

**CITY BOARD OF ADJUSTMENT**  
MINUTES APRIL 3, 2024

Name	Title	01/03/2024	02/07/2024	03/06/2024	04/03/2024	05/01/2024	06/05/2024	07/03/2024	08/07/2024	09/04/2043	10/02/2024	11/06/2024	12/04/2024	
Josh Sayer	Chair	C	C	C	1									
Oscar Heinrich	Vice Chair	C	C	C	1									
George Warmer	Member	C	C	C	1									
Michael Bruschwein	Member	C	C	C	1									
Chris Hayes	Member	C	C	C	1									
Dave Hagstrom	Member	C	C	C	1									
Brian Roush	Member	C	C	C	E									
<b>TOTAL NUMBER OF APPLICATIONS 2024</b>		<b>01/03/2024</b>	<b>02/07/2024</b>	<b>03/06/2024</b>	<b>04/04/2024</b>	<b>05/01/2024</b>	<b>06/07/2023</b>	<b>07/06/2023</b>	<b>08/02/2023</b>	<b>09/06/2023</b>	<b>10/04/2023</b>	<b>11/01/2023</b>	<b>12/06/2023</b>	<b>TOTAL</b>
<b>Variance</b>		-	-	-	1									1
<b>Appeal</b>		-	-	-	-									

Chairman Heinrich called the meeting to order at 6:00 PM.

**Election of Officers 2024**

Chairman Heinrich proposed a motion to appoint Josh Sayer as Chairman for the upcoming 2024 term, which was seconded by Board member Warmer. The motion passed with a unanimous vote.

Chairman Sayer proposed a motion to appoint Oscar Heinrich as Vice Chairman for the new 2024 term, seconded by Board member Hagstrom. The motion passed with a unanimous vote.

Chairman Sayer introduced the City Board of Adjustment members and Planning Department staff. Attending staff members are Nicole Cromwell, Zoning Coordinator; and Brenda Berns, Planning Clerk

**Attending:** Craig Dalton, Performance Engineering

**Public Comment**

Chair Sayer 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 November 1, 2023. – Approved

Disclosure of Exparte Communications: None

Disclosure of Site Visits: Oscar Heinrich

Disclosure of Conflict of Interest: None

**Public Hearings**

**City Variance 1373 – 5343 N. Iron Mountain Rd. – Build to zone** – A variance from Table 27-300.4(A.3) requiring a front build-to-zone of 10-32 feet along with façade element locations, to allow a build-to zone of 50-67 feet, in a Mid-century Neighborhood (N2) zone, on Lot 8, Block 9 of Grand Peaks Sub. 6<sup>th</sup> Filing, a 13, 283 square foot parcel of land. The purpose of the variance is to allow a specific building design on an odd-shaped lot with a narrow street frontage. Tax ID: A37647

Karen Husman, Planner I gave an overview of the current zoning regulation and the proposed zoning.

**Recommendation**

Planning Staff is recommending conditional approval based on draft findings of the review criteria for variances (abbreviated here):

**1) There is a hardship with the property that is not applicable to other lands in the same district.**

The design of the lot is narrow on the front lot line and long in dimension and wider to the rear of the parcel restricting the options to build in the required build to zone.

**2) Denying the variance might deprive this owner of similar rights enjoyed by others in the area.**

Denial of the variance would deny this applicant rights commonly enjoyed by other parcels in the same district because there have been other variances approved for the build to zone variance, 4 parcels in the Founders Park Subdivision, on Ping Circle, and 1 approved for 2910 3rd Ave. S. All in the N2 zone.

**3) Granting the building location variance will not confer a special privilege to this applicant.**

The subdivision consists of parcels designed to accommodate the previous zoning restriction. There have been other variances granted to deviate from the build to zone. Granting this variance would not confer any special privilege.

**4) Granting the variance will be in harmony with the purposes of zoning and growth policy.**

The Growth Policy and the Zoning Code together encourage uniform development and make allowances for sites with unique features. The Zoning Code criteria for approving variances is a tool that makes allowances for these odd shaped lots. In this case, approval of the variance would allow an odd shaped parcel to be developed with a specific design that is similar to other houses, constructed or under construction, in the same subdivision

**Section 27-1627.E**

5) *Planning staff recommends the following conditions: (summarized here)*

1. The build-to zone variance is limited to Lot 8, Block 9, of Grand Peaks Subdivision, 5343 N Iron Mountain Road.
2. The variance is to allow a build-to zone range of 50 - 67 feet. No other variance is intended or implied.
3. The structure will be built in substantial conformance to the site drawings submitted
4. Construction activity will not occur prior to 7 am or after 8 pm daily.
5. shall apply for a building permit within six months & complete construction within one year of Board approval.
6. Failure to begin or complete the project according to the time periods within this approval will void the variance.
7. The applicant shall meet all other city code requirements
8. These conditions of variance approval shall run with the land

6) **A time limit for action on the variance shall be prescribed.**

See conditions above

7) **No variance may allow a use not otherwise allowed** or be inconsistent with other limits on uses in the district.

The proposed use –single family dwellings are allowed in the district.

**Board Discussion**

The Build-to zone was established to promote walkability and encourage the front façade to protrude beyond the garage door. With a garage door opening of 25 feet and a width of 52 feet, it falls well below the maximum allowance of 50% for garage door openings.

**Applicant: Dalton Craig, Professional Engineering 608 N. 29<sup>th</sup> · Billings MT**

Mr. Dalton is the Applicant’s agent for the Grand Peaks subdivision located at 54<sup>th</sup> & Grand. This was subdivided under a previous zoning code. We are asking for the setback to be further to allow for a 3-car garage due to the smaller frontage of the property. There are other lots with similar dimensions and difficult to meet N2 zoning.

**Motion**

**Motion made by Board member Bruschwein, seconded by Board Member Warmer to Approve City Variance 1373 and adopt the staff recommended findings and conditions. Motion was carried with a unanimous vote.**

**Other Business:** There was no other business.

**ADJOURNMENT: The meeting adjourned at 6.07PM.**

**ATTEST: Draft to be approved by a motion at the next regularly scheduled meeting.**

***Brenda J Berns, Planning Clerk***