

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
June 7, 2018

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Jule Stuver at 3:00 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Mr. Jule Stuver, Chair
Mr. David Carlson
Ms. Krista Smith
Mr. Kyle Palagi

Great Falls Board of Adjustment/Appeals members absent:

Mr. David Saenz

Planning Staff members present:

Mr. Thomas Micuda, Deputy Director Planning & Community Development
Mr. Troy Hangen, Planner II
Ms. Connie Tryon, Sr. Administrative Assistant

Others present:

Mr. Joseph Cik, Assistant City Attorney

Mr. Micuda affirmed a quorum of the Board was present.

MINUTES

Chair Stuver asked if there was a motion to approve the meeting minutes as stated for February 1, 2018. Seeing no corrections, Mr. Palagi moved to approve the minutes as submitted, seconded by Mr. Carlson. All in favor, the minutes were approved.

OLD BUSINESS

There was no old business.

NEW BUSINESS

**3219 10th Avenue South
Variance Request for O'Reilly Auto Enterprises, LLC, Rear Yard Setback**

Troy Hangen, Planner II, said the proposed project is a vacant commercial property zoned C-2 General Commercial, formerly the home of Prime Cut Restaurant. The applicant seeks to redevelop the approximately 40,000 square foot property with a new auto parts store.

The lot is 130 feet in depth, requiring a 13-foot rear setback; however, the existing building is currently 0.87 feet from the property line, making the existing property nonconforming. Staff believes the proposed use of the existing rear yard setback is not contrary to the public interest because the proposed new structure will not be significantly larger than the previous restaurant that existed for 40 years. Further, staff believes unnecessary hardship would be created because the alley provides an additional 20-foot buffer to the residential properties to the north. Staff recommends granting the variance and believes by doing so the spirit of the code is still met, and substantial justice is being served. There was some discussion with the Board and staff on Design Review Board review for the proposed project. There was also discussion on the unsuccessful attempt to arrange parking and drive aisles in order to comply with the 13-foot rear setback requirement.

PETITIONER'S PRESENTATION

Tim Uhrik, Tate and Associates, Denver CO, discussed the required number of parking spaces and the difficulty of complying with parking space requirements with a 13-foot rear setback, as well as the restriction in traffic circulation.

PROPONENTS OPPORTUNITY TO SPEAK

Gary Zadick, #2 Railroad Square, spoke in favor of the proposed development.

OPPONENTS OPPORTUNITY TO SPEAK

There were no opponents.

BOARD DISCUSSION AND ACTION

MOTION: That the Board of Adjustment, based on the Findings for the Basis of Decision approve the application of O'Reilly Auto Enterprises, LLC for the requested variance of City Code Title 17, Chapter 20, Article 4, Section 010, Exhibit 20-4, Minimum rear yard setback, subject to the condition of approval.

Made by: Ms. Smith
Second: Mr. Palagi

VOTE: All being in favor, the motion passed.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

There being no further business, Chair Stuver adjourned the meeting at 3:26 p.m.