

**Planning and Zoning Commission
Minutes for the Meeting of January 3, 2022**



The Planning and Zoning Commission met on January 3, 2022, at 3:00 pm in Room 3101, 3rd Floor of the Stillwater Building at 316 N 26th Street in Billings, MT

		01/03/22			
Denis Pitman, BOCC	Commissioner	1			
Donald W. Jones, BOCC	Commissioner	1			
John Ostlund, BOCC	Commissioner	1			
Jeff Martin, Clerk & Recorder	Commissioner	1			
Tim Miller, Yellowstone County PW	Commissioner	1			
Doug Clark	Commissioner				
Robert Adler	Commissioner				
Nicole Cromwell	Planner II/Zoning Coordinator				
Wyeth Friday	Director, Planning and Community Services				
Monica Plecker	Planning Division Manager	1			
Tammy Deines	Planning Clerk	1			

Citizens in Attendance: Dave Wittorff, Lucy Adamski

Call the Meeting to Order and Introduction of Planning and Zoning commission Members and Staff.

Commissioner Jones convened the Planning and Zoning Commission meeting at 3:00 pm. and called for introduction of the Planning and Zoning Commission of the Commission members.

Public Comment on Non-Agenda Items There was no public comment.

Disclosure of any Conflict of Interest There were no disclosures of conflict of interest.

Public Hearings

Chairman Jones asked Ms. Plecker to review the procedure, she stated the Board will open a public hearing and allow public comment. Ms. Plecker reviewed the hearing process and presentation process for the meeting for reviewing and acting on each variance.

Division Manager Plecker reviewed the application for Variance request SZD #17 Variance #1 and presented the Board with the staff report for this request. She explained the purpose of



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this variance request is to bring the property into a legally non-conforming status to help with lender and refinancing requirements.

Item #1. SZD #17– Variance #1 – 11604 E. W. Tenney Road – Lot Size and Minimum

Dwelling Size – A variance from Article IV B of Special Zoning District 17 regulations requiring a minimum of 20 acres for a 1,500 sq. ft. dwelling in an Agricultural-Residential zone, on Parcel 1 of Certificate of Survey 3710, a 10.454 acre parcel of land with a 1,188 sq. ft. dwelling. Tax ID: D08752A. Sally Taylor, Owner. Lucy Adamski, Agent.

BACKGROUND

Subject Property: Certificate of Survey 3710 was filed with the Yellowstone County Clerk and Recorder in March of 2019. At the time, Lucy Adamski owned the now 470 acres of unplatted land that is adjacent to this parcel on the north and west. Certificate of Survey 3710 created a family transfer parcel of 10.454 acres which was transferred to her daughter Sally Taylor. Since the survey has been filed Ms. Adamski has sold the remaining unplatted land. A mobile home that is 1,188 square feet was placed on the property once the lot was created. In 2021, Sally Taylor wanted to refinance her property. Through the lender research a zoning compliance permit was applied for. It was during this time that planning staff identified the parcel was smaller than the minimum 20 acres required. Further research shows that during the 2019 Certificate of Survey review for the family transfer, staff did not identify the conflict with the special zoning district regulations. In order for the property to be legally nonconforming the landowner was advised to apply for a variance. Special Zoning District 17 is located approximately 4.5 miles north of Shepherd. The district consists of parcels that are as small as 5 acres and as large as 40 acres. Livestock, fowl and residential uses are the primary uses of land within the district. The area is served by graveled county road, E. W. Tenney Road. The subject property is located on that far eastern edge of the district. The parcel is surrounded on the north and west by a 470-acre parcel that has only a small portion in the zoning district. To the south is a 160-acre parcel. Immediately to the east and across E.W. Tenny Road are 10 and 5-acre parcels.

