



# Yellowstone County Board of Adjustment

## Meeting Minutes, July 9, 2020 – Virtual Video Conference

**DRAFT-To be approved at the next scheduled**

Due to the COVID-19 health concerns, the format of the County Board of Adjustment meeting will be held in a virtual videoconferencing environment. The normal hearing room on the 1<sup>st</sup> Floor at 2825 3<sup>rd</sup> Ave North (Miller Building) will be closed during the meeting and no one will be attending this hearing in person. Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to the Board via email before 1:00 PM on Wednesday, July 8, 2020. All emails received prior to this time will be read into the record for the public hearing. The Public may call in during specific Public Comment periods at **(406) 237-6165**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Live coverage can be viewed here; <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

For the purpose of reviewing the following item:

Name	Title	03/08/2018	05/10/2018	11/08/2018	01/10/2019	06/13/2019	09/12/2019	07/09/20			
<b>Blaine Poppler</b>	Vice Chair	1	1	1	1	1	1	1			
<b>Carlotta Hecker</b>	Board member	1	1	1	1	E	1	1			
<b>Troy Bush</b>	V Chairman	1	1	1	1	1	1	1			
<b>Tyler Bush</b>	Chairman	-	-	-	E	1	1	1			
<b>Vacant</b>		-	-	-	-	-	-	-			

**Chairman Bush** introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I, Tammy Deines, Planning Clerk

**Other Participants:** Tim Filz, Christensen, Fulton & Filz, PLLC, representing Timothy and Rebecca Anderson.

**Public Comments:** There were no public comments.

**Approval of Minutes** (The June 11, 2020 YC BOA meeting was postponed due to a lack of a quorum of Board members). September 12, 2020

**Motion**

Board member Hecker made a motion and Board member Poppler seconded the motion to approve the September 12, 2020 meeting minutes as submitted. The motion passed with a



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unanimous voice vote.**

**Disclosure of Conflict of Interest:** There were no disclosures of conflict of interest.

**Disclosure of Exparte Communication**

There were no disclosures of exparte communication from the Board.

**PUBLIC HEARINGS:**

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearing 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 for reviewing and acting on each variance.

**Item #1: County Variance #294-120 Sunlight Circle. Karen Husman, Planner I, presenting.**

Nicole Cromwell read the rules and procedures for a public hearing and the legal ad for County Variance #294.

**REQUEST (Postponed from June 11, 2020, due to a lack of a quorum of Board members).**

**County Variance 294 - 4902 Verde Lane** - A variance from section 27-310 requiring a maximum detached structure size of 1,500 square feet, to allow a maximum of 3,000 square feet in a Residential-15,000 (R-150) zone, on Block 1, Lot 12, Verde Meadows Sub., a 1.12-acre parcel of land. The purpose of the variance is to allow a detached accessory structure of 3,000 square feet. Presented by: Karen Husman, Planner I

**RECOMMENDATION:**

Staff is recommending denial of the application based on the determinations detailed within the Summary section of this staff report.

**Discussion**

Chairperson Bush called for questions and discussion from the members of the Board.

**Public Hearing**

Chairperson Bush opened the public hearing and asked if there is anyone wishing to speak in favor or against County Variance #294.

**Tim Filz, Christensen, Fulton & Filz, Billings, MT**

Mr. Filz represents Timothy and Rebecca Anderson.

**Public Hearing**

Chairman Bush opened the Public Hearing and asked if there is anyone else wishing to speak in favor or against County Variance #294.



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At 4:30 p.m., Chairman Bush closed the public hearing and called for a motion.

## **Motion**

**Board member Hecker made a motion and Board member Bush seconded the motion to forward a recommendation to the Board of County Commissioners of conditional approval of County Variance #294 with the Findings and Criterion presented by Staff.**

The conditions of approval are as follows:

1. The variance is to increase the allowed square footage for a detached accessory building from 1,500 square feet to allow a maximum of 3,000 square feet. No other variance is intended or implied by this approval.
2. The variance is limited to Block 1, Lot 12, Verde Meadows Sub., generally located at 4902 Verde Lane.
3. The applicant will develop the new accessory building in substantial conformance with the site plan submitted.
4. Construction of the single-family dwelling must be completed prior to completion of the detached structure.
5. The applicant will submit for a Zoning Compliance Permit for construction of the new accessory building within one year (12 months), and will be completed within two years (24 months) of Board of Adjustment approval.
6. The applicant shall comply with all other codes and ordinances that apply including restrictions and regulations regarding placement and installation of septic system, cistern and well.
7. 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.

**Discussion:** There was no further discussion on the motion.

**The motion carried with a unanimous voice vote. 3-0. Variance #294 is conditionally approved.**

## **Other Business/Announcements**

- **Announcement:** The August 13, 2020 Yellowstone County Board of Adjustment meeting is cancelled due to a lack of applications. The next meeting will be held as legally announced and advertised.

**Adjournment: Adjourned 4:45 p.m.**

**DRAFT- TO BE APPROVED BY A MOTION AT THE NEXT SCHEDULED MEETING**