

**CITY BOARD OF ADJUSTMENT**

MINUTES November 2, 2016

Name	Title	01/06/2016	02/03/2016	03/02/2016	04/06/2016	05/04/2016	06/01/2016	07/06/2016	08/03/2016	09/07/2016	10/05/2016	11/02/2016	12/07/2016
Jeff Bollman	Board member	-	-	1	E	1	1	1	A	1	E	1	
James Olson	Board member	-	-	1	1	E	1	E	R	R	R	R	
Paul Hagen	Board member	-	-	1	1	1	1	1	1	E	1	1	
Frank Chesarek	Vice Chairman	-	-	1	1	1	1	1	A	A	1	E	
Oscar Heinrich	Board member	-	-	1	1	1	1	1	1	1	1	1	
Martin Connell	Board member	-	-	1	1	1	E	1	1	1	1	1	
Mark Noennig	Chairman	-	-	1	1	1	1	1	1	1	E	1	

TOTAL NUMBER OF APPLICATIONS 2016	01/06/16	02/03/16	03/02/16	04/06/16	05/04/16	06/01/16	07/06/16	08/03/16	09/07/16	10/05/16	11/02/16	12/07/16	TOTAL
Variance	0	0	2	1	3	3	6	3	3	1	1		23

Chairman Noennig 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 3<sup>rd</sup> Avenue North.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I and Robbin Bartley, Administrative Support.

**Attending:** Sherri Hullinger, Margo Jensen, Greg Erpenbach, Robert Saffo, Donna Saffo, Chris Thome

**Public Comment**

Chairman Noennig opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none. Chairman Noennig closed the public comment period.

**Approval Meeting Minutes**

Board member Heinrich made a motion for the approval of October 5, 2016, minutes. Board member Connell seconded the motion. Minutes were approved by unanimous voice vote 5-0.

**Disclosure of Conflict of Interest**

Chairman Noennig asked for disclosures of conflict of interest.

Board member	Yes	No	Not Present
Jeff Bollman		x	
██████████			
Paul Hagen		x	
Frank Chesarek			x
Oscar Heinrich		x	
Martin Connell		x	
Mark Noennig		x	

**Disclosure of Outside Communication**

Nicole Cromwell explained there are times applicants communicate directly with Board members or visit the site and this should be communicated to the Board members in a public forum.

Board member	Yes	No	Site visit?	Not Present
Jeff Bollman		x	x	
██████████				
Paul Hagen		x	x	
Frank Chesarek				x
Oscar Heinrich		x	x	
Martin Connell		x	x	
Mark Noennig		x	x	

**Public Hearings**

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearings 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 and acting on each variance.

Nicole Cromwell read the legal description for **Variance #1244**:

Karen Husman presenting:

**Variance 1244 –3165 King Avenue East– Land Use Contrary to Zoning** - A request to conduct a public forum for the proposed expansion of the Yellowstone County Detention Facility. The zoning regulations require a submittal for special review for any correctional institution (Section 27-306). The County will not be submitting a special review. The City Board of Adjustment has no power to approve, deny or attached conditions to the proposed use. State law (MCA 76-2-402) requires a forum before the Board of Adjustment to receive public comment. The property is in a Public (P) zone described as Parcel 1A of C/S 1340, a 20.27 acre parcel of land. Tax ID: D01739

## **RECOMMENDATION**

State statute allows public agencies to use land contrary to zoning after a Public Forum is held by the local Board of Adjustment. The Board shall have no power to approve or deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

Board member Bollman asked if a Special Review was done originally. Staff replied it was not required.

Board member Hagen asked if the expansion is for females. Staff stated she believed so and deferred answering to the representative.

## **Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1244**.

## **Greg Erpenbach, YC Facility Superintendent**

Mr. Erpenbach brought the site plans for review by all. 140 bed expansion is being proposed to be built on to existing land. Chairman Noennig asked for an explanation of who would be detained where. The new unit will be a women's unit. If the State Women's prison has overages, these can be accommodated at YCDF.

## **Chris Howe, Schutz Foss Architects**

Mr. Howe explained that the expansion will provide more beds for everyone. Currently the women's housing unit is completely over populated and classification cannot be done. With the building of a new women's unit, the overflow from the men's area can use the old women's housing area.

## **Al Rapacz, President of Schutz Foss Architects**

Mr. Rapacz spoke to where women are now housed and explained that in the present set up classifying is not possible. Chairman Noennig asked for clarification of classifying. Classification is the process where individuals are evaluated and placed reflecting the severity of their offense. The new unit allows for separation based on classification.

## **Opposed**

## **Sherri Hullinger, 3115 Stone**

Ms. Hullinger stated she does not understand the map that was sent to her. Staff explained the 300 foot radius for notification. She is in fear of losing her property. Staff explained that the construction is only in the current footprint and that no additional land is being used or obtained.

**The public hearing was closed at 6:20pm.**

**Other Business/Announcements:**

The next meeting will be on December 7, 2016.

Adjournment: 6:20 p.m.

**ATTEST: DRAFT. To be approved by a motion on December 7, 2016**

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**Robbin Bartley, Administrative Support I**