



PUBLIC WORKS & UTILITIES
DEPARTMENT



CITY OF MILES CITY

17 So. 8th Street
P.O. Box 910
Miles City, Montana 59301

Telephone: (406) 234-3493
Fax: (406) 234-6392

**MINUTES OF THE
BOARD OF APPEALS MEETING**

DATE OF MEETING: July 14, 2016

TIME: 5:00 p.m.

PLACE: City Hall Conference Room

MEMBERS PRESENT: Rock Wankel – Chairman, Derrick Rodgers,
Matthew Anderson, Noah Mahan & Marvin Starck

OTHERS PRESENT: See sign in sheet and Building Inspector Hirsch
Dianna Larson served as recorder

Chairman Wankel opened the meeting, noting a quorum was present.

TO CONSIDER: **Owner:** Jeff Williams
 Address: 1611 Tompy
 Job Site Address: Same
 Legal Desc: Snyder Addition
 Block: 22 Lots: 11 & 12
 Request: To construct raised planter beds on property.

SUMMARY OF FACTS: Hirsch reported the property was posted and received three protests. His concerns were the concrete planters being placed on city property, the height and placement next to the curb.

DISCUSSION: Dr. Williams gave his interpretation of City Ordinance 24-18 (attached). He reported that a bench would be placed on the corner. The concrete planters would be used for raising garden produce. By using planters, this would help him with time management and prevent weeds. He added that the planters would have a contemporary style and appealing to the neighborhood.

Board member comments were the setbacks, the City's right of way, and the movability of the planters. BI Hirsch explained the right of way, 25' setbacks in the front, side and 20' back yard. Chairman Wankel questioned if the request was within the Board of Appeals specifications. Board member Rodgers had concerns of the planters being placed too close to the curb. Also felt the City Council should address and make the decision regarding the placement of anything on

city right of way. There was more discussion on determining the 25' setback. Most concerns were addressed.

PUBLIC COMMENT: Gloria Grenz presented photos of Dr. William's residence. She reported the planters would block the view for traffic and pedestrians, along with safety of children. Ms. Grenz pointed out several places around town that have corner bushes which prohibits clear view. She asked the Board to be careful on their decision.

ACTION: Anderson moved to send the request to City Council and table indefinitely. Due to the lack of a second, motion failed.

ACTION: Rodgers moved to refer the request to City Council for their decision and recommendation, second by Starck.

DISCUSSION: Board member Starck asked for clarification on the action. Chairman Wankel stated that if the City Council approves Dr. William's request, the Board of Appeals has the option of reviewing this again.

VOTE: To refer this request to City Council. 5 – 0 in favor. Chairman Wankel informed Dr. Williams that he will need to contact the City Clerk to be placed on the City Council agenda.

Board member Rodgers was asked to serve another 3 year term. All agreed. Meeting was adjourned.


Dennis Hirsch
Building Inspector

DH/dll

BOA Meeting	July 14, 2016 5:00 PM
Name (Please Print)	Address
JEFF WILLIAMS	11611 TOMPKY STREET MC 59301
Blair Henry	506 MISSISSIPPI 59301

Attachment 1

To whom it may concern,

Based on the Public Works Director's recommendation, I am applying for a variance of City Ordinance Sec 24-18 in order to build raised planter beds on my property at 1611 Tompy Street in Miles City, MT. It is my belief that my proposal to build raised planting beds on my property is consistent with City Ordinance Section 24-18.

City Ordinance Section 24-18 reads as follows:

Sec. 24-18. - Maximum height of fences and hedges; projecting tree branches or shrubbery.

- (a) No fence, hedge or other visual obstruction exceeding three feet in height, or chain link fence exceeding 42 inches in height, as measured from the street grade, shall be constructed in any residential district or mobile home park district in the front yard. The foregoing height requirements shall also apply to any perimeter fence, hedge or other visual obstruction located within the front 25 feet of any lot, as measured from the back of the curb, or edge of the street if no curb, of the front yard. In all other areas, the fence, hedge or other visual obstruction may not exceed six feet in height, as measured from the street grade.
- (b) It shall be unlawful for the owner or occupant of any premises within the city to suffer or permit any branches of any trees, bushes, shrubs or shrubbery to project over any sidewalk or street at a height less than eight feet.

(Code 1981, § 11.02.110; Ord. No. 1252, § 6, 6-11-13; Ord. No. 1255, § 1, 10-8-13)

My understanding is that City Ordinance Section 24-18 applies to my property with the front yard facing Tompy Street. My street address is 1611 Tompy Street, having a legal description of, Lots 11 and 12 in Block 22 of the Snyder Addition. According to the records held at Security Abstract and Title Company, who have reviewed the plot, the width of lots 11 and 12 is 120 feet and faces Tompy Street. The depth is 55 feet and abuts South Cottage Avenue. Subsequently, the height requirements listed in City Ordinance Section 24-18 apply to any perimeter fence, hedge, or other visual obstruction located within the front 25 feet of lots 11 and 12. In all other areas, the fence, hedge or other visual obstruction may not exceed six feet in height, as measured from the street grade. I interpret this to mean that after the first 25 feet of the width of lots 11 and 12 abutting South Cottage Avenue, construction of a fence, hedge, or other visual obstruction is permitted and may not exceed six feet in height, as measured from the street grade.

My intent is to construct raised planting beds in the boulevard abutting South Cottage Avenue. In the first 25 feet of the boulevard the height limitations as set forth in City Ordinance Section 24-18 would apply. In that section, I wish to construct an aesthetically pleasing sitting area. No structure constructed in this section would exceed the three foot height restriction as defined by City Ordinance Section 24-18. In the remaining section of the width of lots 11 and 12 abutting South Cottage Avenue, I wish to construct raised planting beds. The height of the raised planting beds would be 3 feet or less from the street grade. The planting beds would be planted with various types of vegetables, berry

producing shrubs, and or flowers that would not be anticipated to exceed, during the growing season, the height requirements as set forth in City Ordinance Section 24-18 for all other areas. The purpose of this endeavor is to improve the curbside appeal of my property and in doing so, add to the beautification of my neighborhood in general.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "J.W. Williams", with a stylized flourish at the end.

Jeff Williams

Attached: two (2) conceptual renderings of proposal

