

CITY BOARD OF ADJUSTMENT

MINUTES September 4, 2019

Name	Title	01/02/2019	02/06/2019	03/06/2019	04/03/2019	05/01/2019	06/05/2019	07/03/2019	08/07/2019	09/04/2019	10/02/2019	11/06/2019	12/04/2019	
David Mitchell	Member	-	-	-	E	E	E	1	1	1				
Dave Hagstrom	Member	-	-	-	1	1	1	1	1	1				
Paul Hagen	Member	-	-	-	1	1	1	E	E	E				
Jeff Bollman	Member	-	-	-	1	E	1	E	E	E				
Oscar Heinrich	Member	-	-	-	1	1	1	1	1	1				
Martin Connell	Member	-	-	-	1	1	1	1	E	E				
Mark Noennig	Chair	-	-	-	1	1	1	1	1	1				
TOTAL NUMBER OF APPLICATIONS 2019		01/02/2019	02/06/2019	03/06/2019	04/03/2019	05/01/2019	06/05/2019	07/03/2019	08/07/2019	09/04/2019	10/02/2019	11/06/2019	12/04/2019	TOTAL
Variance		-	-	-	1	1	2	2	3	2				11

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; Karen Husman, Planner I and Robbin Bartley, Administrative Support.

Attending: Mike & Janna Myers, Emarie Skelton

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

Meeting minutes for the August 7, 2019. **Member Heinrich motioned to approve the August 7, 2019 minutes, Member Mitchell seconded. All voted in favor.**

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.

City Variance 1300 – 109 South 35th Street – Lot size - A variance from Section 27-308 requiring a minimum lot size of 13,000 square feet to allow minimum lot size of 7,000 square feet in a Residential-6000 (R-60) zone, on Block 7, Lot 16-17 of Yegen Second Addition Sub., a 7,000 square foot parcel of land. The purpose of the variance is to allow 3 dwelling units on this parcel. Tax ID: A18805

City Ward 1

Recommendation:

Staff recommends denial of the proposed variance.

Questions for Staff:

Chair Noennig asked the reason for withdrawal. Staff replied the applicant felt in light of the upcoming recode changes, withdrawal at this time is requested.

Motion: Member Heinrich made a motion to accept the withdrawal and Member Hagstrom seconded the motion to withdraw City Variance #1300.

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 accept withdrawal of **City Variance #1300**, passed 4-0.

City Variance 1301 – 1302 Jean Avenue – Lot Coverage - A variance from Section 27-308 requiring a maximum of 30 % lot coverage to allow 34% for a new single family dwelling in a Residential -7000 (R-70) zone, on Block 9, Lot 1 of Emma Jean Heights Sub., 3rd Filing, a 9,917 square foot parcel of land. The purpose of the variance is to allow a larger home on the property. Tax ID: A36352, City Ward 2

Recommendation:

Staff recommends denial of the variance.

Questions for Staff:

Chair Noennig asked what the proposed new zoning is for this property. Staff replied, if adopted the new code would allow 35 percent lot coverage but reminded the board it is not approved yet.

Chair Noennig **opened the public hearing at 6:11 PM** and asked if there was anyone wishing to speak in favor or against **City Variance #1301**.

Mike Myers, 720 Kenya Street, Billings, MT 59106

There is a mistake in percentages listed on the application, instead of 34 percent it should be 32 percent. Member Hagstrom confirmed he knew the lot size and you knew the zoning- Mr. Myers said he did not know. Did you try to reconfigure the house to make the 30 percent. Mr. Myers wants to cover the patio. Chair Noennig asked what would cutting down the rooms entail? Mr. Myers indicated 2 bedrooms instead of 3 bedrooms, and a smaller garage. Chair Noennig asked if staff had received any neighbor protests. None were received.

Rebuttal

Close hearing 6:16 PM

Member Mitchell asked what happens if this application is denied and when can they reapply. Not sooner than 1 year for reapplication. Member Heinrich asked what is the timeline of the new zoning. Nicole Cromwell stated an ambitious schedule would make it effective January 2020.

Motion. Member Hagstrom made a motion to **deny** and Member Heinrich seconded the motion to **deny City Variance #1301**.

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 deny **City Variance #1301**, passed 4-0.

Other Business: 1 variance for next month.

The meeting adjourned at 6:21 PM.

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

Robbin Bartley, Administrative Assistant