

CITY BOARD OF ADJUSTMENT

MINUTES September 2, 2020

Name	Title	Applications												
		01/01/2020	02/05/2020	03/04/2020	04/01/2020	05/06/2020	06/03/2020	07/01/2020	08/05/2020	09/02/2020	10/07/2020	11/05/2020	12/02/2020	
David Mitchell	Member	-	-	A	-	1	-	1	E	1				
Dave Hagstrom	Member	-	-	1	-	1	-	1	1	E				
Paul Hagen	Member	-	-	1	-	1	-	1	1	1				
Jeff Bollman	Vice Chair	-	-	E	-	1	-	1	1	1				
Oscar Heinrich	Member	-	-	E	-	1	-	1	1	1				
Martin Connell	Member	-	-	1	-	1	-	1	1	1				
Mark Noennig	Chair	-	-	1	-	1	-	1	1	1				
TOTAL NUMBER OF APPLICATIONS 2020		01/01/2020	02/05/2020	03/04/2020	04/01/2020	05/06/2020	06/03/2020	07/01/2020	08/05/2020	09/02/2020	10/07/2020	11/05/2020	12/02/2020	TOTAL
Variance		-	-	2	-	5	-	5	2**	1				13

**1 Item continued and 1 postponed both from 7/1/2020 meeting.

Chair Noennig called the meeting to order at 6:00 p.m. The City Board of Adjustment met virtually thru Zoom <https://zoom.us/j/95905224215>.

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 Assistant.

Attending:

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 August 5, 2020.

Motion

Board Member Heinrich moved and Board Member Hagen seconded the motion to approve the August 5, 2020 minutes. 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.

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 1318 - 213 S 30th Street – Lot area and setbacks - A variance from 27-308 requiring a minimum lot size of 13,000 square feet to allow a minimum lot size of 7,000 square feet, and requiring a 5 foot side setback and 15 foot rear setback to allow zero (0) foot side and rear setbacks in a Residential Multi Family-Restricted (RMF-R) zone, on Lots 19-20, Block 166, Billings Original Townsite, a 7,000 square foot parcel of land. The purpose of the variance is to allow three (3) existing single family dwellings a rebuild letter. Tax ID: A01096

RECOMMENDATION

Planning staff has reviewed this application & is recommending conditional approval of Variance #1318. Based on the Determinations for granting a variance.

1. The variance is to allow the existing three homes (or 1 duplex and 1 single family dwelling) on the 7,000 square foot parcel of land, and to allow zero (0) foot side and rear setbacks to conform to zoning in order to allow a rebuild letter. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 19-20, Block 166, Billings Original Townsite generally located at 213 S 30th Street.
3. The applicant/and/or property owner 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:

Board member Heinrich what happens if the owner does not make the improvements. Staff replied the court ordered an abatement. The property was then sold to Quito Keutla. If he does not make the improvements, the court order is still in effect and abatement will take place. Project RE:Code will be in compliance in this situation. The approved variances will be grandfathered. Building requirements will require fire walls to address the 0 foot setbacks.

Public Hearing

Chairman Noennig opened the public hearing at 6:14PM and asked if there was anyone wishing to speak in favor or against City Variance 1318.

Chairman Noennig asked if there is a time limit on the rehabilitation. There is nothing stopping abatement. We have a willing party for improvements.

Applicant: Quito Keutla, 19808 142 PL SE, Renton, Washington

He is requesting a variance to receive a loan to improve the property.

Board member Heinrich asked for a timeline.

Mr. Keutla plans on 6 months. Possibly tearing down the 3 buildings and getting an architect to design.

Favor

NONE

Opposed

NONE

Discussion

Chair Noennig called for questions and discussion from the members of the Board.

At 6:16PM, Chairman Noennig closed the Public Hearing and called for a motion.

Motion

Board Member Mitchell made a motion to and Board Member Connell seconded the motion to conditionally approve **City Variance 1318** 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 1318 passed with a 5-1 vote.

Other Business:

October 7, 2020 meeting. Chairman Noennig asked for a recap on Project RE:Code. Staff replied listing the upcoming Public Hearing dates and times. Stating they can be observed on FB Live and are being held at the City of Billings Parks and Recreation Building. It is unknown how many applications we will hear next month.

ADJOURNMENT: The meeting adjourned at 6:23PM.

ATTEST: DRAFT. To be approved by a motion at the next regularly scheduled meeting.
Robbin Bartley, Administrative Assistant.