



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, January 3, 2018 @ 6:00 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

Introduction of City Board of Adjustment Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of December 6, 2017.

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **Variance 1271 - 802/804 Lewis Avenue** - A variance from Section 27-308 requiring a minimum lot area of 9,600 square feet for 2 existing dwellings on an undivided parcel to allow a minimum lot area of 8,028 square feet in a Residential 7,000 (R-70) zone, on Lot 3 & that part of Lot 2 north of the alley, Block 1 of Rickman Subdivision, and the 5 feet of the abandoned adjacent alley on the west. The purpose of the variance is to allow the re-financing of an existing property and no construction or reconstruction is proposed at this time. Presented by: Karen Husman, Planner I

- b. **City Variance 1272 –802 Avenue B, 1420/1424 8th St West – Lot Area & Setback** - A variance from Section 27-308 requiring a minimum lot area of 7,000 square feet for a duplex to allow a minimum lot area of 6,201 square feet (proposed Lot 2B) and from 27-308 requiring a 15-foot front setback (8th St West) to allow a minimum front setback of 8 feet (proposed Lots 2B and 2A) in a Residential 6,000 (R-60) zone, on the east 87.5 feet of Lot 2, Block 1 of Algeo Subdivision. The purpose of the variance is to allow the subdivision of the property so the existing up/down duplexes can be sold separately. No construction or reconstruction is proposed at this time. Tax ID: A02167
Presented by: Karen Husman, Planner I

Other Business/Announcements

Adjournment

Information on the preceding item(s) may be obtained at the City-County Planning Division, 4th Floor of the Miller Building, 2825 3rd Ave North, Billings, MT 59101 or phone 247-8676. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony to Planning Division at the address above.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@ci.billings.mt.us

City Board of Adjustment

Meeting Date: 01/03/2018

Information

Subject

The minutes of the Board meeting of December 6, 2017.

Attachments

BBOA_2017_12_06_draft

CITY BOARD OF ADJUSTMENT

MINUTES December 6, 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	1	1	1	E	1	1
Dave Hagstrom	Board member	1	1	1	1	1	1	1	1	1	E	1	1
Paul Hagen	Board member	1	1	1	1	1	1	1	1	1	E	1	1
Frank Chesarek	Vice Chairman	1	1	E	1	1	1	1	1	1	1	1	1
Oscar Heinrich	Board member	1	1	E	1	1	1	1	1	E	1	1	1
Martin Connell	Board member	1	1	1	1	E	1	1	1	1	1	1	1
Mark Noennig	Chairman	1	1	1	E	1	E	1	1	1	1	1	1

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	1	3	1	1	1	1	23

Chairman Noennig 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: Mike Amenx

Public Comment

Chairman Noennig 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. Chairman Noennig closed the public comment period.

Approval Meeting Minutes

Board member Hagen made a motion for the approval of November 1, 2017 minutes. Board member Connell seconded the motion to approve. Minutes were approved by unanimous voice vote 7-0.

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.

Board member Chesarek disclosed he is familiar with Jean Neyrinck.

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 #1270**:

City Variance 1270 –204 Wyoming Avenue – Lot Area - A variance from Section 27-308 requiring a minimum lot area of 9,600 square feet for an existing two-family dwelling on an undivided parcel to allow a minimum lot area of 6,500 square in a Residential 7,000 (R-70) zone, on Lots 45 & 46, Block 15, West Side Subdivision, a 6,500 square foot parcel of land. The purpose of the variance is to allow the re-financing of an existing property and no construction or reconstruction is proposed at this time. Tax ID: A17948A

RECOMMENDATION

Planning staff has reviewed this variance and is forwarding a recommendation of conditional approval of the request based on the criteria for variances as presented within this report.

1. The variance is to allow an existing two-family dwelling a minimum lot area of 6,500 square feet in a Residential 7,000 zone. No other variance is intended or implied with this approval.
2. The variance is limited to a portion of Lots 45 & 46, Block 15, West Side Subdivision. Generally located at 204 Wyoming Avenue.
3. Any future re-construction of the existing structures will require compliance with other all other zoning regulations and city ordinances that apply at the time of re-construction.
4. 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.

