

CITY BOARD OF ADJUSTMENT

MINUTES December 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	-	E	1	
Dave Hagstrom	Member	-	-	-	1	1	1	1	1	1	-	1	1	
Paul Hagen	Member	-	-	-	1	1	1	E	E	E	-	1	1	
Jeff Bollman	Member	-	-	-	1	E	1	E	E	E	-	E	E	
Oscar Heinrich	Member	-	-	-	1	1	1	1	1	1	-	1	E	
Martin Connell	Member	-	-	-	1	1	1	1	E	E	-	1	1	
Mark Noennig	Chair	-	-	-	1	1	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	-	2	1	14

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 Tamara Deines, Planning Clerk.

Attending: Jeremy & Mindy McCune; Samantha Schmitt

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. There was none.

Approval of Meeting Minutes

Meeting minutes for November 6, 2019

Motion

Board Member Heinrich moved and Board Member Mitchell seconded the motion to approve the November 6, 2019 minutes with corrections submitted by Board member Noennig. The motion carried with a unanimous voice vote.

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

A form has been implemented for disclosures. If any Member circled yes to a Conflict of Interest or Ex Parte Communication, it will be explained here. There was none. Site Visits were conducted by Board member Mitchell, Board member Heinrich, and Board member Hagstrom.

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.

Item #1 City Variance – 1304 – 711 N 15th Street – Lot size and setbacks - A variance from Section 27-308 requiring a minimum lot area of 13,000 square feet for a single family dwelling and a duplex dwelling to allow a minimum lot area of 7,500 square feet: from 27-308 requiring a three (3) foot side setback to allow a minimum of 2.5 feet and 1.3 feet, in a Residential-6000 (R-60) zone, on Block 2, lot 47-48, North Park Subdivision a 7,500 square foot parcel of land. The purpose of the variance is to allow an existing duplex and single-family dwelling and two out buildings to remain on the property, a rebuild letter would be required. Tax ID: A12069

REQUEST

Variance 1304 - 711 N 15th St - Lot Area and Setbacks. This is a variance request from Section 27-308 requiring a minimum lot area of 13,000 square feet for a single family dwelling and a duplex dwelling to allow a minimum lot area of 7,500 square feet: from 27-308 requiring a three (3) foot side setback to allow a minimum of 2.5 feet and 1.3 feet, in a Residential-6000 (R-60) zone, on Block 2, lot 47-48, North Park Subdivision a 7,500 square foot parcel of land. The purpose of the variance is to allow an existing duplex and Single-family dwelling and two out buildings to be rebuilt on the site in the future.

Presented by; Karen Husman, Planner I

RECOMMENDATION

Staff recommends conditional approval of the variance.

1. The variance is to decrease the minimum lot area for a single family dwelling and a duplex dwelling to allow a minimum lot area of 7,500 square feet, to allow a minimum of 2.5 feet and 1.3 feet side setbacks. No other variance is intended or implied with this approval.
2. The variance is limited to Block 2, lot 47-48, North Park Subdivision, generally
The variance is limited to Block 2, lot 47-48, North Park Subdivision, generally located at 711 N. 15th Street.

3. The applicant shall meet all other city code requirements in making any modifications to the structures 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, leaseholders, heirs and assigns.
5. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance; and No building permits are required as the buildings are existing. However, future improvements or remodeling of the structures may require building or other City permits.
6. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district. The granting of this variance would not allow a use that is not allowed in the zoning district – residential single family and two family dwellings are allowed in the R-60 zone.

Discussion

Chair Noennig called for questions and discussion from the members of the Board. Ms. Husman stated the applicants are not intending to expand or enlarge the structures and have applied for this variance for purpose of obtaining a loan.

Public Hearing

Chairman Noennig opened the public hearing at 6:11 PM and asked if there was anyone wishing to speak in favor or against City Variance #1304.

Jeremy McCune, 6908 Kirby Road, Shepherd, Montana

Mr. McCune stated they purchased this property a year ago and the lender notified them of the need to comply with the zoning. He said this request is for lending purposes and to allow the structure to be rebuilt if it is destroyed. In response to question by Board member Hagstrom, explanation was given that there is no other requirement than the variance. The R-6000 classification does not allow for the two separate structures. The front duplex is insured as one and the back house insured as one. This is a pre-existing structure, and the applicant wishes to have everything as it is supposed to be.

Chair Noennig asked if there is anyone wishing to speak in favor or against City Variance #1304. There was none. At 6:13 pm, Chairman Noennig closed the Public Hearing and called for a motion.

Motion

Board Member Heinrich made a motion to and Board Member Mitchell seconded the motion to conditionally approve City Variance #1304 with the six conditions of approval and Findings of Fact.

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 conditionally approve **City Variance #1304 passed** with a unanimous roll call vote.

Other Business: The City Board of Adjustment meeting scheduled for Wednesday, January 8, 2020 is canceled.

ADJOURNMENT: The meeting adjourned at PM.

ATTEST: DRAFT. To be approved by a motion at the next regularly scheduled meeting.
Tamara L. Deines, Planning Clerk