

**Yellowstone County Board of Adjustment
Meeting Minutes, May 10, 2018
Approved by a Motion-November 8, 2018**



The County Board of Adjustment met on Thursday, May10, 2018 in the 1st Floor Conference Room, of the Miller Building located at 2925 3rd Avenue North. Chairperson Boucher called the meeting to order at 4:00 p.m.

Name	Title	03/08/2018	05/10/2018								
Blaine Poppler	Vice Chair	1	1								
Carlotta Hecker	Board member	1	1								
Troy Boucher	Chairman	1	1								
Vacant		-	-								
Vacant		-	-								

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

Others in Attendance: Stacy Ott

Public Comments: There were no public comments.

Approval of Minutes March 8, 2018

Motion

Board member Hecker made a motion and Board member Poppler seconded the motion to approve the March 8, 2018 meeting minutes as submitted. The motion passed with a unanimous voice vote.

Disclosure of Conflict of Interest: There were no disclosures of conflict of interest.

Disclosure of Exparte Communication

There were no disclosures of exparte communication from the Board.

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.

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Item #1: County Variance County Variance 288-6500 Cold Stone-Detached Structure Size, Nicole Cromwell, Zoning Coordinator, presenting.

REQUEST

County Variance 288 – 6500 Cold Stone – Detached Structure Size – A variance from 27-310(i) requiring a maximum detached accessory structure footprint not exceed 1,500 square feet to allow a maximum footprint of 5,000 square feet in a Residential 15,000 (R-150) zone on Lot 3, Block 1 of Cold Stone Estates Subdivision, a 5.659-acre parcel of land. A previous variance (Var #245) to allow 5,000 square foot detached structures was previously granted for all lots in Cold Stone Estates Subdivision but expired in 2012. Tax ID: C15294 Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

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:

1. The variance is to increase in the allowable footprint area for 1 (one) detached garage from 1,500 sf to 5,000 sf and no other variance is intended or implied.
2. The variance is limited to Lot 3, Block 1 of Cold Stone Estates Subdivision at 6500 Cold Stone Lane.
3. The new detached garage will be built in substantial conformance with the submitted site plans. Minor deviations that do not create a violation of another zoning or building requirement are acceptable.
4. There will be no construction prior to 7 am or after 8 pm daily.
5. The applicant will obtain a Zoning Compliance Permit in accordance with the approved variance within 6 months of Board approval.
6. Construction on the approved detached garage will be completed within 3 years of Board approval.
7. 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.

Staff is recommending the applicant obtain an approved Zoning Compliance Permit within 6 months and the structure be completed within 3 years of Board approval.

BACKGROUND

This is a variance request from Section 27-310(i) to increase the maximum allowed size of a detached accessory structure from 1,500 square feet to a maximum of 5,000 square feet in a Residential 15,000 zone for property generally located at 6500 Cold Stone Lane. In 2005, the County Board of Adjustment approved this variance for all the lots in the proposed Cold Stone Subdivision. One condition of approval was to "sunset" the variance in February 2012 for any of the lots without an oversized barn as of that date. The subject property is one of these lots.

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The primary purpose of the original variance application was to allow lot owners the opportunity to have over-sized accessory buildings for the keeping of livestock animals such as horses and for storing personal and recreational vehicles. The subdivision has covenants and restrictions for each of the lots that provide restrictions on the types of animals that may be kept in the barn, an architectural control committee that will oversee the design of the barns and restrictions to prevent use of the structures for businesses. The zoning code dictates that lots of this size may only have a detached accessory structure of 1,500 square feet or less and only if a principal structure (single family home) exists or will exist on the property. There are several surrounding properties that have over-sized detached accessory structures including property at 6405 Colton Blvd (2,160 sf), 2205 & 2403 66th Street West (2,000 sf each), 2505 66th St West (2,400 sf), 6500 Colton Blvd (2,050 sf), 6303 Grand Avenue (2,276 sf & 1,050 sf), 1812 66 th Street West (1,665 sf) (2,050 sf), 6303 Grand Avenue (2,276 sf & 1,050 sf), 1812 66 th Street West (1,665 sf) and 1724 66th Street West (1,280 sf & 1,200 sf). These surrounding properties did not receive zoning variances and are located in the same zoning district.

The Planning Division has reviewed this variance and is recommending conditional approval as described in the proposed findings of the 7 criteria (attached). Staff believes the applicant has not demonstrated a hardship that is peculiar to this lot or that special circumstances or conditions exist on this lot. The covenants and restrictions for the subdivision require all outdoor or recreational equipment be stored within a structure. This is a condition not enforceable by the County but does apply to all of the lots in the subdivision. The owner states the number and sizes of the recreational equipment makes the maximum area allowed -3,000 sf in 2 structures of 1,500 sf each - too small to comply with the covenant. However, granting of this variance would not be granting the applicant a special privilege that is not enjoyed by other homes in this subdivision or surrounding subdivisions. Several properties have existing agricultural buildings that are larger in square footage than 1,500 square feet and most are zoned R-150. Previous variances (since 1999) have been granted for over-sized barns or garages on property zoned R-150. The Board of Adjustment has allowed larger detached structures where the applicant demonstrated an agricultural or similar storage need.

Discussion

Chairperson Boucher called for questions and discussion from the members of the Board. Board member Hecker requested clarification on the garage location and Ms. Cromwell stated the garage will be located behind the house. Board member Poppler asked if staff received any public response to the mailing or property posting. Ms. Cromwell said there has been no public input on this variance request. Board member Hecker noted the plan for an additional lean-to which is not mentioned in the covenants. Ms. Cromwell stated Planning does not enforce Covenants and Restrictions but will enforce the lot area requirements per the zoning.

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Public Hearing**



Chairperson Boucher opened the public hearing and asked if there is anyone wishing to speak in favor or against County Variance #288.

Stacy Ott, 6500 Coldstone Lane, Billings, Montana

Board member Poppler asked Mr. Ott if the other two barns in this subdivision have lean-to coverage. Mr. Ott replied and said one of the structures in the subdivision has a lean-to and for the most part, the structure will be buffered by trees. He said the neighbors are aware of this application and in favor of this request.

Chairperson Boucher asked if there is anyone else wishing to speak in favor or against County Variance #288. There was none. Chairperson Boucher closed the public hearing at and called for a motion.

Motion

Board member Hecker made a motion and it was seconded by Board member Poppler to conditionally approve County Variance #288 based on the proposed findings of the 7 criteria as presented by staff.

Name	FAVOR	AGAINST	ABSTAIN
Board member Poppler	1	-	-
Board member Hecker	1	-	-
Board member Boucher	1		

The motion carries 3-0. County Variance #288 is approved.

Other Business/Announcements

- **Announcement:** The June 14, 2018 Yellowstone County Board of Adjustment meeting is cancelled due to a lack of applications. The next meeting will be held as legally announced and advertised.

Adjournment: Adjourned 4:15 pm.

APPROVED BY A MOTION NOVEMBER 8, 2018