Questions for Staff:

Board member Heinrich asked if this is a two family dwelling. This was deferred to the agent for answering.

Chairman Noennig **opened the public hearing at 6:07 PM** and asked if there was anyone wishing to speak in favor or against **City Variance #1270**.

Mike Amenx, 1040 Governors Blvd

Mr. Amenx stated that the dwelling is one big house added to and divided in 1930.

OPPOSED

None

Discussion

Board member Hagstrom inquired who is Jean Neyrinck? Staff stated that Jean Neyrinck is the owner under contract.

BOARD MEMBER Chesarek made a motion and BOARD MEMBER Bollman seconded the motion to approve **City Variance #1270**.

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 with conditions, City Variance #1270 passed 7-0.

The public hearing was closed at 6:10 PM.

Other business:

The next meeting will be on January 3, 2018.

The meeting adjourned at 6:11 PM.

ATTEST: DRAFT. To be approved by a motion January 3, 2017.



City Board of Adjustment

Meeting Date: 01/03/2018

SUBJECT: Variance # 1271- 802/804 Lewis Avenue

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

Variance 1271 - 802/804 Lewis Avenue - A variance from Section 27-308 requiring a minimum lot area of 9,600 square feet for 2 existing dwellings on an undivided parcel to allow a minimum lot area of 8,028 square feet in a Residential 7,000 (R-70) zone, on Lot 3 & that part of Lot 2 north of the alley, Block 1 of Rickman Subdivision, and the 5 feet of the abandoned adjacent alley on the west. The purpose of the variance is to allow the re-financing of an existing property and no construction or reconstruction is proposed at this time. Presented by: Karen Husman, Planner I

RECOMMENDATION

Conditional Approval.

APPLICATION DATA

OWNERS: Thomas J. Grimm

PURPOSE: To allow the re-financing of an existing property and no construction or reconstruction is proposed at this time

LEGAL DESCRIPTION: Lot 3 & that part of Lot 2 north of the alley, Block 1 of Rickman Subdivision and the 5 feet of the abandoned adjacent alley on the west.

ADDRESS: 802 & 804 Lewis Avenue

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

EXISTING ZONING: R-7000

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Subject Property – None

Surrounding Property – There have been six variance requests for reduced lot size for multiple units on a lot in the R-70 zone in the surrounding neighborhoods. Five of those variances were approved.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-70
Land Use: Residential and Residential multi-family
SOUTH: Zoning: R-70
Land Use: Residential
EAST: Zoning: R-70
Land Use: Residential
WEST: Zoning: R-70
Land Use: Residential and Residential multi-family

BACKGROUND

The applicant is requesting a variance from 27-308 requiring a minimum lot area of 9,600 square feet for 2 existing dwellings on an undivided parcel to allow a minimum lot area of 8,028 square feet in a Residential 7,000 (R-70) zone, on Lot 3 & that part of Lot 2 north of the alley, of Rickman Subdivision, Block 1, and the 5 feet of the abandoned adjacent alley on the west.

The lot is in an older part of Billings and most of the surrounding lots were developed before zoning regulations existed. There are properties in the area that have more than one dwelling unit on them. Some have obtained a variance while some of them have not. The property owner is requesting the variance to insure the ability to re-build either home should they be damaged beyond 50% of its replacement value at the time of the damage. This application was made at the request of a lending institution to complete re-financing. No rebuilding is being requested at this time.

