

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
January 9, 2020

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 Planning & Community Development
Mr. Thomas Micuda, Deputy Director Planning & Community Development
Ms. Erin Borland, Planner III
Mr. Lonnie Hill, Planner I
Ms. Jamie Nygard, Sr. Admin 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 July 11, 2019 and October 3, 2019. Mr. Palagi moved to approve the minutes, seconded by Ms. Northern. All in favor, the minutes were approved.

ELECTION OF 2020 CHAIR AND VICE CHAIR

MOTION: To have Mr. Stuver retain his seat as Chair for another year
MADE BY: Ms. Smith

SECOND BY: Mr. Palagi
VOTE: All in favor, the motion passed

MOTION: To have Ms. Smith retain her seat as Vice Chair for another year
MADE BY: Mr. Palagi
SECOND BY: Mr. McMillen
VOTE: All in favor, the motion passed

RECOMMENDATION TO REAPPOINT BOARD MEMBER

Board discussed making a recommendation of reappointing Krista Smith for another term.

MOTION: To reappoint Krista Smith for another term
MADE BY: Mr. Palagi
SECOND BY: Ms. Northerner
VOTE: All in favor, the motion passed

BOARD ACTIONS REQUIRING PUBLIC HEARING

Variance from Section 17.20.4.010 of the Official Code of the City of Great Falls (OCCGF) to allow reduced side yard setbacks for a project located at 213 & 215 2nd Avenue North

Lonnie Hill, Planner I, presented an overview of the project. He noted to the board that the variance is not contrary to the public interest. The proposed residential use is lower in intensity and traffic, than any other allowed land use within the district and is well below the maximum building height allowed in the C-5 district. The two story structures match the mass of the existing structure to the east and meets the intent of the Code and is in the public interest.

The findings for the basis of decision are that a literal enforcement would result in unnecessary hardship, owing to conditions unique to the property. The 10 foot wide parcel has no developable area due to required 10 foot side yard setbacks and the 25 foot wide parcels have a developable width of 5 feet due to the required 10 foot side yard setbacks. Therefore the dimensions of the lots result in unnecessary hardship for the property owner. These unique conditions justify granting a variance to reduce the side yard setbacks. The spirit of this Title would be observed and substantial justice done by granting the variance. If the variance is not granted it would not allow the applicant to feasibly develop his properties. Other than the slightly reduced setbacks, the development of the property is consistent with the C-5 district in terms of building height, general massing, traffic impacts, and land use.

Mr. Hill stated that City staff has concluded that the proposed side yard setback variance is appropriate and staff recommends approval with the conditions that the applicant shall submit the required building permit application to the City of Great Falls for review and approval. The applicant shall also comply with all applicable building and fire codes pursuant to the project and the applicant shall provide a revised amended plat of the subject properties, showing the proposed aggregation and boundary line adjustments referenced in the agenda report.

PETITIONER'S PRESENTATION

Andreas Geranios, 210 4th Ave N, is the applicant and was present for any questions.

PROPONENTS OPPORTUNITY TO SPEAK

Brett Doney, Great Falls Development Authority, 405 3rd St NW Suite 203, spoke in favor of the proposed project to support infill development and vitality of the community. He said that it would be great progress for innovative home ownership. He also said that he does agree with the City Staff's Findings for approval.

Lucinda Torrez, 4716 57th Ave. S.W., owns the white building right next to the proposed project and wanted to know how it will affect her property. She asked Mr. Geranios if the house that was pictured in the presentation would be what the house is going to look like and he responded that yes it will. She was concerned that the house doesn't fit in with the look of the historic ones in that neighborhood. Ms. Northern responded to her that the variance that they are looking for is for the setbacks and not the aesthetics of the house.

Joey Torrez, 4716 57th Ave S.W., was questioning the property lines between his property and the proposed project. It was explained to him by the board that it would be five feet between his property line and the proposed house. Mr. Torrez stated that he did not have any problem with the project going through.

OPPONENTS OPPORTUNITY TO SPEAK

Trevor Cavanagh, Smoked American Barbeque, 1305 Beargrass Dr., wanted to know about the lot in between his business and the proposed project. He has been looking at acquiring that lot for a couple of years now and wanted to know that if the variance for Mr. Geranios is granted, would that prevent him from doing anything with that lot if he acquires it and wants to expand his restaurant. Mr. Micuda responded that no the lot is zoned C-5 for commercial uses being permitted. Mr. Cavanagh also asked Mr. Geranios if he had intentions of trying to acquire that lot as well. Mr. Geranios responded that he is only looking at his current project right now. Mr. Cavanaugh stated that he is not opposed to this project. He wants it to be on the record that he would be opposed to it if it would prevent his business from being able to expand.

OPPORTUNITY FOR BOARD MEMBERS TO ASK QUESTIONS

There were no questions.

BOARD DISCUSSION AND ACTION

MOTION: That the Board of Adjustment, based on the Findings for the Basis of Decision approve the variance request for Title 17 Chapter 20 Article 4, Exhibit 20-4, maximum side yard setback of principal and accessory buildings, subject to the conditions of approval.

Made by: Ms. Smith
Second: Mr. Palagi

Ms. Smith stated that she thought it was a very positive thing for development downtown and thinks that it will help clean things up a bit and should be beneficial to everyone on that block.

VOTE: All in favor, the motion passed. 5-0

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chair Stuver adjourned the meeting at 3:29 p.m.