

CITY BOARD OF ADJUSTMENT

MINUTES: November 4, 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	1	-	-	1	1	
James Olson	Board member	1	E	1	1	1	1	1	-	-	1	1	
Paul Hagen	Board member	1	1	E	1	E	1	1	-	-	1		
Frank Chesarek	Board member	1	1	1	1	1	1	1	-	-	1	11	
Matthew McDonnell	Vice Chairman	1	E	1	1	1	1	1	-	-	A		
Martin Connell	Board member	1	1	1	1	1	1	1	-	-	1	1	
Mark Noennig	Board member	1	1	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	1	0	0	2	2		15

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 introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator; Dave Green, Planner II, Karen Husman, Planner I; and Tamara Deines, Planning Clerk.

Attending: Eugene L. Sherrodd, Alex Tommerup, AT Architecture

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 7, 2015 Meeting Minutes

The approval of the October 7, 2015 meeting minutes is delayed.

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	V1221	
Paul Hagen		1		
Frank Chesarek		1		
Matthew McDonnell				1
Martin Connell		1		
Mark Noennig		1		

Staff received the following communications:

Public Hearings

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearing and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes 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 6 Board members attending. A simple majority will approve requests.

Planner Karen Husman reviewed the application for Variance request #1216 and presented the Board with the staff report for this request. Staff received one letter in support of this request.

Item #1. City Variance #1221 - 145 Alderson Avenue - Karen Husman, Planner I. The applicant is requesting a variance from BMCC Section 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 37% for the addition of an accessible entrance to an existing church in a Residential 7,000 (R-70) zone, on Lots 21-23, Block 8 of West Side Addition, a 10,500 square foot parcel of land. Tax ID: A17783.

RECOMMENDATION

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

Staff 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 37%. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 21-23, Block 8 of West Side Addition Subdivision generally located at 145 Alderson Avenue.
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.
6. The applicant will obtain a building permit within 1 year and have the construction complete within 2 years.
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. Board member Connell asked which criterion staff considered for this recommendation. Ms. Husman stated this request will not significantly impact the neighborhood. Six other variances were submitted in this area, and five out of six were granted. This request will bring the church into ADA conformance.

Public Hearing

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1221.

Alex Tommerup, AT Architecture, 2010 Wentworth, Billings, Montana

Mr. Tommerup represents applicant, Great Plains Gathering. He stated this is a small 300-square foot addition to provide ADA accessibility. The church wishes to accommodate their members with these needs.

At 6:10 p.m. Chairman Bollman closed the public hearing, and called for a motion.

Motion

Board member Olson made a motion and Board member Noennig seconded the motion to conditionally approve City Variance #1221 with the conditions and Findings of Fact presented by Staff.

Discussion

Chairman Bollman called for discussion on the motion. Board members suggested that staff add the notation of the other variances granted in the neighborhood to the criterion of approval

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. City Variance #1221 is conditionally approved.

Item #2 City Variance #1222. Dave Green, Planner II The applicant is requesting a variance from 27-308 requiring a maximum lot coverage of 40% to allow a maximum lot coverage of 45% and Section 27-310 requiring a maximum detached garage size of 1,000 square feet to allow a maximum detached garage size of 1,152 square feet in a Residential 6,000 (R-60) zone, on Lots 20 and 21, Block 219, Billings Second Addition, a 7,000 square foot parcel of land. Tax ID: A01626, Eugene and Brenda Sherrodd, owners.

RECOMMENDATION

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

1. The variance is to increase the maximum lot coverage from 40% to 45% and to increase the detached structure maximum size from 1,000 square feet to 1,152 square feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 20 and 21, Block 219, Billings Second Addition generally located at 617 South 35th 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 and maximum size.
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.

Discussion

Chairman Bollman asked the members of the Board for questions and discussion. Board member Connell asked if there is a hardship related to this request. Dave Green stated there are not any special circumstances existing on this property that would create a hardship but they are in a neighborhood that has properties that appear to be exceeding the allowable lot coverage and detached accessory size. There are several properties within this subdivision that have received variance approval for various zoning requirements. It also appears that several properties have constructed

outside the zoning requirements without variance approval including the maximum lot coverage allowed while this applicant is going through the proper channels. The property adjacent to the subject property appears to be at 42% lot coverage without a variance. No input was received from the neighbors.

Public Hearing

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1222.

Eugene Sherrod, 617 S 35, Billings, Montana

Mr. Sherrod said he submitted this request as the existing garage is too small as the placement of the hot water heater and the furnace is constriction.

At 6:20 p.m. Chairman Bollman closed the public hearing, and called for a motion.

Motion

Board member Connell made a motion and Board member Chesarek seconded the motion to conditionally approve City Variance #1221 with the conditions and Findings of Fact presented by Staff.

Discussion

Chairman Bollman called for discussion 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 6-0. City Variance #1222 is conditionally approved.

Other Business/Announcements:

- The **Wednesday December 2, 2015** City Board of Adjustment meeting is cancelled due to the lack of applications. The next meeting will be on Wednesday, January 6, 2016.

Adjournment: 6:26 p.m.

ATTEST: DRAFT. To be approved by a motion on January 6, 2016

Jeff Bollman, Chairman



Tamara L Deines, Planning Clerk