

CITY BOARD OF ADJUSTMENT

MINUTES June 7, 2017

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

TOTAL NUMBER OF APPLICATIONS 2017	01/04/2017	02/01/2017	03/01/2017	04/05/2017	05/03/2017	06/07/2017	07/06/2017	08/02/2017	09/06/2017	10/04/2017	11/01/2017	12/06/2017	TOTAL
Variance	1	1	7	2	1	3							15

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 3rd 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: Charles Bisbee, Nathan Matelich

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 May 3, 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

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 #1260**:

Karen Husman presenting:

City Variance - 1260 201 S 29th St – Lot Area – A variance from 27-308 requiring a minimum lot area of 7,000 square feet to allow a minimum lot area of 2,125 square feet for a 2-family dwelling; from 27-308 requiring a minimum front setback of 15 feet to allow a minimum setback of 13 feet; from 27-308 requiring a minimum side adjacent to street setback of 10 feet to allow 4 feet; and from 27-308 requiring a minimum side setback of 5 feet to allow 3 feet for an existing 2-family dwelling in a Residential Multi-family-Restricted (RMF-R) zone on the west 85 feet of Lot 13, Block 165, Billings Original Town, a 2,125 square foot parcel of land. If approved, the variance will allow the owner to complete the building renovations. Tax ID: A01079.

RECOMMENDATION

Planning Staff is recommending conditional approval and adoption of the findings for granting a variance.

Questions for Staff:

Board Member Bollman asked why this variance is necessary. Staff explained that upon application for and plumbing permit, it was determined that a Variance was needed to continue renovation. The footprint is not being expanded however, financing requires this Variance. Vice Chairman Chesarek asked for confirmation regarding no expansion of the building dimensions. Board member Hagstrom asked if this application is to obtain a lenders letter. Staff explained that the applicant needs a letter from the City stating the site is in compliance.

Public Hearing

Vice Chairman Chesarek opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1260**.

Nathan Matelich, owner

When he purchased the property he thought it to be a much simpler, smaller project. It has become a huge project. New plumbing and electrical required and a permit could not be obtained without a Variance and financing required a compliance letter.

Vice Chairman Chesarek asked what year the home was built. The owner replied possibly 1910.

Vice Chairman Chesarek asked if there is access from the storage shed into the house. No there is not.

A discussion ensued regarding whether or not to leave the attached tool shed. The applicant was informed of the requirements either way.

OPPOSED

None

BOARD MEMBER Heinrich made a motion and BOARD MEMBER Connell seconded the motion to approve **City Variance #1260** 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 #1260 passed 6-0.

Nicole Cromwell explained the circumstances for the withdrawal request of **Variance #1261**, because it has been publicized, a public hearing is still required.

A written request for withdrawal was submitted by the owner.

Public Hearing

Vice Chairman Chesarek opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1261**.

NONE

BOARD MEMBER Connell made a motion and BOARD MEMBER Hagen seconded the motion to allow the **withdrawal of City Variance #1261 at the owner's request.**

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

Board member Hagstrom was not present for the vote. Upon return Vice Chairman Chesarek asked if he would like to vote on the motion.

The motion to approve withdrawal of City Variance #1261 passed 6-0.

Nicole Cromwell read the legal description for **Variance #1262**.

Karen Husman presented:

City Variance 1262 – 1025 Cook Avenue – Side Setback – A variance from 27-308 requiring a minimum side setback of 5 feet to allow a 2-foot side setback to allow an addition to an existing dwelling in a Residential 6,000 (R-60) zone on Lots 13 and 14, Block 19 of Broadwater Subdivision, a 7,000 square foot parcel of land. Tax ID: A03652.

RECOMMENDATION

Planning Staff is recommending conditional approval and adoption of the findings for granting a variance.

Questions for Staff:

Public Hearing

Vice Chairman Chesarek opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1262**.

Charles Bisbee, owner

He is requesting a 20 inch setback in place of the 2 foot setback. He explained he wanted to enclose the patio area to add to the living space. It is currently a covered patio.

Board member Heinrich asked how long the patio has been there, 26 years. The house was built in 1947.

Board member Hagstrom asked why the expansion was not in the back yard. Access would be an issue and the tree is in the way. Financially, this is the most cost efficient. Board member Hagstrom also asked if a contractor has specified what kind of foundation will be required. Mr. Bisbee replied monolithic or structural piers would be used.

Discussion-

Staff stated that less than 1/2 a foot is negligible. 20” is the same as 2 feet. No changes to the Variance would be required.

OPPOSED

None

BOARD MEMBER Heinrich made a motion and BOARD MEMBER Connell seconded the motion to approve **City Variance #1262** 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			

The motion to approve City Variance #1262 passed 6-0.

The public hearing was closed at 6:41 PM.

Other business:

The next meeting will be on July 6, 2017.

The meeting adjourned at 6:42 PM.

ATTEST: DRAFT. To be approved by a motion July 6, 2017.