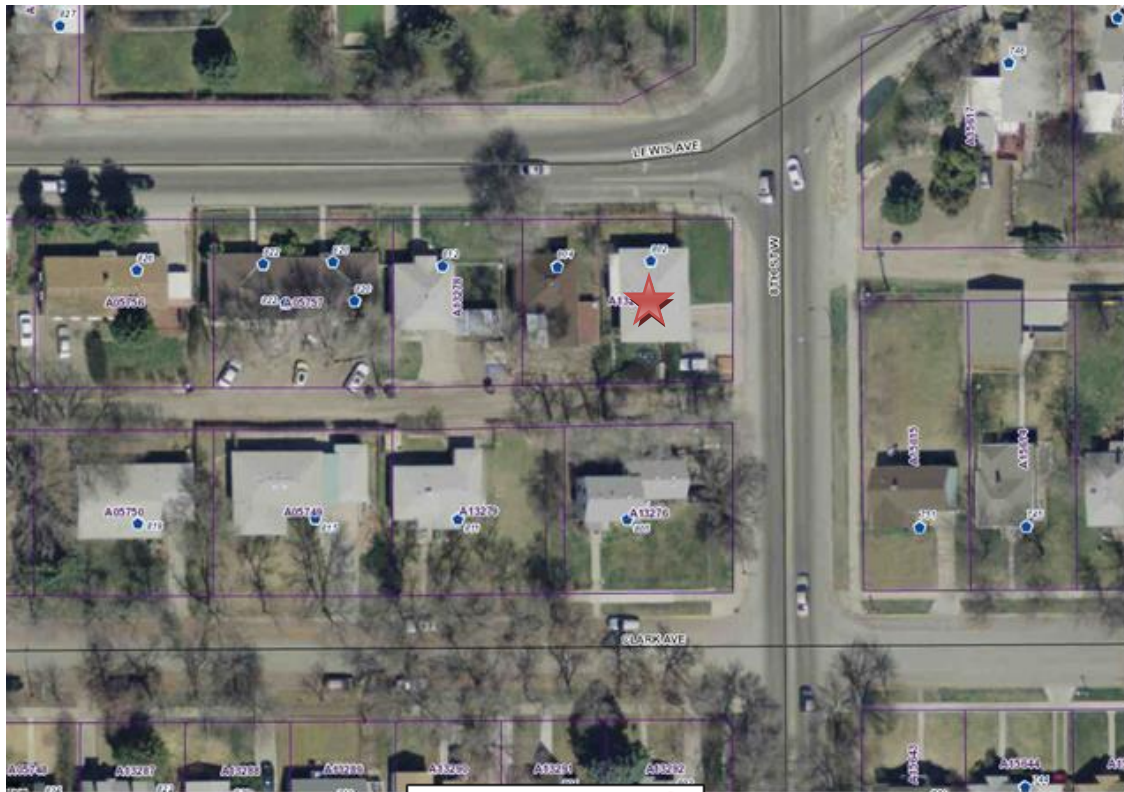
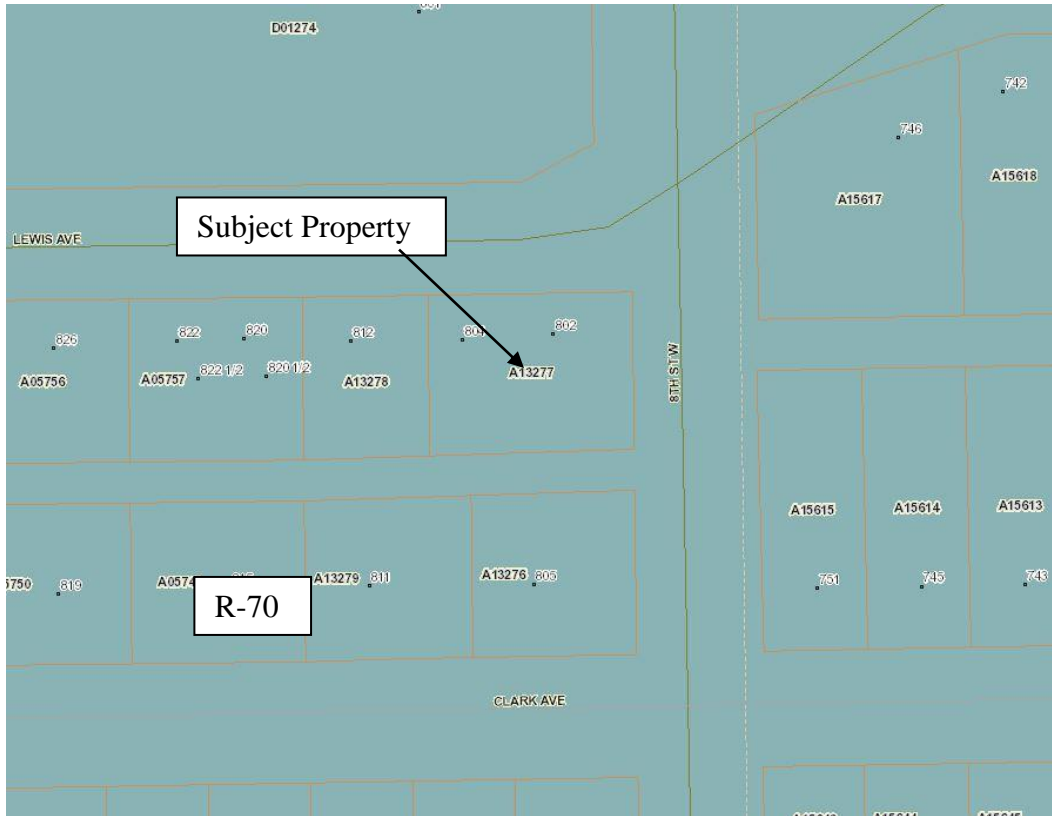
RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for variances provided within this report. Staff finds that the proposed variance would provide the applicant similar rights that are enjoyed by other property in the neighborhood. Similar variances have been granted in this area and there are similar development densities in the neighborhood.