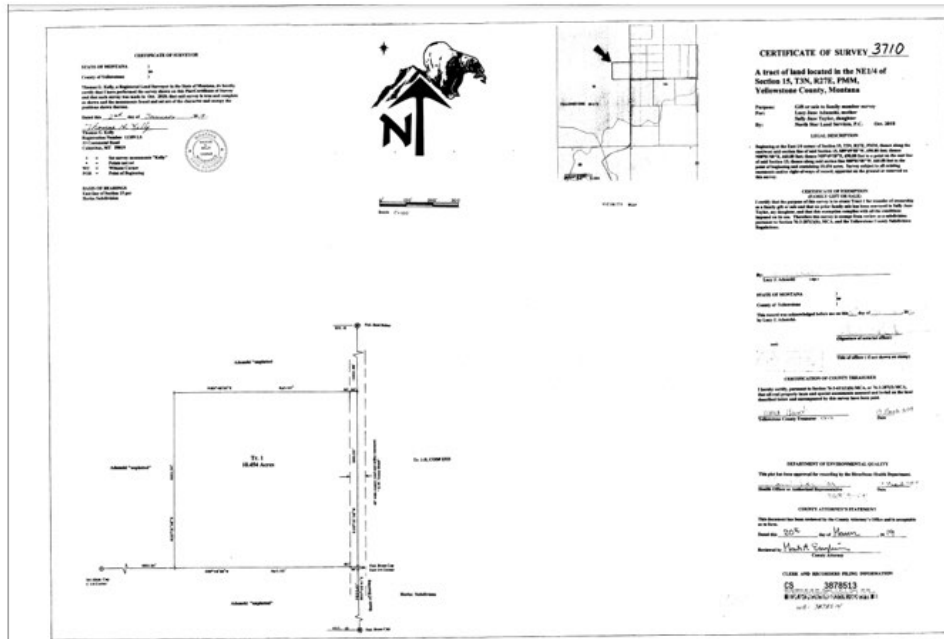
FINDINGS

“The Board of Adjustment is authorized to grant variances from the strict application of this Resolution when by reason of exceptional narrowness, shallowness, or shape of specific parcels of the property, exceptional topographical conditions, or other extraordinary situations of specific parcels of property, the strict application of these regulations or amendments thereto would result in peculiar and unusual practical difficulties to or exceptional or unnecessary hardship upon the owner of such property, provided that such variance will not be contrary to the public interest.”

Staff has made findings provided in the staff report related to:

Public Interest; Special conditions creating a hardship; Spirit and intent of regulations

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RECOMMENDATION:

The Planning Division is forwarding a recommendation of conditional approval based on the findings provided within this report. The Planning Division is recommending conditions of approval to ensure the construction is completed in a time and manner that will minimize any potential impact to the surrounding owners and the district. The following conditions are recommended:

1. This is a variance from Article IV. B requiring a minimum lot size of 20 acres and a minimum dwelling size of 1,500 square feet.
2. The variance is limited to Certificate of Survey 3710, Parcel 1
3. 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

Commissioner Ostlund asked for clarification on the eastern district boundaries in related to E.W. Tenny Road. Ms. Plecker responded the district goes the length of the parcel and presented photos of the property. Per request of the Commissioners, Ms. Plecker explained the notifications are given to adjacent property owners and the hearing was posted in three locations and in the Yellowstone County News.



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Public Hearing:

Dave Wittorff, 6140 Pleasant Hollow Trail, wittorff@midrivers.com

Mr. Wittorff stated in general he does not have any issues with this variance request. He stated this property has issues related to access and water. He would like to see limitations on future variances throughout this area.

There were no further public comments. The public comment period was closed.

Motion

A motion was made by Commissioner Ostlund and seconded by Jeff Martin to approve the regulations for Special Zoning District #17 Variance #1 with the Conditions of Approval recommended by staff.

Discussion

Commissioner Ostlund stated with the information provided it appears that there are no real objections to this variance request and it would cause a financial hardship for the applicant if they were unable to obtain financing. He is in favor of approving the variance.

The motion carried, 5-0.

Other Business: There was no other business.

Approval of Minutes:

Motion

On a motion by Commissioner Pitman, seconded by Jeff Martin, and approved with 5-0 voice vote, the minutes of July 7, 2015 were approved as submitted.

Announcements There were no announcements.

Adjournment The meeting was adjourned at 3:40 p.m.

Approved by a motion and unanimous voice vote on September 6, 2022

-Tamara L. Deines, Planning Clerk