



# Yellowstone County Board of Adjustment

## Minutes

November 10, 2016

The County Board of Adjustment met on Thursday, November 10, 2016 in the 1<sup>st</sup> Floor Conference Room, of the Miller Building located at 2925 3<sup>rd</sup> Avenue North. Vice Chairman Bailey called the meeting to order at 4:00 p.m.

Name	Title	01/14/2016	02/11/2016	05/12/2016	06/09/2016	10/13/2016	11/10/2016						
Bruce Reiersen	Board member	E	-	1	1	E	1						
Board member Poppler	Board member	1	-	E*	1	1	E						
Carlotta Hecker	Chairperson	1	-	E*	E	1	1						
Delores Terpstra Miner	Vice Chairperson	1	-	1	* CC	1 CC	1						
Robert Bailey	Board member	E	-	1	1	E	E						

**Chairman Hecker introduced** the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Jeannette Vieg, Planning Assistant.

**Others in Attendance:** Chris Thome; Greg Erpenbach, Yellowstone County General Services Dept., Al Ripaz, Schutz Foss Architects

### 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.

### Approval of Minutes: October 13, 2016

### Motion

**Board member Terpstra-Miner moved and Board member Hecker seconded to approve the October 13, 2016 meeting minutes as submitted. Board member Reiersen requested corrections on page 6. The motion carried with a unanimous voice vote.**

**Disclosure of Conflict of Interest:** There were none.

**Disclosure of Exparte Communication:** Zoning Coordinator Nicole Cromwell stated staff has not received any communications following the preparation of the staff report.

**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 three votes in favor of the Board of Adjustment are required to pass a variance. This evening there are 3 Board members attending. No action is required.

Vice Chairman Terpstra-Miner called for the staff presentation by Ms. Cromwell.

**Item #1 County Variance 284 – 3150, 3246 & 3316 King Ave East – Land Use Contrary to Zoning** – A request to conduct a public forum for the proposed future use of these lots for public parking to the benefit of the County Detention Facility on the north side of King Avenue East. This use normally requires an application for special review approval. The County will not be submitting a special review. The County 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 within the Residential 15,000 (R-150) zoning district and is described as C/S 1334, Parcel 1 & Parcel 1A, and Cissel Acreage Tracts Subdivision Tract 2, a 13.047 acre parcel of land. Tax IDs: D01861, A19369 & D01862. Presented by Nicole Cromwell, Zoning Coordinator

### **RECOMMENDATION**

The Planning Division is recommending the Board conduct the public hearing and allow comment on the future County parking lot plans.

### **Discussion**

Question from Vice Chairman Terpstra-Miner regarding the parcel surrounded by the Facility and if eminent domain would be used in the future. Greg Erpenbach, Yellowstone County Faculties Department, answered that the County would not entertain the use of eminent domain but would purchase the property should it come up for sale.

### **Public Hearing**

Chairperson Miner opened the public hearing and asked if there was anyone wanting to speak regarding County Variance #284. There was none. Chairperson Miner closed the public hearing. No action is needed on County Variance #284.

### **Other Business**

The County Board of Adjustment will not be meeting in December. The next meeting will be January 12, 2017, if needed.

**The meeting was adjourned at 4:20p.m.**

**ATTEST: DRAFT TO BE APPROVED BY A MOTION**

**Jeannette Vieg, Planning Assistant**