



Yellowstone County Board of Adjustment

Minutes

December 10, 2015

The County Board of Adjustment met on Thursday, December 10, 2015 in the 1st Floor Conference Room, of the Miller Building located at 2925 3rd Avenue North. Chairperson Hecker called the meeting to order at 4:00 p.m.

Name	Title	02/12/2015	04/09/2015	07/16/2015	09/10/2015	10/01/2015	10/29/2015	12/10/2015						
Bruce Reiersen	Board member	E	1	1	1	E	E	1						
Carlotta Hecker	Chairperson	1	E	E	1	1	1	1						
Delores Terpstra	Board member	1	1	1	E	E	1	1						
Robert Bailey	Vice Chairperson	1	1	1	E	E	1	E						
Blaine Poppler	Board member	-	-	E	1	1	1	1						

Chairperson Hecker introduced the County BOA Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I; Tammy Deines, Planning Clerk, Robbin Bartley, Administrative Assistant I

Attending: Mary Olson, Craig Dalton, City Councilman Mike Yakawich

Public Comments

Chairperson Hecker opened the public comment portion of the meeting and asked if anyone wished to speak on an item not on today's agenda. There was none. Chairperson Hecker closed the public comment portion of the meeting.

Approval of Minutes: October 29, 2015

Motion

Board member Terpstra made a motion and it was seconded by Board member Poppler to approve the October 29, 2015 meeting minutes. The motion carried with a unanimous voice vote.

PUBLIC HEARINGS:

Chairperson Hecker read the determinations for granting a variance and Zoning Coordinator Nicole Cromwell reviewed the rules for the procedure for conducting public hearings

Nicole Cromwell read the legal description and reviewed the staff report with a PowerPoint presentation for the audience.

Item #1 County Variance #278

REQUEST

This is a variance from Section 27-308 requiring a minimum lot area of 10 acres to allow a minimum lot area of 7.62 acres in an Agriculture-Open Space zoning district on the West ½ of the West ½ of Lot 1 in Section 2, Township 1 North, Range 26 East, a 10.13 acre parcel of land. The proposed variance is to adjust the boundary line between 2 parcels of land to allow access to Plateau Road. Tax ID: D04935. Productions Consulting, LLC, owner, Scott Aspenlieder, Agent.

RECOMMENDATION

The Planning Division is recommending Conditional Approval.

Staff is recommending conditions of approval as follows:

1. The variance is to reduce the required lot area from 10 acres to allow a minimum lot area of 7.62 acres in an Agriculture-Open Space zoning district on the West ½ of the West ½ of Lot 1 in Section 2, Township 1 North, Range 26 East, a 10.13 acre parcel of land and no other variance is intended or implied by this approval.
2. The applicant will submit a certificate of survey amendment/lot line relocation within 60 days of Board of Adjustment approval.
3. 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

Chairperson Hecker asked the Board for questions and discussion. Per request of Board member Popper, Ms. Husman clarified the location of the property lines and the proposed access. She stated that the area that is looking to be relocated appears to be proposed for parkland with the preliminary subdivision proposed subdivision of 160 lots.

Craig Dalton, Agent, 2101 Overland Avenue Billings, Montana 59102

Mr. Aspenlieder represents Productions Consulting, LLC. He said the proposed subdivision is 165 lots and is under preliminary review. A conditional zone change has been approved for R-9600 zoning. He noted other southerly easements that run along the tract line that are proposed to be used for egress for the subdivision. An application has been submitted to gain an access point. They will ensure the setbacks are met for the agricultural buildings. A boundary relocation will follow this request. They are considering an entryway with a park area for the entrance of the subdivision. Discussion followed with questions on water supply and road development.

Public Hearing

Chairperson Hecker opened the Public Hearing and asked if anyone would like to speak in favor or against Yellowstone County Variance #278.

Mary Olson, PO Box 50660, Billings, Montana, 59105

Ms. Olson is an adjacent property owner. Ms. Olson stated the applicant has not approached her to discuss obtaining an easement for a subdivision access. Ms. Cromwell clarified and said this will be a separate public hearing heard by the Planning Board for the subdivision application.

Chairperson Hecker asked if anyone else would like to speak in favor or against Yellowstone County Variance #278. There was none. Chairperson Hecker closed the public hearing at 5:27 p.m. and called for a motion.

Motion

Board member Terpstra made a motion and it was seconded by Board member Reiersen to conditionally approve Yellowstone County Variance #278 and adopt the Findings of the 7 criteria in the staff report.

Discussion

Chairperson Hecker called for discussion on the motion. There was none.

The motion carried 4-0

Adjournment:

The meeting adjourned at 5:00 p.m.

ATTEST: DRAFT. To be approved on January 14, 2015