



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, February 6, 2019 @ 6:00 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

CANCELLATION NOTICE

DUE TO A LACK OF ADGENDA ITEMS, THE CITY BOARD OF ADJUSTMENT MEETING SCHEDULED FOR WEDNESDAY, FEBRUARY 6, 2019 IS CANCELLED. THE NEXT MEETING WILL BE HELD AS LEGALLY ANNOUNCED AND ADVERTISED ON TUESDAY, MARCH 6, 2019.

THANK YOU!

DELAYED: Approval of Minutes:

The minutes of the Board meeting of December 5, 2018.

Regular Business:

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

Cancellation Notice-City Board of Adjustment

Meeting Date: 02/06/2019

Information

Subject

The minutes of the Board meeting of December 5, 2018.

Attachments

BBOA_2018_12_05_draft

CITY BOARD OF ADJUSTMENT

MINUTES December 5, 2018

Name	Title	0	0	0	0	0	0	0	0	0	0	1	1	1
		1	2	3	4	5	6	7	8	9	0	1	2	2
		/	/	/	/	/	/	/	/	/	/	/	/	/
		0	0	0	0	0	0	1	0	0	0	0	0	0
		3	7	7	4	2	6	1	1	5	3	8	5	5
		/	/	/	/	/	/	/	/	/	/	/	/	/
		2	2	2	2	2	2	2	2	2	2	2	2	2
		0	0	0	0	0	0	0	0	0	0	0	0	0
		1	1	1	1	1	1	1	1	1	1	1	1	1
		8	8	8	8	8	8	8	8	8	8	8	8	8
David Mitchell	Member	1	1	1	E	1	E	1	-	1	1	E	1	
Dave Hagstrom	Member	1	1	A	1	1	1	1	-	1	1	1	E	
Paul Hagen	Member	1	1	E	1	1	1	1	-	1	E	E	1	
Frank Chesarek	Member	1	E	1	E	E	E	1	-	E	E	E	E	
Oscar Heinrich	Member	1	1	1	1	1	1	E	-	1	1	1	1	
Martin Connell	Member	1	1	1	1	1	1	1	-	E	E	1	1	
Mark Noennig	Chair	1	1	1	1	1	1	E	-	1	1	1	1	

TOTAL NUMBER OF APPLICATIONS 2018	0	0	0	0	0	0	0	0	0	1	1	1	T
	1	2	3	4	5	6	7	8	9	0	1	2	O
	/	/	/	/	/	/	/	/	/	/	/	/	T
	0	0	0	0	0	0	1	0	0	0	0	0	A
	3	7	7	4	2	6	1	1	5	3	8	5	L
	/	/	/	/	/	/	/	/	/	/	/	/	
	2	2	2	2	2	2	2	2	2	2	2	2	
	0	0	0	0	0	0	0	0	0	0	0	0	
	1	1	1	1	1	1	1	1	1	1	1	1	
	8	8	8	8	8	8	8	8	8	8	8	8	
Variance	2	2	3	2	3	1	1	-	1	2	3	1	21

Chair 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; and Robbin Bartley, Administrative Support.

Attending: Scott Reiter, Mike Harper, Cynthia Harper, Shane Swandal, John Malloy

Public Comment

Chair Noennig opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting.

Approval Meeting Minutes

Member Heinrich made a motion for the approval of November 8, 2018 minutes. Member Connell seconded the motion to approve. Minutes were approved by unanimous voice vote 5-0.

Disclosure of any Conflict of Interest, Ex Parte Communications and Site Visits

A form has been implemented for any disclosures. If any 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 and presented **City Variance 1290**.

City Variance 1290 – 1775 High Sierra Blvd – Skyview High School – Land Use Contrary to Zoning - A public forum to gather comment on an installed solar voltaic array installed within the required 10-foot side adjacent to street setback (Sec. 27-309). The solar array was re-located during field installation due to underground utilities. *The City Board of Adjustment has no power to approve, deny or attach 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 Lot 1, Block 45 of High Sierra Subdivision, 1st Filing a 44.597 acre parcel of land and is zoned Public. Tax ID A27113

Recommendation:

Staff recommends the Board conduct the public hearing and gather public input.

Scott Reiter, Billings Public Schools, 101 10th Street West

Mr. Reiter explained the construction of the solar array as helping with electrical costs and educational purposes. There is a 6 inch irrigation pipe buried 6 foot deep at this location making it necessary to move the entire structure closer to the property line.

Member Mitchell asked if there are concerns about students throwing things on the panels and damaging them. At the rear the array is 11 feet high and does not rotate. It is a 50kw system that was purchased thru a grant from Northwestern Energy. Senior High is also a recipient and application is being submitted for West High.

Public Hearing open: 6:13 P.M.

Mike Harper, 1141 Siesta Drive

Mr. Harper and his wife Cynthia live directly across the street from the array. The area was grass and trees and now is gravel with an unsightly cyclone fence. He sees the structure of support and wiring. He is concerned this has lowered his property value. He expressed concerns regarding snow removal in this area.

Member Connell asked Mr. Harper what his solution to this might be. Mr. Harper would like to see the array taken down and perhaps placed on the roof.

John Malloy, 1025 Picador Way

Mr. Maloy expressed concerns with the safety of the array. Is the integrity of the fence secure to protect against electrocution.

Rebuttal

Mr. Reiter explained the size of the solar array is the same as Senior High. Placing it on the roof of Skyview is much more, has access difficulties and is more wear and tear to the roof. The power is located in a locked box, it is DC power and he has no concerns about electrocution. The district is not concerned with snow removal, they have the necessary equipment to do the job.

Member Connell asked if the District had contacted the neighbors before construction and asked for input. Mr. Reiter confirmed the neighbors had not been consulted. Member Connell is very critical of that approach.

Member Heinrich asked how many acres the school inhabits. 37 acres.

Other business: There will not be a January meeting as there were no applications submitted.

Public meeting closed: 6:25 P.M.

The meeting adjourned at 6:26 PM.

ATTEST: DRAFT. To be approved by a motion at the next scheduled meeting.