

**January 19<sup>th</sup>, 2023**  
**Butte-Silver Bow**  
**Zoning Board of Adjustments**  
**Council Chambers**

**Members Present:** David Wing, Tyler Shaffer, Todd Collins, Garrett Craig,  
Loren Burmeister, Sylvia Cunningham

**Absent:** John Reis

**Staff:** Dylan Pipinich, Planning Director  
Lila Osborn, Senior Planner  
JoElla Thomas, Planning Technician  
Robyn Smith, Administrative Assistant

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**MINUTES**

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- I. Meeting was called to order at 5:34 P.M.
- II. Approval of the minutes of the meeting of July 21<sup>st</sup>, 2022, and August 18<sup>th</sup>, 2022. (Tyler Shaffer moved and Todd Collins seconded the motion).
- III. Hearing of the Cases, Appeals and Reports:

The Legal ad was published in the Montana Standard on January 12<sup>th</sup>, 2023.

Mr. Wing stated the first matter that we have on the agenda is special use number 22-000013, an application by Sunshine Welsch and asked if the applicant was present. The applicant confirmed.

Mr. Wing asked if there will be a presentation by a member of the staff.

Ms. Osborn thanked Mr. Wing and began the presentation. (See video, 7:41)

Mr. Osborn concluded the presentation. (See video, 14:38)

Mr. Wing asked if any Board members have any questions of the staff and there were none.

Mr. Wing asked Ms. Welsch to come forward and if there was anything she would like to add.

Ms. Welsch said she would like to add that the intention for this property is to eventually be her residence.

Mr. Wing asked if the conditions presented were acceptable.

Ms. Welsch said she has reviewed them, and they are acceptable.

Mr. Wing asked if any Board members have questions of the applicant and there were none.

Mr. Wing asked if there was anyone present to speak in support of the application and there was none.

Mr. Wing asked if there was anyone present that would like to speak against the application.

Chris Harris, 820 West Galena, came forward and spoke against the application. (See video, 16:26)

Mr. Wing asked if there was anybody else that would care to speak against this application. (See video, 19:31)

Gilbert Herrera, 821 West Mercury, came forward to speak against the application. (See video, 19:39)

Mr. Wing asked if there was anybody else that would care to speak against this application. (See video, 21:22)

Gina Sandin, 821 West Mercury, came forward to speak against the application. (See video, 21:31)

Mr. Wing asked if there was anybody else that would like to speak against the application and there was none. (See video, 24:55)

Mr. Wing told Ms. Welsch that she now has the opportunity to speak in rebuttal and address the concerns that were voiced by the opponents.

Ms. Welsch said she does have a local representative in Butte that has agreed to come forward if there are any issues, complaints, or anything else and there are two parking spaces available and doesn't think parking would be an issue. (See video, 25:08)

Mr. Wing closed the public portion of the meeting and opened it to Board discussion. (See video, 26:46)

Mr. Shaffer said these things are difficult and shared his thoughts on parking in the area and with the numbers of AirBnB's compared to the number of applications that are received, if the Board were to reject the applications, the owners will still go rent online and there would be nothing that can be done about it at this time until there is some sort of plan in place by the Commissioners. Mr. Shaffer said this is the best we have and is in support of the application. (See video, 26:53)

Mr. Collins shared his thoughts on the parking issues and short-term rentals as well. Mr. Collins said he is in favor of the application and doesn't think it's going to be a problem. (See video, 29:18)

Mr. Burmeister said he agrees with Mr. Shaffer that this is an issue that the Council needs to take up and come up with a solution for the community. What's been presented tonight as it relates to a special use is consistent with the requirements of a Special Use Permit and is in favor of it but sympathizes with all the complaints. (See video, 32:10)

Mr. Craig said he agrees with everyone else and understands the concerns with parking but thinks those are all separate issues from this Special Use Permit for an AirBnB and is in favor of the application as well. (See video, 33:24)

Mr. Wing said now that the Board has reviewed and commented on it, he thinks they're in a position to vote and said that they should have a motion and typically, as indicated, the Board has a period of time to vote on this and asked if they are ready to vote.

Mr. Shaffer said he is ready to address it and will make a motion that we approve Special Use 22-000013 with conditions as outlined in the staff report and Mr. Collins seconded the motion.

Vote results were 6-0 in favor.

Mr. Wing told Ms. Welsch that the application has been approved and will be receiving a letter from the Planning Staff to that effect and thanked Ms. Welsch.

Mr. Wing said the next matter on the agenda is Special Use Application 22-000014, and Mrs. Thomas will be presenting this one.

