

**CITY BOARD OF ADJUSTMENT**

MINUTES April 5, 2017

Name	Title	01/04/2017	02/01/2017	03/01/2017	04/05/2017	05/03/2017	06/07/2017	08/02/2017	08/03/2016	09/06/2017	10/04/2017	11/01/2017	12/06/2017
Jeff Bollman	Board member	1	1	E	1								
Dave Hagstrom	Board member	1	1	1	1								
Paul Hagen	Board member	1	1	1	1								
Frank Chesarek	Vice Chairman	1	1	E	1								
Oscar Heinrich	Board member	1	1	E	1								
Martin Connell	Board member	1	1	1	1								
Mark Noennig	Chairman	1	1	1	E								

TOTAL NUMBER OF APPLICATIONS 2016	01/04/2017	02/01/2017	03/01/2017	04/05/2017	05/03/2017	06/07/2017	08/02/2017	08/03/2016	09/06/2017	10/04/2017	11/01/2017	12/06/2017	TOTAL
Variance	1	1	7	2									11

Vice Chairman Chesarek 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.

Dave Green introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Dave Green, Planner II, Karen Husman, Planner I and Robbin Bartley, Administrative Support.

**Attending:** Brad McCall, Mattie Walton, Jon Walton, Bob Goodale, Bruce Lackman

**Public Comment**

Vice Chairman Chesarek 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. Vice Chairman Chesarek closed the public comment period.

**Approval Meeting Minutes**

Board member Connell made a motion for the approval of March 1, 2017 minutes. Board member Hagen seconded the motion. Minutes were approved by unanimous voice vote 6-0.

**Disclosure of any Conflict of Interest, Ex Parte Communications and Site Visits**

A new form has been implemented for any disclosures. If any Board member circled yes to a Conflict of Interest or Ex Parte Communication, it will be explained here.

### **Public Hearings**

Dave Green reviewed the procedures for public hearings and stated the Board will open a public hearing and allow public comment this evening. He reviewed the hearing and presentation processes for the meeting and acting on each variance.

Dave Green read the legal description for **Variance #1257**:

Karen Husman presenting:

**City Variance 1257 – 215 14<sup>th</sup> St West – Lot Coverage** – A variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 33% (2,439 square feet) in a Residential 7,000 (R-70) zone on Lot 2, Block 11, Normandy Subdivision, 2<sup>nd</sup> Filing a 7,440 square foot parcel of land, for the purpose of construction 1 new detached garage. Tax ID: A11453.

### **RECOMMENDATION**

Planning Staff is recommending conditional approval for Variance request #1257, based on the determinations for granting a variance.

### **Questions for Staff:**

Board member Heinrich- asked if the setbacks will be met and if there were any surrounding property owner objections. Staff replied the setbacks will be met, there has been no communication from neighbors. Alley access is allowed.

### **Public Hearing**

Vice Chairman Chesarek opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1257**.

### **Jon Walton, owner, 215 14<sup>th</sup> Street West, Billings**

All the homes in this area were built without garages. In order to build a garage and meet the lot coverage requirements all storage would be sacrificed. He wants off street parking.

Board member Hagen asked if the access to the new garage be from 14<sup>th</sup> Street West. The access is from the alley.

Board member Heinrich asked if the shed will be kept or removed. Mr. Walton intends to sell it.

### **OPPOSED**

**None**

### **Discussion**

Board Member Hagstrom – asked regarding the 31 or 33 percent lot coverage. Staff explained that the Planning department must use the Tax Assessor's information.

BOARD MEMBER Connell made a motion and BOARD MEMBER Heinrich seconded the motion to approve **City Variance #1257** with the Findings of Fact presented by Staff.

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

The motion to approve City Variance #1257 passed 6-0.

Dave Green read the legal description for **Variance #1258**:

Dave Green presenting:

**City Variance 1258 – 5518 Sacagawea Dr – Lot Area and setbacks** – A variance from 27-308 requiring a minimum lot area of 55,000 square feet for two 4-unit apartments and five duplexes to allow 43,310 square feet; from 27-309 requiring a minimum front setback of 20 feet from the front property line to allow 8 feet; from 27-309 requiring a minimum side adjacent to street setback of 10 feet to allow 5 feet; and from 27-308 requiring a minimum front setback of 15 feet to allow 8 feet in a Highway Commercial (HC) zone on 26A, Block 10, Riverfront Pointe Subdivision. Tax ID: A31299.

**RECOMMENDATION**

Planning Staff is recommending conditional approval based on the findings of the 7 criteria for **Variance #1258**.

**Questions for Staff:**

Board member Heinrich asked if the parking for commercial space will be behind the new complex. Staff indicated street parking. Please address the Peaks to Plains Design letter. Staff replied.

Board member Hagstrom asked what is the timing? Deferred to the developer.

Board member Hagen asked the point out the variances. Staff explained.

Board member Bollman asked if calculations were done, how many units are possible. Staff explained the density could have been achieved without the variance but the buildings would need to be attached.

Board member Hagstrom-referring to the determinations page, no special privileges are being granted in this district-what is the district. Staff explained this is referring to the neighborhood.

Board member Hagstrom asked if allowing a higher density is a special privilege. Staff explained that it could be interpreted that way, but that there is high density all around this proposed area.

**Public Hearing**

Vice Chairman Chesarek opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1258**.

Brad McCall, 1536 Mullooney Lane, Suite 100, Billings, MT

This will be called Josephine Corner. He expects this project to be completed by the end of the year. He addressed the Peaks to Plains letter, making an explanation of their part.

**Opposed**

Bob Goodale, 1534 Glacier Peak

Indicated he is less opposed after hearing the information presented. He asked for an explanation of intended parking and stated traffic is going to be a problem in the future.

**Discussion**

BOARD MEMBER Heinrich made a motion and BOARD MEMBER Bollman seconded the motion to approve **City Variance #1258** with the Findings of Fact presented by Staff.

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

The motion to approve City Variance #1258 passed 6-0.

**The public hearing was closed at 6:50 PM.**

**Other business:**

The next meeting will be on May 3, 2017.

Jeff not attending

Marty not attending

**The meeting adjourned at 6:50PM.**

**ATTEST: DRAFT. To be approved by a motion on May 3, 2017.**