



Yellowstone County Board of Adjustment Meeting Minutes, October 13, 2022 Approved by a motion January 12, 2023

The County Board of Adjustment meeting will be held in the 1st Floor Conference Room, 2825 3rd Ave North (Miller Building).

Citizens are invited to:

- Review the Agenda Packet on the City’s website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by: mail to: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101 Email: deinest@billingsmt.gov

- Call in during the Public Comment periods as indicated on the agenda: Citizens may call in during specific Public Comment periods at **406.237.6165**. All callers will be placed 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 limited to 3 minutes of testimony as is customary.

Name	Title	03/08/2018	05/10/2018	11/08/2018	01/10/2019	06/13/2019	09/12/2019	07/09/2020	10/13/2022		
Blaine Poppler	Vice Chair	1	1	1	1	1	1	1	1		
Carlotta Hecker	Board member	1	1	1	1	E	1	1	1		
Tyler Bush	Chairman	-	-	-	E	1	1	1	1		
Troy Boucher	Board member	-	-	-	-	-	-	-	1		

Chairman Bush introduced the County Board of Adjustment members and staff in attendance: Karen Husman, Planner I, Robbin Bartley, Administrative Assistant

Other Participants:

Public Comments: Chairman Bush announced the public comment period.

Approval of Minutes July 9, 2020



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Motion

Board member Hecker made a motion and Board member Boucher seconded the motion to approve the July 20, 2021 meeting minutes with corrections. The motion passed with a 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:

Planner Karen Husman 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.

REQUEST County Variance 295 – 2816 Old Hardin Road – Temp Use Kiosk >120 sf - A variance from Section 27-1010.A.3(b.4) requiring a maximum footprint for a temporary use structure of 120 square feet to allow an existing temporary use kiosk of 140 square feet in a Corridor Mixed Use 1 (CMU1) zone, on Lot 1A1 of Cole Acreage Tracts Amended, a 2.703 acre parcel of land generally located at 2816 Old Hardin Road. The purpose of the variance is to allow the existing over-sized kiosks to remaining on the property and to allow the continued annual renewal of the Temporary Use Permit issued by the Planning Division. Tax ID: C04275

RECOMMENDATION:

Planning staff has reviewed this application & is recommending conditional approval of Variance 295 based on the proposed findings of the review criteria.

Discussion

Chairperson Bush called for questions and discussion from the members of the Board. Board member Bush asked why this happened. Staff indicated it was an error by staff at approval time.

Public Hearing

Chairperson Bush opened the public hearing and asked if there is anyone wishing to speak in favor or against County Variance #295.

Chairman Bush closed the public hearing and called for a motion.

Motion

Board member Boucher 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 #295 with the Findings and Criterion presented by Staff.



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DRAFT-To be approved at the next scheduled meeting

The conditions of approval are as follows:

1. The approval is for a variance from Zoning Code Section 27-1010.A.3(b)(4) as amended increasing the maximum allowed size of the structures from 120 SF to 140 sf. No other variance is intended or implied with this approval. The variance is limited the existing kiosk only, currently located on the parcel described as Lot 1A1 of Cole Acreage Tracts Amended, and becomes void if the structure is moved (either within the same parcel or to another parcel within Yellowstone County) or the footprint is altered in any way.
2. The variance shall be null and void if at any time in the future, the temporary use permit for this kiosk remains expired for more than 30 days or if the structure is not in operation for more than 180 days
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, so long as the structure is not moved from its current location.
5. The applicant shall meet all other code requirements, including annual renewal of the **temporary** use permit, except for this variance.

Discussion:

The motion carried with a unanimous voice vote. 4-0. Variance #295 is conditionally approved.

Other Business/Announcements

- **Announcement:** The November 17, 2022 Yellowstone County Board of Adjustment meeting is canceled due to a lack of applications. The next meeting will be held as legally announced and advertised.

Adjournment: Adjourned 4:35 p.m.

Robbin Bartley, Administrative Assistant

APPROVED BY A MOTION JANUARY 12, 2023