

June 9, 2015

The Red Lodge Board of Adjustment met on June 9, 2015 at 6:30 p.m. to hear the Alan Tjeltveit Variance Request.

ROLL CALL OF BOARD Present: Chairman Williams, Foisy, Mahan, Larson, Labrie, Schoenike and Brown.

Chairman Williams asked if any member of the BOA had any exparte communication they need to disclose and/ or if any member feels that they should recuse themselves from participation in the hearing and decision on the matter and he was told no.

Chairman Williams asked Community Development Director, Peter Italiano, if the matter had been properly noticed as required by the Red Lodge Zoning Regulations and was told it was noticed in the Carbon County News, at City Hall, at the Post Office and at the Library with notice being sent to the neighbors of the Tjeltveit property.

Chairman Williams said to let the record indicate that the Red Lodge City Board of Adjustment has been called and qualified to hear the matter at hand, that the matter is quasi-judicial in nature and has been properly noticed.

Italiano said Alan Tjeltveit has requested a variance to the Red Lodge Zoning Ordinance; specifically Section 4.7.22- Enlargement or expansion of Non-Conforming Uses.

Italiano reported on the listed seven criterions and findings of fact in Staff Report, RLZV-15-01, which is attached.

The summary of the staff report states the proposed expansion does not increase the non-conformance of side setbacks; and by proposing a vertical expansion that stays within allowable maximum height requirements, the applicant is not creating a new non-conformity. The proposed home upgrades appear to be designed in a manner that may mitigate any potential impacts on neighbors as the designed addition is for the rear of the building.

Mr. Tjeltveit said they love the house, which was his parents' home, and wants to improve it. He said it will give them more opportunities to come to Red Lodge and for his guests.

Chairman Williams asked for a motion to postpone the Public Hearing until 8:30 p.m. due to the fact of the City Council Meeting starting at 7:00 p.m. and there was still public comment to be heard on the matter.

Schoeniked moved to postpone the Public Hearing till 8:30 p.m., due to the Council Meeting starting at 7:00 p.m., Brown seconded, all members present voted "Aye". Motion carried.

Chairman Williams opened the Public Hearing again at 8:20 p.m. and opened the Public Comment Period.

Nancy Klimper, 408 N. Platt, asked about the Growth Policy, which was mentioned in the zoning and wanted to know what it is.

Italiano said the Growth Policy is a document adopted by the City and sets forth the vision on how the City wants to grow and what it wants to look like in the future.

Nancy Klimper, said she does not agree with the proposed remodel, because of how it will affect her property next door. She feels they will lose a lot of light and will be overshadowed by the rear addition. She does not feel there is any room to complete the construction without encroaching onto their property.

Italiano received a letter of support from Marilyn Miller, who owns the property located at 411 N. Platt.

David Klimper, 408 N. Platt, said there is nothing in the Zoning Ordinance for non-conforming lots and felt the staff is winging it. He would like to see some guidelines for non-conforming lots, so in the future if there are any more issues with non-conforming lots, there would be guidelines to follow.

Motion by Shoenike, second by Brown to close the Public Hearing. On roll call vote, all members present voted "Aye". Motion passed.

Italiano said concerning the issue with the light, it is not uncommon for houses to block light, especially when the houses are so close together.

Motion by Schoenike, second by Mahan to adopt Staff Report RLZV-15-01 as findings of fact. On roll call vote all those in favor, Members Foisy, Mahan, Larson, Labrie and Brown. All those against, Members Williams and Shoenike. Motion carried.

Motion by Schoenike, second by Mahan to approve an expansion of a non-conforming property described as Lot 8, Block 55, Section NE ¼, Township 7 South, Range 20 East, P.M.M. Carbon County, Montana, subject to the following conditions:

a.) That a building permit for the expanded dwelling shall be obtained from the City Building Inspector which could include special construction methods/materials as required by International Building Code.

b.) That with the exception of the variance to expand the building approved by the Board of Adjustment, all other applicable requirements of the Red Lodge Zoning Ordinance and other City Ordinances pertaining to the development of real property within the City shall be complied with.

c.) That the development and use of the property shall be consistent with the prevailing zoning on the subject property except modified by the Board of Adjustment.

d.) Approval of the variance request does not give the applicant or his successors and assigns any implied or expressed permission to trespass on neighboring property during construction. Due to the proximity of neighboring homes, a temporary construction easement/agreement with neighboring properties may be needed by the applicant. A permanent maintenance easement/agreement should also be explored.

On roll call vote all those in favor, Members Foisy, Mahan, Larson, Labrie and Brown. All those against, Members Williams and Shoenike. Motion carried.

The meeting of the Board of Adjustments was adjourned at 8:40 p.m.

BOA, Chairman

ATTEST:

City Clerk