

**CITY BOARD OF ADJUSTMENT**

MINUTES December 1, 2021

Name	Title	Applications												
		01/06/2021	02/03/2021	03/03/2021	04/07/2021	05/05/2021	06/02/2021	07/07/2021	08/04/2021	09/01/2021	10/06/2021	11/03/2021	12/01/2021	
David Mitchell	Member	1	E	1	-	1	-	E	1	-	-	-	E	
Dave Hagstrom	Member	1		1	-	1	-	1	E	-	-	-	1	
Paul Hagen	Member	1	1	1	-	1	-	1	1	-	-	-	1	
Jeff Bollman	Vice Chair	1	1	1	-	1	-	1	E	-	-	-	E	
Oscar Heinrich	Member	1	1	E	-	1	-	E	1	-	-	-	E	
Martin Connell	Member	1	1	E	-	1	-	1	1	-	-	-	1	
Mark Noennig	Chair	1	1	1	-	1	-	1	1	-	-	-	1	
<b>TOTAL NUMBER OF APPLICATIONS 2021</b>		<b>01/06/2021</b>	<b>02/03/2021</b>	<b>03/03/2021</b>	<b>04/07/2021</b>	<b>05/05/2021</b>	<b>06/02/2021</b>	<b>07/07/2021</b>	<b>08/04/2021</b>	<b>09/01/2021</b>	<b>10/06/2021</b>	<b>11/03/2021</b>	<b>12/01/2021</b>	<b>TOTAL</b>
<b>Variance</b>		<b>4</b>	<b>5*</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>16</b>

\*One return Variance from January 6, 2021 meeting.

Chair Noennig called the meeting to order at 6:00 p.m.

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, (virtually).

**Attending:** Wil Ralph, Charlie Yegen

**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 were none.

### **Approval of Meeting Minutes**

Meeting minutes for August 4, 2021.

Board member Hagstrom motioned for approval of the August 4, 2021 minutes, Board member Hagen seconded. Approved by unanimous voice vote.

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

Board member Mitchell was not in attendance.

Board member Hagen had no ex parte communications, has no conflicts of interest and visited 0 sites.

Board member Heinrich was not in attendance.

Board member Connell had no ex parte communications, has no conflicts of interest and visited 0 sites.

Chairman Noennig had no ex parte communications, has no conflicts of interest and visited 0 sites.

Board member Bollman was not in attendance.

Board member Hagstrom had no ex parte communications, has no conflicts of interest and visited 0 sites.

### **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 1337 – Cardwell Ranch – Southeast of Grand Ave and Zimmerman Trail -**

**Increase building height to 50 feet** - A variance from the Cardwell Ranch east 80 Planned Development zone Article IV.C.3 requiring a 45-foot maximum height to allow 50 feet in on Lots 2, 3A, 4A, 5, 6A, & 7A, Block 2 Cardwell Ranch Subdivision 1<sup>st</sup> Filing, a 16.05-acre parcel of land. The purpose of the variance is to allow an increase in maximum height for Cardwell Ranch Apartment Homes to develop a roof design that complies with the aesthetic intent of the Cardwell Ranch Design Standards. Tax ID: A34325, A34327, A34330, A34328, A34326, A34329

### **RECOMMENDATION**

Planning staff has reviewed this application & is recommending conditional approval of Variance 1337 based on the proposed findings of the review criteria.

#### Recommended Conditions;

1. The approval is for a variance from Cardwell Ranch PD C.3 as amended increasing the maximum height from 45 feet to 50 feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 2, 3A, 4, 5, 6A, and 7A, Block 2, Cardwell Ranch Subdivision.
3. The applicant shall meet all other city code requirements as well as Cardwell Ranch Planned Development requirements with the exception of this variance.
4. The applicant will submit a building permit within 3 years of Board approval and complete construction within 5 years of the first building permit approval.

5. 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 Hagstrom asked about the diagrams provided regarding height. Staff deferred to the applicant.

### **Public Hearing**

Chair Noennig opened the public hearing at 6:09 PM and asked if there was anyone wishing to speak in favor or against **City Variance 1337**.

### **Applicant: Wil Ralph, Braxton Development, 1735 S 19<sup>th</sup> Ave, Suite B, Bozeman, MT**

A lower height requirement would create rooflines that are not in proportion with the overall architectural theme.

There are 9 foot ceilings in this Class A development. The 5/12 roof pitch is estetically pleasing and handles the snow load well. All conditions are agreeable.

Board member Hagen asked what percentage of the buildings are at 49 feet. Mr. Ralph replied there are 10 buildings with this height, there are 13 total buildings.

Board member Hagstrom asked what it would be like at the required 45 foot. Mr. Ralph replied they would have to be flat roofs with membrane roofing.

Chair Noennig stated in the alternative, the 9-foot ceilings could be reduced. Mr. Ralph explained in a Class A development, the 9-foot ceilings are imparative.

Chair Noennig asked who put into place the Cardwell Ranch design guidelines. Mr. Ralph explained they were established approximately 12 years ago when the Yegens made a huge master development plan.

### **Favor**

#### **Charlie Yegen, 211 N. 30th**

We have had a few opportunities to look at different development ideas and strategies. We have had the privilege of working thru many opportunities and helping the City with tax revenue. We have been incredibly fortunate. Braxton are the only ones who approached with breaking the line of site. They are not keen on flat roofs and have presented favorable ideas for siding and estetics. Mr. Yegen is very comfortable with the design concepts proposed the quality of the end product and the communication existing between them. This property was acquired in the spring of 1889 by Mr. Yegen's great grandfather Everett Cardwell. They have been able to keep it in agricultural land for many years. This development is a natural progression of the City expanding from east to west. Mr. Yegen feels this high quality project will be good for the community and for the Yegens.

Chair Noennig asked how much the rent will be. Mr. Yegen replied \$1800.00 to \$2200.00, approximately 2 dollars per square foot, based on market conditions.

**Opposed**

NONE

**Discussion-NONE**

At 6:29PM, Chair Noennig closed the Public Hearing and called for a motion.

**Motion**

Board Member Hagstrom made a motion and Board Member Connell seconded the motion to approve **City Variance 1337**, with staff recommendations & conditions.

<b>MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>NOT PRESENT</b>
David Mitchell				<b>X</b>
Dave Hagstrom	<b>X</b>			
Paul Hagen	<b>X</b>			
Jeff Bollman				<b>X</b>
Oscar Heinrich				<b>X</b>
Martin Connell	<b>X</b>			
Mark Noennig	<b>X</b>			

**The motion to approve City Variance 1337 passed with a 4-0 vote.**

**Other Business:** Three board members have reached their term limits. The Board of Adjustment will meet on January 5, 2022.

**ADJOURNMENT: The meeting adjourned at 6:30PM.**

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