Attachments

Zoning Map & Site Photos
Applicant Letter & Site Plan
Proposed Determinations

ATTACHMENT
Surrounding Zoning & Site Location



Subject property ★

ATTACHMENT
Site Photographs



Looking West subject property



Looking North on 8th St. W

ATTACHMENT
Site Photographs, Continued



Looking South



Looking West on Lewis

ATTACHMENT
Site Photographs, Continued



Looking east



Subject property from the alley

ATTACHMENT
Site Photographs, Continued



Looking West Subject property house 1



Looking South at house 2

ATTACHMENT



APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1271

Project #

PLANNING & COMMUNITY SERVICES DEPARTMENT

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings Zoning Regulations.

TAX ID # A13277

CITY ELECTION WARD # 3

Legal Description of Property: Rickman Sub, S05, T01S, R26E, Block 1, Lot 3 & Lot 2, N of Alley & 5th Av. Adj. Alley on W.

Address or General Location (If unknown, contact City Engineering): 802/804 Lewis Avenue.

Zoning Classification: Residential 7000

Size of Parcel (Area & Dimensions): 8028 sf.

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

Variance(s) Requested: allow current use of property with 2 single family residences as conforming use.

Facts of Hardship: if a structure were more than 50% destroyed the structure would not be permitted to be reconstructed under current zoning code.

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Thomas J Grimm
(Recorded Owner)
8435 Flagstone, Tampa FL 33615
(Address)
813 520 6644 tgrymm2258@gmail.com
(Phone Number) (email)

Agent(s):
(Name)
(Address)
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 11/28/2017
(Recorded Owner)

ATTACHMENT

Applicant Letter



December 1, 2017

Chairman, Board of Adjustment
City of Billings & Yellowstone County Planning Div.
2825 3rd Avenue North, 4th Floor
Billings, Montana 59101

RE: **Zoning Variance Application**
802/804 Lewis Avenue
Billings, Montana 59101

Dear Chairman,

I am requesting a Zoning Variance for a property I own at the above location. I am requesting the variance so that I may receive financing on this property.

