

February 16th, 2023
Butte-Silver Bow
Zoning Board of Adjustments
Council Chambers

Members Present: David Wing, Todd Collins, Garrett Craig, Loren Burmeister, Sylvia Cunningham, John Reis

Absent: Tyler Shaffer

Staff: Dylan Pipinich, Planning Director
Lila Osborn, Senior Planner
Robyn Smith, Administrative Assistant

MINUTES

I. Meeting was called to order at 5:30 P.M.

II. Hearing of the Cases, Appeals and Reports:

The Legal ad was published in the Montana Standard on February 9th, 2023.

Mr. Wing stated the first matter that we have on the agenda is Variance number 23-000001, an application by Jack Skinner and asked if the applicant or a representative 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, 2:09)

Ms. Osborn concluded the presentation. (See video, 7:19)

Mr. Wing asked if any Board members have any questions of the staff.

Mr. Burmeister asked when was the last time someone operated out of the building?

Mr. Pipinich said not really. There was an existing auto repair shop there for a long time. There have been a lot of cars there until recently. The previous owner was out of compliance with a lot of Community Enrichment standards and hasn't had a business license in quite a while but there was obviously some business activity there but don't have a definite date and there has been activity with the last couple of years.

Mr. Burmeister said that it mentioned this is fully surrounded by residential, but would it be fair to say that there are other businesses interspersed throughout that corridor of Continental?

Mr. Pipinich said generally speaking, the character of Continental Drive is a mixed-use nature. The immediate surrounding properties are residential and as Ms. Osborn stated, the way the ordinance looks at these is we understand that it's a commercial building in a residential zone and the ordinance acknowledges that there are quite a few of those. That's when you have to look at each individual use to make sure that they're not more detrimental to the neighborhood than either what was there previously or what would not be acceptable to the surrounding neighbors.

Mr. Wing asked if any other Board members have any questions.

Mr. Collins asked about the conditions and asked about screening of the garbage.

Mr. Pipinich said he believes we had a couple of recommended conditions of approval but feel free if you feel the need to mitigate any other impacts that a garage door business may have on those surrounding residences.

Mr. Wing asked if there were any further questions from the Board and there were none.

Mr. Wing told Mr. Skinner that he could come forward and address the Zoning Board and give us whatever information he thinks would be useful to the Board.

Mr. Skinner came forward to speak about the building and application. (See video, 10:43)

Mr. Wing told Mr. Skinner that there are some recommended conditions of approval if he reviewed them.

Mr. Skinner said he read them.

Mr. Wing asked if they were satisfactory.

Mr. Skinner said yes.

Mr. Wing said the Board was talking about requiring him to screen the garbage, would that be okay to do as far as you're concerned?

Mr. Skinner said yes and discussed thoughts on placement of a dumpster. (See video, 11:50)

Mr. Wing asked if there is anything else he would like to talk about.

Mr. Skinner said he didn't think so unless there were other questions.

Mr. Wing said he had no further questions and asked if any other Board members had any questions.

Mr. Pipinich said he wanted to note that staff made a recommendation that they may want to consider the operating hours but didn't recommend any specific operating hours. (See video, 12:35)

Mr. Wing asked Mr. Skinner if he had any thoughts of the hours they would like to be open. (See video, 13:06)

Mr. Skinner said normal business hours except there's got to be exceptions but primarily normal business hours. Mr. Skinner mentioned about seven o'clock until six but probably not before seven.

Mr. Wing said his understanding is that this isn't a particularly noisy business, is it?

Mr. Skinner said no, mainly storage. No fabrication or manufacturing and low activity.

Mr. Wing thanked Mr. Skinner and asked if there was anybody present that would care to speak in support of this application and there was none.

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

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

Mr. Wing said the conditions of approval on the back of the back page seem to be pretty straightforward and don't think we necessarily want to restrict them too much of hours of operation.

Mr. Burmeister said if we were going to, he would recommend not before seven and not after nine.

Mr. Wing said that sounds good to him.

Mr. Collins commented that the winter months are generally slower than the summer so they probably wouldn't be working until nine o'clock in the winter and said he'd be okay with seven till nine. It certainly couldn't be any worse than it was.

Mr. Burmeister asked Mr. Collins if he could speak a little more about what he is thinking on the garbage screening.

Mr. Collins spoke his thoughts on the property layout and garbage screening. (See video, 15:36)

Mr. Wing said he could see that as a potential condition and asked if there are any other thoughts on this. (See video, 18:09)

Mr. Reis spoke his thoughts on the history of the property and the type of garbage screening he thinks might work. (See video, 18:25)

Mr. Collins commented that there may be larger garage disposal such as garage door removal of the old garage doors. (See video, 19:26)

Mr. Wing asked if there were any other thoughts on this matter and the conditions and there were none.

Mr. Wing said we're now positioned to proceed to written ballot and would need a motion.

Mr. Collins motioned to approve Variance Application number 23-000001 with conditions as written and with an additional condition with garbage screening and with hours of operation as discussed.

Mr. Craig seconded the motion.

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

Vote results were 6-0 in favor.

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

Mr. Wing said the next matter on the agenda is Special Use Application 23-000001 and asked Ms. Osborn if she has a presentation.

Ms. Osborn said yes and began the staff presentation. (See video, 23:46)

Ms. Osborn concluded the presentation. (See video, 28:36)

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 her name and address.

Lisa Wade, 848 Brown's Meadow Road of Kila, Montana, came forward. (See video, 28:58)

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

Ms. Wade said there was one minor correction, it is a four-bedroom house, not a two-bedroom house and has read the potential conditions of approval and is comfortable with that. Ms. Wade said she and her husband have short term rentals outside Glacier National Park and are very accustomed to enforcing the rules with their guests for the last several years. This house has been remodeled extensively and they have learned a lot about the historical preservation aspects. They had lived in it, and it currently has some mid-term tenants that are nurses, and their contract will be done in June. The intent would be to occasionally, not continually, be a short-term rental. (See video, 29:12)

Mr. Wing asked if the Board members have any questions of the applicant.

Mr. Collins asked Ms. Wade if they had someone here that would take care of that property.

Ms. Wade said yes and she listed who they have as contacts. (See video, 31:13)

Mr. Wing thanked Ms. Wade and asked if there were any other questions by any Board members.

Mr. Burmeister asked how she intended to manage the occupancy. (See video, 31:50)

Ms. Wade explained how they manage occupancy. (See video, 31:58)

Mr. Wing asked what the occupancy is for the house.

Ms. Wade said her best guess would be in between six to eight guests. (See video, 33:19)

Mr. Wing thanked Ms. Wade.

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. Wing said this is one of those matters where we have up to 60 days to decide but typically we've been deciding on the night they are presented and asked if everybody is comfortable with making this decision tonight.

The Board agreed that they were.

Mr. Wing thanked the Board and asked if there were any thoughts about this.

Mr. Wing said it looks like they've done a great job with the property as best they can.

Mr. Collins agreed and spoke about what he thought about guest numbers and parking. (See video, 34:58)

Mr. Wing asked if there were any other comments and if anybody would care to make a motion?

Mr. Reis made a motion to approve application 23-000001, with conditions, 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 Ms. Wade that the application has been approved and will be receiving a letter from the Planning Staff to that effect.

IV. Other Business.

Mr. Wing asked if there was any further to consider tonight.

Mr. Pipinich said there's no other business.

V. Meeting closed and adjourned at 6:06 P.M.

By: _____
David Wing, Chairman

Dylan Pipinich, Planning Director