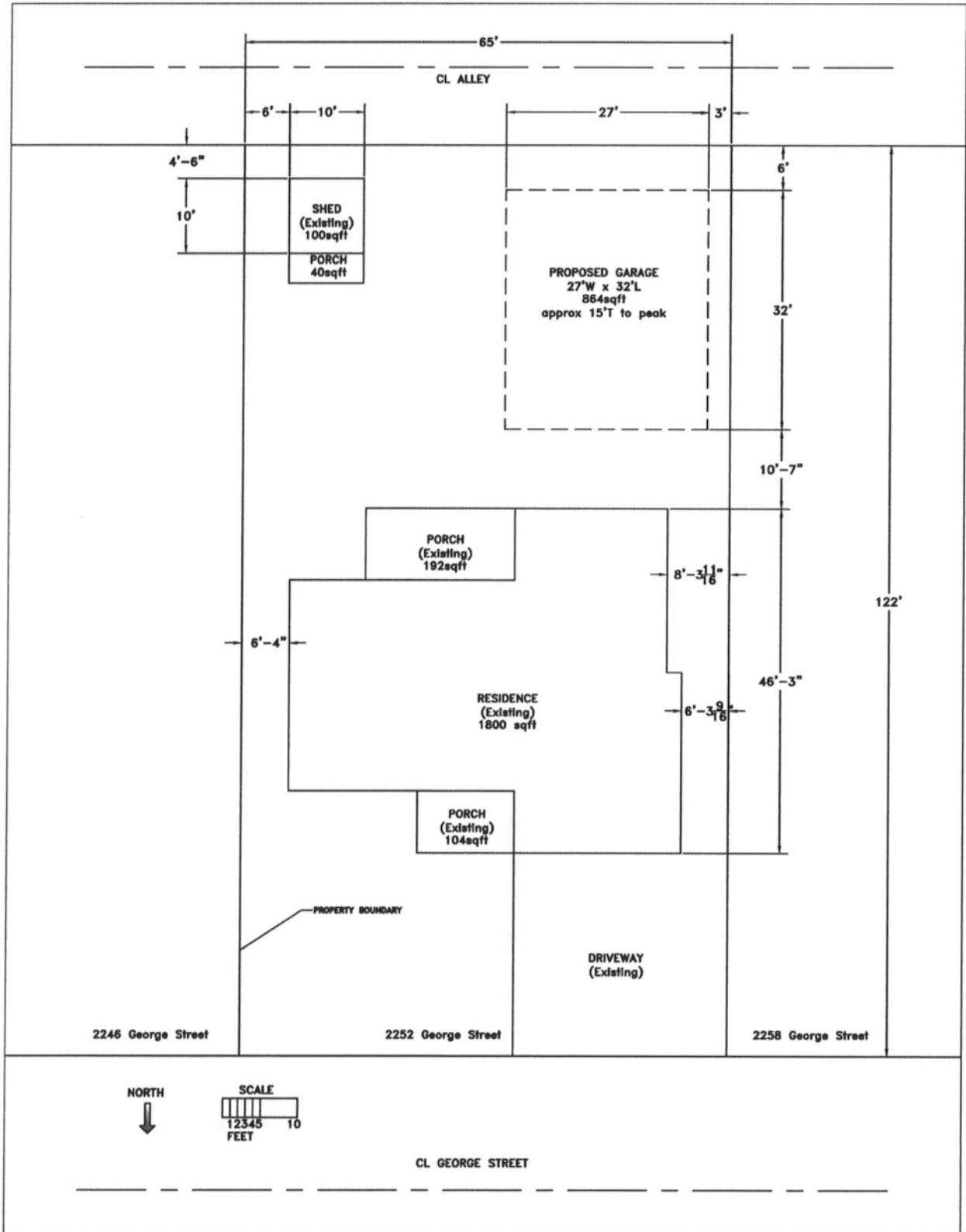


Daniel A. Naasz

Georgia E. Naasz

ATTACHMENT F

Site Plan



Attachment G
Applicant provided photos



2024 Monad Rd



2123 Canyon Dr



2136 George St.