The property is currently a legal, non-conforming use with two single-family homes on an 8,028 square foot (sf) lot under its zoning of R-7000. I do not have any intentions on making changes to the property other than regular maintenance and upkeep. However, I am in application of a mortgage on this property. My lender will not allow me to finance against this property with non-conformance to zoning. Therefore, I am requesting the variance to bring the property's current use into conformance with zoning and allow me to finance this property.

If you have any questions or concerns regarding this letter, please contact our office at (813) 520-6644

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Grimm", is written over a light blue circular stamp.

Thomas Grimm, PE
Owner



SPECIAL REVIEW #1271 DETERMINATIONS

The Board of Adjustment shall make the following determinations prior to granting a variance:

- 1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;**

There are no special conditions or circumstances with the land that create a hardship. In this situation, the structures were built prior to the current zoning requirements.

- 2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;**

The subject property is in a subdivision where most homes were built from 1920 forward. There have been many variances granted to date in the surrounding subdivisions. Denying the variance would deprive the applicant of rights commonly enjoyed by other tracts in the same district.

- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;**

Granting this variance would not confer a privilege to this applicant that others in the subdivision do not have. The variance will not allow the applicant any special privileges. Similar variances have been granted in the area and other properties are developed with smaller lot area without the benefit of a zoning variance.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

The variance is in harmony with the general purpose and intent of the zoning regulations and the growth policy.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Chapter;**

Staff is recommending the following conditions for the variance request:

1. The variance from 27-308 requiring a minimum lot area of 9,600 square feet for 2 existing single family dwellings to allow a lot area of 8,028 square feet in a Residential 7,000 (R-70) zone. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 3 & that part of Lot 2 north of the alley, Block 1 of Rickman Subdivision and the 5 feet of the abandoned adjacent alley on the west generally located at 802/804 Lewis Avenue.
3. Any future re-construction of the existing structure will require compliance with all other zoning regulations and city ordinances that apply at the time of re-construction.
4. 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.

- 6. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance; and**

The requested variance is to ensure the future opportunity to rebuild the existing structures. There is no proposal to rebuild at this time; therefore it is not appropriate to place a time limit on this variance approval.

- 7. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.**

The granting of this variance would not allow a use that is not already allowed in the zoning district – two single family dwellings on a single lot are allowed in the R-70 zone.



City Board of Adjustment

Meeting Date: 01/03/2018

SUBJECT: Variance #1272 - 802 Avenue B and 1420 & 1424 8th St. W.

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

City Variance 1272 –802 Avenue B, 1420/1424 8th St West – Lot Area & Setback - A variance from Section 27-308 requiring a minimum lot area of 7,000 square feet for a duplex to allow a minimum lot area of 6,201 square feet (proposed Lot 2B) and from 27-308 requiring a 15-foot front setback (8th St West) to allow a minimum front setback of 8 feet (proposed Lots 2B and 2A) in a Residential 6,000 (R-60) zone, on the east 87.5 feet of Lot 2, Block 1 of Algeo Subdivision. The purpose of the variance is to allow the subdivision of the property so the existing up/down duplexes can be sold separately. No construction or reconstruction is proposed at this time. Tax ID: A02167

Presented by: Karen Husman, Planner I

RECOMMENDATION

Conditional Approval.

APPLICATION DATA

OWNERS: Maxine P. Allman

AGENT: Clay Schwartz, Pinpoint Land Surreys, PLLC

PURPOSE: The purpose of the variance is to allow the subdivision of the property so the existing up/down duplexes can be sold separately

LEGAL DESCRIPTION: The east 87.5 feet of Lot 2, Block 1 of Algeo Subdivision

ADDRESS: 802 Avenue B and 1420 and 1424 8th St. W.

