



City of Hamilton Annex

920 New York Avenue

Hamilton, MT 59840

MINUTES OF THE CITY OF HAMILTON ZONING BOARD OF ADJUSTMENT MEETING JUNE 27, 2016

TOPICS FOR DISCUSSION:

CUP2016-01

Brian & Heather Appel
825 Running Creek

CUP2016-02

Karen Mahar for the City of Hamilton
196 Hieronymus Park

1 The following members were present: Sue Smith, John Trangmoe, Vivian Yang, Darwin Ernst,
2 and Donald Ramer

3
4 Clayton Dethlefsen and Donna Larson Shulund were absent

5
6 Staff present: Land Hansen, Zoning Administrator; Karen Mahar, City Attorney and Kim
7 Charlton, Secretary

8
9 Also present: Debbie Thacker, Kristen Woods, Heather and Brian Appel

10
11 Chairman Darwin Ernst opened the Zoning Board of Adjustment meeting at 5:36 p.m.

12
13 GENERAL PUBLIC COMMENTS: None

14
15
16 NEW BUSINESS: Brian & Heather Appel
17 825 Running Creek Street
18 Conditional Use Permit Request 2016-01

19
20 STAFF COMMENTS:
21 Hansen stated it is the staff's recommendation to approve this request. The neighbor to the East
22 is an empty lot. The neighbor to the West is the Remington. The Discovery Care Center is
23 located to the South. Hansen does not anticipate any traffic issues in this area. Also in any
24 single family residential a daycare use is allowed. Home occupancy is irrelevant because they
25 will not be living in the house. I consider this to be a commercial use. This request is for twelve
26 (12) children which would require a state license.

27

28 APPLICANT PRESENTATION:

29 Heather Appel presented her request to the board and stated she and her husband purchased the
30 house and lived there for six (6) months. They purchased another house that needed to be gutted
31 and required lots of work. She stated they moved into it and it actually worked out better for all
32 of them.

33

34 Board Comments:

35 Ramer asked if they would be licensed through the state. Mrs. Appel stated yes.

36

37 Yang asked if there is a state regulation allowing daycares surrounding churches or schools. She
38 recalls there was an allowed use by state law.

39

40 Staff Comments:

41 Karen Mahar stated she would look into it and clarify it. Her suggestion to the board is if they
42 would like to make a decision tonight, she will provide the secretary the proper statutes to
43 include in the record of decision.

44

45 Ernst asked who owns the empty lot next to this address. Land Hansen stated it is the developer
46 who developed this area.

47

48 The secretary stated his name is Wayne Craw.

49

50 Yang stated if Wayne Craw owned the lot next door he was not on the mailing list from the
51 county's GIS department which means he did not get a letter.

52

53 **Vivian Yang moved to approve CUP 2016-01 with the condition that the owner of the**
54 **empty lot be notified and given the opportunity to comment within thirty (30) days. There**
55 **is to be no more than twelve (12) children and the use terminates when the business moves**
56 **out.**

57

58 **Seconded by Sue Smith**

59

60 **Sue Smith, aye**

61 **John Trangmoe, aye**

62 **Vivian Yang, aye**

63 **Darwin Ernst, abstain**

64 **Donald Ramer, aye**

65

66 **Motion carried**

67

68 Hansen to Mrs. Appel, prior to any sign placement you must see the zoning administrator for
69 proper permits.

70

71 Ms. Appel acknowledged and agreed to permit any signage.

72

73 Public Comments: None

74 NEW BUSINESS: CUP2016-02
75 Karen Mahar for the City of Hamilton
76 196 Hieronymus Park
77

78 Karen Mahar stated B.E.A.R. needed more time to prepare and would like to postpone their
79 presentation to the next ZBA meeting.
80

81 The board acknowledged this request.
82

83 OLD BUSINESS: None
84

85 BOARD DISCUSSION:

86 Ernst stated if a board member should ever want a legal opinion the process is to contact the
87 chairman first.
88

89 Ms. Mahar's understanding was that they had a similar case on the cell tower whereas a board
90 member requested a legal opinion. It's tempting to go ahead and answer. She stated her
91 representation is to the Zoning Board of Adjustment. This is the reason bylaws have been added
92 to the agenda. We have not found any bylaws for this board. The purpose is to clarify processes.
93 She is looking for feedback on simple bylaws.
94

95 Smith suggests Chris Cobb Taggert may know. They had a high staff turnover during that time
96 period.
97

98 Ms. Mahar noted the consensus is that members would like bylaws. Currently the chair only
99 votes when there is a tie. A quorum is four (4) members including the chairman.
100

101 The law does allow electronic attendance of a meeting. We do not have the technology in this
102 meeting room. However, the courtroom does and we have had meetings there before.
103

104 Items discussed for possible adoption to the bylaws:
105

106 Smith stated it is important to have four (4) voting members.
107

108 Ernst asked if we could have an 8th member as a back-up.
109

110 Trangmoe noted Dethlefsen has missed the last three (3) meetings with notification.
111

112 The secretary stated Dethlefsen has notified the secretary each time with a valid reason for not
113 being able to attend.
114

115 Ernst and Yang agree that members should continue to contact the secretary when they cannot
116 attend.
117

118 Ernst proposed that they discuss and adopt an amount or certain percentage of missed meetings
119 to be dropped from the board.

120 A new chairman should be elected annually.
121
122 Memorialize the 4th Monday of the month for meeting dates.
123
124 Memorialize the process for questions: Questions emailed to the secretary, she forwards to the
125 chair, the chair comments and returns to secretary to distribute to members.
126
127 Ramer stated there needs to be a maximum size. The way the regulation is currently written, the
128 applicant could've had a billboard sized sign under the canopy.
129
130 Hansen agreed that it should be re-worded.
131
132 Yang stated Robbins Hallmark has multiple businesses in the same building. It is technically a
133 condominium.
134
135 Yang would like to see a maximum size per business for under canopy signs only in the CBD
136 and they should remain unlighted. Keeping with the historical look of the down town area.
137
138 Hansen stated none of the under canopy signs should be lighted.
139
140 Smith disagreed

141
142 Minutes December 29, 2015:

143 **Vivian Yang moved to approve the 12/29/15 minutes, as corrected**

144
145 **Seconded by John Trangmoe**

146
147 **Donald Ramer, abstain**


148 **Sue Smith, aye**


149 **John Trangmoe, aye**

150 **Vivian Yang, aye**

151 **Darwin Ernst, abstain**

152
153 Meeting adjourned at 7:04p.m.
154
155
156
157

158
159 
160 _____
161 Kim Charlton
162 Secretary

158
159 
160 _____
161 Darwin Ernst
162 Chairman