

**CITY BOARD OF ADJUSTMENT**

MINUTES May 1, 2019

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

TOTAL NUMBER OF APPLICATIONS 2019	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
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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	1								2

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:** Christian Helland, Vonda Sorenson

**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 April 3, 2019 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 1292**.

**City Variance 1292 – 432 (434) Alderson Avenue – Lot Area, setbacks & lot coverage** - A variance from Section 27-308 requiring a minimum lot area of 9,600 square feet for two (2) dwelling units to allow a minimum lot area of 7,000 square feet: from 27-308 requiring a twenty (20) foot rear setback to allow a minimum of six foot six inches (6’6”); from 27-308 requiring a minimum side setback of 5 feet to allow a side setback of two feet six inches (2’6”); and from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 48%; in a Residential 7,000 (R-70) zone, on Lots 30 & 31 Block 34, Suburban Homes Addition, a 7,000 square foot parcel of land. The purpose of the variance is to allow the existing duplex to remain on the lot and to obtain a rebuild letter for financing purposes. Tax ID: A15179

**Recommendation:**

Staff recommends conditional approval of the proposed variance.

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

- 1. The variance is to allow a minimum lot area of 7,000 square feet: a 6’6” foot rear setback a side setback of 2’6”; and a maximum lot coverage of 48% No other variance is intended or implied with this approval.**
- 2. The variance is limited to Lots 30 & 31 Block 34, Suburban Homes Addition, generally located at 432 (434) Alderson Avenue.**
- 3. The applicant shall meet all other city code requirements with the exception of this variance.**
- 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:**

Member Heinrich asked how many total tenants live there and is it being taxed as a duplex. Where do they park?

Chair Noennig **opened the public hearing at 6:10PM** and asked if there was anyone wishing to speak in favor or against **City Variance #1292**.

**Christian Helland, 53C Beauperch Ave, Bozeman, owner**

This Variance request is to obtain a rebuild letter for financing. It is a duplex. There is a garage, carport and 2 other parking spaces.

**Vanda Sorenson 139 Avenue C, Billings, MT**

Why isn't he occupying the premise. Staff indicates we don't regulate tenancy. Chair Noennig stated his occupancy has no bearing on this Variance.

**Rebuttal**

One occupant needs to move and I will move in.

**Close hearing 6:18 pm**

Member Hagstrom made a motion to approve and Member Hagen seconded the motion to **approve** **City Variance #1292 with staff recommendations**.

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	X		

The motion to approve **City Variance #1292**, passed 5-0.

**Other Business:** Nomination of 2019 Chair and Vice Chair

**Nominate chair:** Board member Connell nominated Mark Noennig.

Board member Hagen nominated Oscar Heinrich. Board member Heinrich recuses, due to personal obligations.

**Nominate vice chair:** Board member Connell nominates Paul Hagen  
Board member Heinrich nominates Jeff Bollman.

Paul Hagen withdraws.

Mark Noennig is Chair. Jeff Bollman is Vice chair.

Nicole Cromwell advises the Board about the displayed Re:Code hand outs and States the conclusion to Rezone is near.

**The meeting adjourned at 6:23 PM.**

**ATTEST: APPROVED by a motion June 5, 2019.**