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

EXISTING ZONING: R-6000

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Subject Property –None

Surrounding Property – There have been 14 variance applications in the surrounding subdivisions. Of the variances, seven were for lot size/area (two were denied), six were for setbacks, and one was for lot coverage.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-60
Land Use: Residential & Residential Multi-Family
SOUTH: Zoning: CC
Land Use: Commercial Office
EAST: Zoning: R-60
Land Use: Residential & Residential Multi-Family
WEST: Zoning: R-60
Land Use: Residential

BACKGROUND

The applicant is requesting a variance from 27-308 requiring a minimum lot area of 7,000 square feet for a duplex to allow a minimum lot area of 6,201 square feet (proposed Lot 2B) and from 27-308 requiring a 15-foot front setback (8th St West) to allow a minimum front setback of 8 feet (proposed Lots 2B and 2A) in a Residential 6,000 (R-60) zone, on the east 87.5 feet of Lot 2, Block 1 of Algeo Subdivision.

Both of the structures were constructed in 1910, the lot is 13,050 square feet. The purpose of the variance is to allow the subdivision of the property so the existing up/down duplexes can be sold separately. This area of Billings has a great variety of housing types and business choices in the neighborhood. There are several multi-family developments within a few blocks of this property on lots less than required by the R-60 zoning. The Board of Adjustment has reviewed and approved several similar variances in the surrounding neighborhoods.

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

Attachments

Zoning Map & Site Photos
Applicant Letter & Site Plan
Determinations

ATTACHMENT
Site Photographs



Corner of 8th Ave & Avenue B



Looking South East toward the subject property

ATTACHMENT
Site Photographs



Looking North



Looking South Toward the North house

ATTACHMENT
Site Photographs, Continued



Looking south toward the duplex requesting the variance for lot size



Looking west

ATTACHMENT
Applicant Letter



Clay Schwartz, PLS
Licensed in Montana, Wyoming,
Idaho, Washington and Oregon

4820 McGirl Road
Billings, MT 59105

(406) 373-9856
Toll Free Fax: (866) 589-8277
pinpointlandsurveys@gmail.com

December 4, 2017

RE: Allman Property Zoning Variance

Dear Chairperson of the Board of Adjustment:

On behalf of my client and landowner, Maxine Allman, I am writing you to request a variance from the City of Billings Zoning Code on property at the southwest corner of Avenue B and 8th Street West.

Ms. Allman purchased the subject property in the early 1980's. The property consists of a single 13,201 square foot tract of record with two duplex structures upon it. These structures were built in 1910 and upon establishment of the zoning code became non-conforming to the Residential 6000 zone. Specifically, the structures do not meet the front setback requirement of 15 feet and the tract does not meet area requirement of 14,000 square feet. Therefore, we are requesting a variance from these non-conforming issues.

Ms. Allman would like to subdivide the property and sell the southerly duplex structure. The property will be divided to bring the north lot into conformance to the area requirement by creating a 7000 square foot lot. These would leave the remaining southerly lot at a non-conforming 6201 square feet. This southerly lot would be adjoined on its south boundary with property along the north side of Grand Avenue which is zoned Community Commercial. At this time there will be no new construction or change in use on either of the new lots.

