

**CITY BOARD OF ADJUSTMENT**

MINUTES April 3, 2019

Name	Title	0	0	0	0	0	0	0	0	0	0	1	1	1
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David Mitchell	Member	-	-	-	E									
Dave Hagstrom	Member	-	-	-	1									
Paul Hagen	Member	-	-	-	1									
Jeff Bollman	Member	-	-	-	1									
Oscar Heinrich	Member	-	-	-	1									
Martin Connell	Member	-	-	-	1									
Mark Noennig	Chair	-	-	-	1									

TOTAL NUMBER OF APPLICATIONS 2019	0	0	0	0	0	0	0	0	0	0	1	1	1	T
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	1	1	1	1	1	1	1	1	1	1	1	1		
	9	9	9	9	9	9	9	9	9	9	9	9		
Variance	-	-	-	1										

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 3<sup>rd</sup> 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:** David Smith, Bill Hanser

**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 December 5, 2018 minutes. Member Hagen seconded the motion to approve. Minutes were approved by unanimous voice vote 6-0.

**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 1291**.

**City Variance – 1291 – 100 Brookshire Blvd. Bldg 2, Unit 1 – Sign Area Variance** - A variance from BMCC **Section 27-705(b)** requiring a maximum sign area of 32 square feet to allow a maximum sign area of 116 square feet in a Residential Professional (RP) zone, in the Brookshire Commons Condominiums, Unit 7 (6,011 square feet), on Lots 1-4 Brookshire Sub a 3.66 acre parcel of land. The purpose of the variance is to allow the installation of a sign of 116 sf in an RP Zone. Tax ID: A34229G

**Recommendation:**

Staff recommends conditional approval of the proposed variances.

**Staff proposes the following conditions of approval:**

- 1. The variance is from 27-705(b) requiring a maximum sign area of 32 square feet for wall sign to a maximum sign area of 58 square feet. No other variance is intended or implied with this approval.**
- 2. The variance is limited to Brookshire Commons Condo, Unit 1. The sign must be constructed in substantial compliance as shown on the submitted site plan and meet all other zoning and building code requirements where applicable.**
- 3. The proposed sign may be illuminated however, no electronic message display (EMD), traveling, blinking, flashing or variable illumination of the sign is allowed. The proposed sign will be located and oriented in substantial conformance with the submitted site plan.**

4. **The sign permit, and any additional permits required, shall be obtained within 2 months of Board of Adjustment (BOA) approval and the sign must be installed within 6 months of BOA approval.**
5. **Failure to meet the requirements of these conditions within the time limits prescribed herein shall void the variance.**
6. **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:**

Member Hagen asked if the neighboring sign is 57 square feet. Staff confirmed 57 almost 58 square feet.

Member Heinrich asked if staff had received any objections. Staff indicated no objections.

Member Hagstrom asked if there is other signage in this area. Staff was unable to see it.

Staff pointed out the “blue water drop” logo on the sign is included in the 116 square feet

Member Heinrich asked what they were allowed to have. Staff replied 32 square feet.

Staff explained the measuring process.

**Chair Noennig appointed Dave Hagstrom, Pro Tem Chair. He has represented Bill Hansen in other situations.**

Pro Tem Chair Hagstrom opened the public hearing at 6:11 PM and asked if there was anyone wishing to speak in favor or against **City Variance #1291**.

**Bill Hanser, Hanser Capital Holdings, LLC**

He is the owner and developer. He explained the need for signage.

Member Bollman stated the visibility from the street is not there. He also noted this is a destination and advertising is not necessary.

**Daniel Smith, Pure Infusion Suites of Billings, Agent**

Persons with chronic services are serviced in our facilities with an excellent quality experience.

The request is to make an aesthetic sign. People need to know there is an infusion center in Billings.

The hospital is not the only option. Thus the need for this sign.

**Close hearing at 6:25pm**

Pro Tem Chair Hagstrom made a motion to approve and Member Bollman seconded the motion to **approve City Variance #1291**.

Member	Yes	No	Not Present
David Mitchell			X
Dave Hagstrom		X	
Paul Hagen	X		

Jeff Bollman	X		
Oscar Heinrich	X		
Martin Connell	X		
Mark Noennig			Recused

The motion to approve **City Variance #1291**, passed 4-1

**Other Business:**

Election of 2019 Chair and Vice Chair

Board Member Connell motioned to hold elections next month and Board Member Connell seconded, all were in favor.

**The meeting adjourned at 6:34 PM.**

**ATTEST: DRAFT. To be approved by a motion May 1, 2019.**