

**MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT
September 6, 2012**

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment was called to order by Chair Pro Tem Peterson at 3:05 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment Members present:

Mr. Tim Peterson
Mr. Jeff Foster
Mr. Chris Ward
Ms. Kim Martin

Great Falls Board of Adjustment Members absent:

Mr. Casey Cummings, Chair

City Staff Members present:

Mr. Mike Haynes, AICP, Director, Planning and Community Development
Ms. Galen Amy, Planner I
Ms. Phyllis Tryon, Sr. Administrative Assistant

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

MINUTES

Chair Pro Tem Peterson asked if there were any amendments to the minutes of the August 2, 2012 meeting, and there were none. Mr. Ward moved to adopt the minutes as received. Mr. Foster seconded, and all being in favor, the motion passed.

Action Minutes of the Board of Adjustment/Appeals. Please refer to the audio/video recording of this meeting for additional detail.

OLD BUSINESS

There was no old business.

NEW BUSINESS

BOA2012-5, 513 22nd Avenue Northeast **Minimum Side Yard Setback Dimensional Variance**

PLANNING STAFF REPORT & RECOMMENDATION

Galen Amy, Planner, reviewed the staff report for the request for a minimum side yard setback dimensional variance for 513 22nd Avenue Northeast. The requested variance would reduce the required 8-foot side yard setback to 6 feet in order for the applicant to construct an in-line addition to the existing residence. Ms. Amy stated she was entering the Staff report into the record.

Zoning for this property is R-2 single-family medium density district. The applicant is requesting a 6-foot side yard setback from the west property line adjoining a neighboring residential property. Ms. Amy noted that the property and neighborhood were developed in compliance with the City Code in effect when the residence and garage were constructed. The original side yard setback was increased from 6 feet to 8 feet in the 2005 city-wide rezoning.

Ms. Amy said that the requested variance is consistent with other uses in the neighborhood. Staff findings state that the variance is not contrary to public interest because the proposed in-line addition is consistent with the character of the neighborhood, is not easily viewed by the general public, and poses minimal impact to surrounding properties. Other findings include the fact that an in-line addition is superior in design and is the most efficient expansion of living space.

Staff supports the requested variance subject to conditions listed in the staff report. Ms. Amy concluded her review of the staff report and offered to answer any questions from the Board.

Mr. Ward asked for clarification on whether approval of a variance allows such a variance to run with the property whether or not there is a change of ownership. Mr. Haynes stated that a variance relates to a specific project. If a variance is granted and exercised in a duly permitted and constructed project then it will run with the property. Should any subsequent project that requires variances be proposed, by the current owner or future owners of the property, that would require separate application and due consideration by the Board of Adjustment.

Mr. Ward then asked whether the Board would need to meet again to approve any changes the applicant might make in the proposed building plans in relation to this variance. Mr. Haynes noted that Conditions of Approval include a statement that allows the Director of Planning & Community Development to approve minor changes in building plans. Any major changes would need Board approval. He reaffirmed that a variance does not run in perpetuity with a piece of property.

PETITIONER'S PRESENTATION

The petitioner did not wish to make a presentation.

PROPOSERS OPPORTUNITY TO SPEAK

There were no proposers.

OPPOSERS OPPORTUNITY TO SPEAK

There were no opposers.

PETITIONER'S CLOSING

The petitioner had no comments.

PUBLIC COMMENT

There was no public comment.

BOARD DISCUSSION AND ACTION

Chair Pro Tem Peterson called for Board discussion. Ms. Martin inquired of the petitioner whether he had spoken to the neighboring property owner about the requested variance. He said he had not, because he doesn't see the neighbor often. They have agreed to split the cost of a fence. Mr. Haynes stated that the neighbor would have received notice by the City informing him of the variance application and the public hearing at this Board of Adjustment meeting.

MOTION: That the Board of Adjustment approve the application of David and Sandra Lee, 513 22nd Avenue Northeast, legally described as Lot 25, Block 3, North Riverview Terrace Addition Number 3 Part 2, in Section 36, Township 21 North, Range 3 East, Cascade County, Montana, as shown in the conceptual development plans contained within this report, for the requested variance of City Code Title 17, Chapter 20, Article 4, Section 010, Exhibit 20-4, Minimum side yard setback reduction from 8 feet to 6 feet from the west side property line, for the proposed in-line addition to the north portion of the existing residence subject to the following conditions:

1. The proposed project shall be developed consistent with the conditions in this agenda report, all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. If after the approval of the conceptual development plan as amended by this Board, the owner pro-poses to expand or modify the conceptual development plans, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the concept for one or more review criteria. If such proposed change would alter the plan, the proposal shall be resubmitted for review as a new application.

Made by: Ms. Martin
Second: Mr. Foster

VOTE: All being in favor, the motion passed.

Ms. Galen advised the petitioner on the next procedural steps.

PUBLIC COMMENT

There was no public comment.

COMMUNICATIONS

There were no communications.

ADJOURNMENT

The meeting was adjourned at 3:18 p.m.