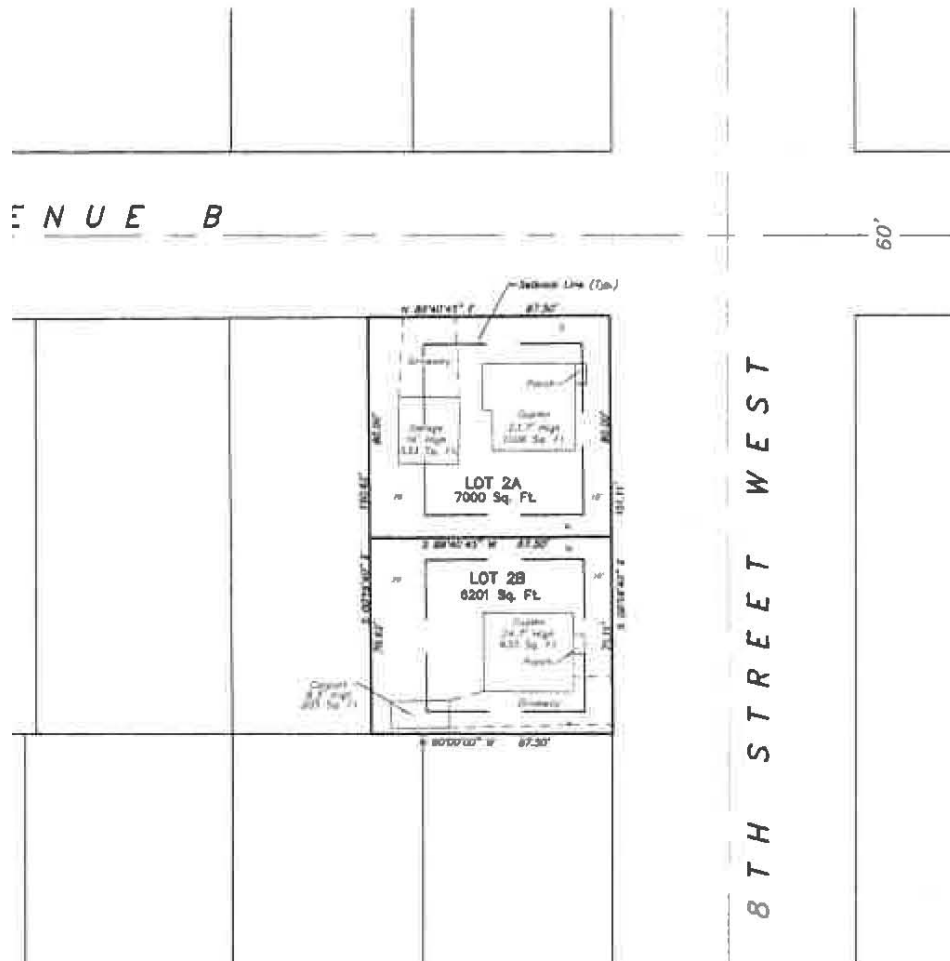
Thank you for your consideration of this zoning variance. Ms. Allman and I will be in attendance at the January 4, 2018 hearing. Should any further questions arise regarding this request, we will be happy to answer them at the hearing.

Sincerely,

Pinpoint Land Surveys, PLLC
Clay Schwartz, PLS

Maxine P. Allman, Landowner

ATTACHMENT
Site Plan



CITY VARIANCE # 1272 DETERMINATIONS

The Board of Adjustment shall make the following determinations prior to granting a variance:

- 1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;**

There are not any special circumstances that exist in this situation other than the lot is less than required for current zoning requirements and the structures were built in 1910, before the current zoning was in place.

- 2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;**

The subject property is in a subdivision where most development occurred in the early 1900s. There are at least 18 properties in the immediate neighborhood with less than the required lot area for multiple dwelling units. Some have received variance approval and some have not. Similar variances have been granted in the neighborhood. Denying the variance would deprive the applicant of rights commonly enjoyed by other tracts in the same district.

- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;**

The variance will not allow the applicant any special privileges. Similar variances have been granted in the area and other properties are developed with smaller lot area without the benefit of a zoning variance.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

The variance is in harmony with the general purpose and intent of the zoning regulations and the growth policy.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Chapter;**

Staff is recommending the following conditions for the reduction in minimum lot size variance request:

1. The variance is to decrease the minimum lot size from 7,000 square feet to 6,201 square feet for an existing duplex dwelling and from a 15-foot front setback (8th St West) to allow a minimum front setback of 8 feet (proposed Lots 2B and 2A) in a Residential 6,000 (R-60) zone. No other variance is intended or implied with this approval.
2. The variance is limited to east 87.5 feet of Lot 2, Block 1 of Algeo Subdivision, generally located at 1420 and 1424 8th St. W.
3. Any future re-construction of the existing structure will require compliance with other all other zoning regulations and city ordinances that apply at the time of re-construction.
4. 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.

- 6. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance; and**

No time limit is required since no construction is planned at this time.

- 7. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.**

The granting of this variance would not allow a use that is not allowed in the zoning district – two-family dwellings are allowed in the R-60 zone.