

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
June 6, 2024

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Joe McMillen at 3:00 p.m.

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Thursday, June 6, 2024 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Joe McMillen, Chair
Aspen Northerner, Vice Chair
Antoinette Collins
Pete Fontana
Christian Stone

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Brock Cherry, Director Planning & Community Development at 3:02 p.m.
Lonnie Hill, Deputy Director Planning & Community Development
Rachel Campbell, Permit Technician

Sara Doermann, Associate City Planner
Jamie Nygard, Sr. Administrative Assistant

Others present:

Rachel Taylor, Deputy City Attorney

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

MINUTES

Chair McMillen asked if there was a motion to approve the meeting minutes as stated for January 4, 2024. Ms. Northerner moved to approve the minutes, seconded by Mr. Fontana. All in favor, the minutes were approved.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

None.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Variance to Section 17.20.4 Exhibit 20-74 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced side yard setback for construction of a two car garage for the property located at 1417 1st Avenue North.

Sara Doermann, Associate City Planner, presented to the Board. She gave some project background and stated that the subject property is located at 1417 1st Avenue North and is zoned R-3, Single-family high density on an approximately 7500 square foot lot. She stated that the request is being brought forward to the Board because there are physical constraints on the subject property to include a power pole and a sanitary sewer service line. She stated that the subject property is the only property on the block that has a power pole on the rear property line. She also stated that existing accessory structures, on the block, have current non-conforming setbacks.

Ms. Doermann presented an Aerial Map, Site Photos, and a Proposed Site Plan.

Ms. Doermann stated that the variance request is from OCCGF 17.20.4 Exhibit 20-4, Minimum side yard setback of principle and accessory buildings. The requirement is a 5 foot setback and the applicant is requesting a 2 foot setback, on the east side of the property, to allow the construction of a two car garage. The proposed two car garage would be used for off-street parking spaces and will be roughly 24'x30'.

Ms. Doermann stated that as of the meeting, Staff had not received any inquires or comments from the public.

Ms. Doermann presented the Basis of Decision:

1. Granting the variance would not be contrary to the public interest.
 - The variance will not adversely affect the character of the neighborhood.
 - The proposed placement of the garage is consistent with existing garages in the area.
 - The proposal promotes efficient land use without compromising public health, safety, or welfare, as the project would have to go through the building permit process.
2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
 - Existing utilities limit available space for construction of a garage.
 - Unique hardships that are not self-imposed.
 - The variance would allow the applicant to use the unencumbered section of the rear property.
 - The development would be consistent with the character of the neighborhood.
3. The spirit of the Title would be observed and substantial justice done by granting the variance.
 - It allows the construction of a garage in lieu of site challenges.
 - It ensures reasonable use of the property and adheres to safety standards.

Ms. Doermann stated that based on the basis of decision findings, Staff recommends approval of the variance request.

Ms. Doermann let the Board know that the applicant was unable to attend the meeting, but was available via phone for any questions.

PROPOSERS

None.

OPPOSERS

None.

PUBLIC COMMENT

None.

BOARD DISCUSSION AND ACTION

Mr. Fontana said that anytime you can move vehicles off of the street, especially on a one-way street, it is a good thing. The other Board Members agreed with him.

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 4, Exhibit 20-4, minimum side yard setback of principle and accessory buildings.

MADE BY: Mr. Fontana
SECOND BY: Ms. Collins

VOTE: Motion Passed 5-0

COMMUNICATIONS

Mr. Cherry introduced himself to the Board and thanked them for serving. He stated that the Growth Policy is being updated and that there will be more on it in the near future.

PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business, Chair McMillen adjourned the meeting at 3:13 p.m.