Mrs. Thomas began staff presentation. (See video, 36:33)

Mrs. Thomas concluded the presentation. (See video, 43:53)

Mr. Wing asked if the Board had any questions for the staff and there were none.

Mr. Wing asked the applicant to step forward and give his name and address.

Zach Sharon, 410 W Granite St, came forward.

Mr. Wing asked if there was anything he would like to add to the presentation.

Mr. Sharon said no but thanked everyone for being here and said he lives on site and if there are problems, or noise complaints, he will be aware of it and will limit the noise and will limit it to one car and then two cars with approval.

Mr. Wing said with regard to the conditions that we typically impose with regard to these Special Use Permits if we were to grant them, have he reviewed those conditions?

Mr. Sharon said yes.

Mr. Wing asked if they were acceptable.

Mr. Sharon said yes, they are.

Mr. Wing asked if there was anybody in support of this application and there was none.

Mr. Wing asked if there was anybody present that would like to speak against the application and there was none.

Mr. Wing closed the public portion of the meeting and opened it for Board discussion.

Mr. Shaffer said he has even less of a problem with this one with Mr. Sharon living on site. Parking shouldn't be an issue with a lot of street space in front with a fairly large yard and is in support of this application.

Mr. Wing thanked Mr. Shaffer and asked if there were any other Board members who would like to comment.

Mr. Collins said he is in support of it as well.

Mr. Wing asked if there were any further comments and there were none.

Mr. Shaffer made a motion to approve Special Use Permit 22-000014 with conditions as outlined in the staff report and Mr. Collins seconded the motion.

Mr. Wing said it has been moved and seconded and we can now vote.

Vote results were 6-0 in favor.

Mr. Wing told Mr. Sharon that the application has been approved and will be receiving a letter from the Planning Staff to that effect.

Mr. Wing said the final matter on the agenda tonight is Special Use Application 22-000015.

Mrs. Thomas began the presentation. (See video, 48:25)

Mrs. Thomas concluded the presentation. (See video, 55:04)

Mr. Wing asked if any Board members have any questions of the staff and there were none.

Mr. Wing asked the applicant to come forward for the record and identify himself and address.

Zachary Sharon, 410 West Granite Street, came forward.

Mr. Wing asked if there was anything he'd like to add with regard to this particular application.

Mr. Sharon said no and that was very thorough. He lives nearby and is always available to fellow neighbors if anything ever does arise.

Mr. Wing asked if the standard set of conditions is acceptable to him.

Mr. Sharon said they are.

Mr. Wing asked if there was anybody present that would like to speak in support of the application and there were none.

Mr. Wing asked if there was anybody present that would like to speak against the application.

Gina Sandin, 821 West Mercury, came forward to speak against the application. (See video, 56:27)

Mr. Wing asked if there was anybody else that would care to speak in opposition to this application and there was none. (See video, 58:38)

Mr. Wing told Mr. Sharon that he now has the opportunity to provide a rebuttal to the objections that were launched.

Mr. Sharon came forward and said he lived at the property for two and a half years before moving to 410 West Granite location and spoke his thoughts on parking. (See video, 59:08)

Mr. Wing closed the public portion of the meeting and opened it to Board discussion. (See video, 1:00:04)

Mr. Shaffer said he would echo what he said earlier, again parking is terrible and wanted to reiterate that they have no control over it. He thinks a lot of the concerns that have been brought up by Mr. Herrera and Ms. Sandin need to be addressed to the Parking Commission or Parking Enforcement. The Board doesn't have any power over this and sympathizes with them.

Mr. Collins said he would suggest the homeowners, or renters, contact their Commissioner, Bill Anderson, and talk to him. Mr. Collins continued with his thoughts of the parking situation. (See video, 1:03:04)

Mr. Wing asked if there were any further comments and if anyone would like to make a motion.

Mr. Collins made a motion to approve Special Use Permit 22-000015 with conditions and Mr. Shaffer seconded the motion.

Vote results were 6-0 in favor.

Mr. Wing told Mr. Sharon that the application has been approved and will be receiving a letter from the Planning Staff to that effect and thanked Mr. Sharon for coming tonight.

IV. Other Business.

Mr. Wing asked if there was any further business on the agenda.

Mr. Pipinich said he just wanted to mention that the Consultants that are drafting the new Zoning Ordinance are going to present next week at the Planning Board. They did an audit of our existing code and they're going to present their findings to the Planning Board next Thursday at 5:30 if you're interested.

V. Meeting closed and adjourned at 6:43 P.M.

By: \_\_\_\_\_  
David Wing, Chairman

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Dylan Pipinich, Planning Director