

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
July 11, 2019

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
Ms. Krista Smith, Vice Chair
Mr. Joe McMillen
Ms. Aspen Northerner
Mr. Kyle Palagi

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Mr. Craig Raymond, Director of P&CD
Mr. Tom Micuda, Deputy Director of P&CD
Ms. Erin Borland, Planner III
Mr. Brad Eatherly, Planner I
Ms. Connie Tryon, Sr. Administrative Assistant

Others present:

Mr. Joseph Cik, Assistant City Attorney

Mr. Raymond 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 April 4, 2019. Mr. Palagi moved to approve the minutes, seconded by Ms. Smith. All in favor, the minutes were approved.

OLD BUSINESS

There was no old business.

BOARD ACTIONS REQUIRING PUBLIC HEARING

2400 6th Street NW, Variance to 17.20.7.060 and 17.20.4.010 that would allow the total maximum garage area to be increased and the maximum height of a detached garage to be increased beyond code requirements.

Ms. Borland stated that the applicant is requesting a variance for his property at 2400 6th St NW, to allow the maximum garage area and maximum garage height to be increased. She reviewed site photos and explained that the property butts right up against the county. She explained that the applicant is proposing to demolish an existing single family dwelling with an attached garage and construct a 1,600 square foot detached garage. He is also going to install a driveway to the detached garage using an existing driveway on the southeast corner of the property and then will finally construct a new single-family dwelling with an 800 square foot attached garage.

Ms. Borland displayed an exhibit from the official Code of the City of Great Falls, under the standards for accessory structures. She reviewed that the garage area limitations are based on the lot size. The applicant's lot falls into the 10,001 to 43,559 square foot category, so it would only be allowed to have a 1,600 square foot total garage area. She explained that the intent of the code is that accessory structures will not overpower the primary structures. It is to keep the neighborhood character of our city. Ms. Borland also reviewed the code for maximum detached garage height. For an R-2 zone, the standard is 24 feet but may not be higher than the uppermost elevation of the principal building. She stated that the applicant is wanting to build the garage first, before the new house is constructed. Since the current home on the property is only 18 feet tall, that is why they are requesting a variance.

Ms. Borland presented the Basis of Decision for the board. She stated that there are three findings that they look at for each variance. The first being that the variance is not contrary to the public interest. The second is that a literal enforcement would result in unnecessary hardship, owing to conditions unique to the property, and the last being the spirit of the Title would be observed and substantial justice done by granting the variance.

-Ms. Borland said staff recommends the Board approve the height variance because when the primary house will be built, it will be in compliance. Staff also does recommend denial of the square footage allowance based on the findings, as true hardship cannot be proven. Ms. Borland offered to answer any questions.

PETITIONER'S PRESENTATION

Janna Reynolds, 2400 6th St NW, stated that for the lot size, with what they are proposing, they would only be at 11% lot coverage, and the allowable is 35%. They are looking to fix the neighborhood up as it is an older house and they want to get their vehicles out of the yard and in a garage.

John Reynolds, 105 30th Ave NE, stated that 6th St. is a very busy street, with no sidewalks, but they have a lot of toys [vehicles] that they need to store and keep them off the street. There are

also several people in that neighborhood that have even larger garages and shops than what they are asking for. He stated that the property tax will triple for the city.

OPPORTUNITY FOR BOARD MEMBERS TO ASK QUESTIONS

Ms. Smith asked if there was a time frame for the garage and the house to be built. Ms. Borland stated that the home owner would build the garage first and use it as storage while they build the house. Ms. Smith also asked if plans have been submitted for the house and garage. Ms. Borland said that they have seen preliminary drawings of the spec house.

Mr. Stuver asked if the Planning Department has seen a lot of these variance requests and if we have, have we looked at changing the code. Ms. Borland stated that the staff has only received one variance in the past few years that they are aware of. Mr. Micuda also added that staff has received a lot of inquiries about this subject several times a year.

Mr. Palagi asked what the hardship was on the variance from 2013 that was approved. Mr. Micuda replied that the code has changed since then, but they had a larger lot size and they also did make a building coverage argument.

Ms. Northerner asked if there is any kind of limitation on the house that will be built on the property. Ms. Borland said that this is where the lot coverage from the code comes into play; you can only have a certain amount of the lot covered. She also said that in the R-2 zone that the maximum height for the house is 35 feet.

PROponents OPPORTUNITY TO SPEAK

Michael Wadsworth, 2216 6th St NW, a neighbor, feels that it is the property owner's lot and he should be able to do with it what he wants.

OPponents OPPORTUNITY TO SPEAK

There were no opponents.

BOARD DISCUSSION AND ACTION

MOTION: The Board of Adjustment take a ten minute recess at 3:41pm

Made by: Ms. Smith
Second: Mr. Mcmillen

VOTE: All in favor, the motion passed.

The board was called back to order at 3:47pm.

MOTION: That the Board of Adjustment, based on the findings for the Basis of Decision, approve the variance request from OCCGF Title 17, Chapter 20, Article 7, Section 060, Total Maximum Garage area, to allow an additional 800 square feet.

Made by: Ms. Smith
Second: Mr. McMillen

Ms. Smith stated that she feels that this is not in excess for the size of the lot and there is no access to the back property.

Chair Stuver asked the applicant what was keeping them from building the allowed sizes by code.

Josh Frank, 2400 6th St NW [also the applicant], stated that they would like to be able to have the back garage for their projects, and the garage attached to their house, to be able to park in the winter.

There was some discussion between the board members.

VOTE: Two in favor, three opposed - the motion fails.

MOTION: That the Board of Adjustment, based on the findings for the Basis of Decision, deny the variance request from OCCGF Title 17, Chapter 20, Article 7, Section 060, Total Maximum Garage Area, to allow an additional 800 square feet.

Made by: Mr. Palagi
Second: Mr. McMillen

VOTE: Three in favor, two opposed, the motion passed. The garage area variance is denied.

MOTION: That the Board of Adjustment, based on the findings for the Basis of Decision, deny the variance request from OCCGF Title 17, Chapter 20, Article 4, Section 010, Exhibit 20-4, to allow the detached garage to be built at the maximum height.

Made by: Mr. Palagi
Second: Mr. McMillen

VOTE: All in favor, the motion passed. The height variance is also denied.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

Ordinance 3205, "An Ordinance Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 9 Through 11; and, Repealing and Replacing Chapter 12 Pertaining to Administrative and Enforcement Bodies."

Mr. Cik gave an overview on what is changing. There are three substantive ~~of~~ changes that are being proposed. The first one is taking all the zoning approval provisions out of the Planning Advisory Board and moving them to the Zoning Commission provisions. It was moved to be consistent with the state law. The second proposed change is eliminating the appointment membership and Officers sections of the Zoning Commission and simply cross-referencing to the Planning Advisory Board provisions. The last substantive change is removing the Airport Zoning and Hazard Board designation from the ~~Planning Advisory Board and~~ the Board of Adjustments.

MOTION: I move that the Board of Adjustment recommend the City Commission adopt Ordinance 3205.

Made by: Ms. Smith
Second: Ms. Northerner

VOTE: All in favor, the motion passed.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chair Stuver adjourned the meeting at 4:23 p.m.