

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
November 7, 2024

CALL TO ORDER

Chair Joe McMillen called the meeting of the Great Falls Board of Adjustment/Appeals to order at 3:18 p.m.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Joe McMillen, Chair
Aspen Northerner, Vice Chair
Pete Fontana – via phone
Christian Stone

Great Falls Board of Adjustment/Appeals members absent:

Antoinette Collins

Planning Staff members present:

Lonnie Hill, Deputy Director of Planning & Community Development
Rachel Campbell, Certified Permit Technician
Tracy Martello, Assistant City Planner
Jamie Nygard, Sr. Administrative Assistant

Others present:

David Dennis, 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 June 6, 2024. Ms. Northerner moved to approve the minutes, seconded by Ms. Stone. All in favor, the minutes were approved 4-0.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

None.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Variance from Section 17.20.4.010 Exhibit 20-4 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced rear and side yard setback for the construction of a shed for the property located at 1110 Choteau Avenue NE

Tracy Martello, Assistant City Planner, presented to the Board. She stated that Shawn Crook, the applicant, owns the property located at 1110 Choteau Avenue Northeast, which is zoned R-3 Single-family high density on a lot that is roughly 12,240 sq. ft. Ms. Martello stated that other properties in the neighborhood, with sheds, all have non-conforming setbacks.

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

Ms. Martello stated that in 2020, the existing foundation was installed with a 3-foot rear yard setback and a 2-foot side yard setback. However, the contractor did not obtain a building permit. The project was subsequently put on hold due to the rapid increase in material and labor costs.

Ms. Martello presented the OCCGF 17.20.4 Exhibit 20-4, minimum side yard setback of principal and accessory buildings, which states that in R-3 zoning, the minimum side and rear yard setback is 5-feet. The applicant is requesting the side yard setback be moved to 2-feet and the rear yard setback be moved to 3-feet for the construction of a shed that will be used for cold storage. The approval of the variance will result in a 22' x 14.4' shed built on the existing foundation.

Ms. Martello stated that Adam Elliot, 1106 Choteau Avenue, provided one public comment supporting the variance request.

Ms. Martello 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 accessory structure is consistent with existing sheds in the area.
 - The variance promotes efficient land use without compromising public health, safety, or welfare.
2. A literal enforcement would result in unnecessary hardship owing to conditions unique to the property.
 - The existing foundation would be a complete loss.
 - Unique hardships occurred when the zoning code was amended in 2021, increasing the setbacks to 5 feet.
 - The development would be consistent with the character of the neighborhood.
3. The spirit of the Title would be observed, and substantial justice would be done by granting the variance.
 - It allows the construction of a shed in lieu of site challenges.
 - It ensures reasonable use of the property and adheres to safety standards.

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

APPLICANT PRESENTATION

Wes Myhre, Summit Structures, thanked Staff for the presentation. He stated that the project was stalled in 2020, due to the prices of materials and the depletion of the applicant's budget.

PROPONENTS

Shawn Crook, 1110 Choteau Avenue Northeast, stated that he hopes the variance gets approved.

OPPONENTS

None.

PUBLIC COMMENT

None.

BOARD DISCUSSION AND ACTION

Mr. McMillan inquired about the presence of any right-of-ways or easements in the backyard between the lots. Mr. Hill replied that the area of town was not platted with alley right-of-ways or easements on the rear of the property.

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 and rear yard setbacks of principle and accessory buildings.

MADE BY: Ms. Northerner

SECOND BY: Ms. Stone

VOTE: Motion Passed 4-0

COMMUNICATIONS

Mr. Hill mentioned that several board positions would soon be available, and that staff was seeking applications to fill the roles. Mr. McMillan expressed his willingness to remain on the Board of Adjustment for as long as needed, but stated that he submitted an application for the Planning Advisory Board.

In response, Mr. Hill highlighted that some legislative updates to the 2023 Montana Land Use and Planning Act have been made, which might impact the composition and function of the boards, indicating that changes could be forthcoming.

Mr. Hill also noted that the Growth Policy is being updated and emphasized the importance of public outreach. He encouraged the board members to help spread the word and participate whenever they can.

PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business, Chair McMillen adjourned the meeting at 3:32 p.m.