

Yellowstone County Board of Adjustment Meeting Minutes April 13, 2017



DRAFT-To be approved at the next scheduled meeting

The County Board of Adjustment met on Thursday, April 13, 2017 in the 1st Floor Conference Room, of the Miller Building located at 2925 3rd 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	04/13/2017						
Bruce Reiersen	Board member	E	-	1	1	E	1	1						
Board member Poppler	Board member	1	-	E*	1	1	E	1						
Carlotta Hecker	Chairperson	1	-	E*	E	1	1	1						
Robert Bailey	Board member	E	-	1	1	E	E	1						
Vacant														

Chairman Hecker introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Tammy Deines, Planning Clerk

Others in Attendance: Jim Slehofer; Bruce Lackman

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:

Motion

The November 10, 2016 meeting minutes are approved as submitted 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.

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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.

Item #1 Return Item - County Variance #285 – Fire Rock Subdivision – Lot 7 –

A variance from 27-308 requiring a minimum lot area of 1 acre to allow a minimum lot area of .5 acres on proposed Lot 7, Block 1, Fire Rock Subdivision in an Agriculture Suburban (A-S) zone generally located at 1008 64th St West, Tax ID: D00406.

RECOMMENDATION

The Planning Division is recommending conditional approval of County Variance #285 and adoption of the findings of the 7 criteria.

Zoning Coordinator Cromwell referred to a plat map and oriented the Board to the proposed Lot 7, and stated only ½ acre is needed for the facilities. The facility maintenance for the storm water or the access could be addressed with the proposed conditions of approval:

- 1) Limited to the proposed Lot 7, Block 1 of Fire Rock Subdivision.
- 2) Limited to one .5-acre lot.
- 3) That the private easement on Chimney Rock Drive be modified to provide access to both the retention pond and dry hydrant for emergency personnel and maintenance personnel.
- 4) That the driveway now servicing the retention pond and dry hydrant be a dedicated public right-of-way, to be maintained by an RSID.
- 5) That lot 7 be dedicated to the public, including the dry hydrant and retention pond to be maintained by an RSID paid for by all lot owners of the subdivision.
- 6) The amended subdivision and the modifications required by conditions 3 through 5 will be completed within 18 months of Board of Adjustment approval.
- 7) Failure to begin or complete actions required will void the variance.
- 8) The conditions of the variance will 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 about the storm water flows. Nicole Cromwell indicated this is the retention area in the subdivision that is a private lot, and the remaining storm water drainage will be addressed in the parkland. In response to question by Board member Poppler, Nicole Cromwell explained the plat was redrawn after the preliminary plat submittal. She pointed out that there is an RSID in place to maintain the facilities. Board member Rierson asked if the variance is needed. Nicole Cromwell stated the original staff recommendation was for denial but since then, these issues have been addressed with the proposed conditions of approval. She said there is an inherent hardship with the land but the proposed facilities create a hardship, creating a need for the variance request.

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Public Hearing

At 4:18 p.m., Chairperson Hecker opened the public hearing and asked if there was anyone wanting to speak regarding County Variance #285. There was none. Chairperson Miner closed the public hearing and called for a motion.

Motion

Board member Rierson made a motion and it was seconded by Board member Bailey to conditionally approve County Variance #285 with the conditions presented by staff and the findings of the seven criteria.

Discussion

Chairperson Hecker called for discussion on the motion. Agent Jim Slehoffer explained the reason for the variance request is to address the liability for the owner of Lot 8.

The motion carried with a unanimous voice vote.

Other Business

Announcement: The Yellowstone County Board of Adjustment will not hold a meeting on May 11, 2017 due to a lack of applications. The next meeting will be held as legally announced and advertised.

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