DRAFT MINUTES OF THE MEETING

**OF THE**

##  GREAT FALLS BOARD OF ADJUSTMENT

**November 29, 2012**

## CALL TO ORDER

The meeting of the Great Falls Board of Adjustment was called to order by Chair Cummings at 2:59 p.m. in the Commission Chambers of the Civic Center.

**ROLL CALL & ATTENDANCE**

Great Falls Board of Adjustment Members present:

 Mr. Casey Cummings, Chair

 Mr. Tim Peterson

 Mr. Chris Ward

 Ms. Kim Martin

Great Falls Board of Adjustment Members absent:

 Mr. Jeff Foster

Planning Staff Members present:

 Mr. Mike Haynes, AICP, Director, Planning and Community Development

 Ms. Galen Amy, Planner I

 Ms. Lisa Kuntz, City Clerk

Other City Staff present:

 Ms. Patty Cadwell, Neighborhood Councils Coordinator

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

**MINUTES**

Mr. Ward moved to approve the minutes of the September 6, 2012 meeting of the Board of Adjustment. Ms. Martin seconded, and all being in favor, the motion passed. Mr. Ward said he thought he was present for the January 6, 2011 meeting. Mr. Haynes said staff will check the minutes and correct as needed. Mr. Peterson moved to approve the minutes for January 6, 2011 as corrected, and Mr. Ward seconded. 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**

**BOA2012-07, 3000 Upper River Road**

**Dimensional Variance: Garage area limitations**

**PLANNING STAFF REPORT & RECOMMENDATION**

Galen Amy, Planner, reviewed the staff report for the request for a dimensional variance at 3000 Upper River Road for the size of a garage for owners Clay and Cherry Loney. Ms. Amy entered the staff report into the record. The owners are requesting to build a 42 foot by 56 foot enclosed detached private garage with 12 foot by 56 foot unenclosed wings on each side. The enclosed portion of the proposed garage is 2,352 square feet, but with the additional unenclosed wings, the total garage area would be 3,696 square feet. The subject property is zoned R-1 and City Code permits a maximum garage area of 1,800 square feet for parcels that are 1 acre or larger. The subject property is 5 acres and there are many large adjacent parcels with similar uses and structures. Ms. Amy explained that due to large property size and the surrounding neighborhood uses, the standard maximum garage floor area requirement represents a clear hardship, is uncharacteristic of the surrounding neighborhood, and constrains reasonable development of the site.

The property owner contacted the surrounding property owners. None of the neighbors contacted had objections to the proposed project.

Staff supports the request for a new 3,696 square foot private, detached garage with Conditions of Approval. Ms. Amy concluded her review of the staff report and offered to answer any questions from the Board. Mr. Ward asked the purpose of distinguishing between any building and a garage. Mr. Haynes clarified that a garage is one type of accessory building and that the maximum permitted garage size varies depending on zoning district and lot size. He said that the 5-acre lot in question is much larger than typical lot sizes in the City, and that a 1,800 square foot garage is the maximum allowed on a 1-acre lot. Mr. Ward asked if there be a size limitation if the proposed building was a barn. Mr. Haynes explained that all accessory buildings have a size limitation.

Mr. Cummings inquired about R-1 zoning and other accessory building sizes. Ms. Amy explained that the characteristic of the neighborhood includes large accessory buildings. She added that all the surrounding property owners are in support of this application. There was further discussion about the size of accessory structures as it relates to a standard City lot compared to a 5-acre lot. Mr. Cummings asked if the applicant would need to request a variance in the future if they wanted to build another accessory structure, and Mr. Haynes said they would.

PETITIONER’S PRESENTATION

Cherry Loney, 3000 Upper River Road, thanked the Board and staff for their time. Ms. Loney stated they wanted to clean up their property and be able to store boats and their classic car in a building. She said they have chosen an aesthetically pleasing building, and the neighbors are in support of this application.

PROPONENTS OPPORTUNITY TO SPEAK

There were no proponents.

OPPONENTS OPPORTUNITY TO SPEAK

There were no opponents.

PETITIONER’S CLOSING

The petitioner had no comments.

PUBLIC COMMENT

There was no public comment.

BOARD DISCUSSION AND ACTION

Mr. Peterson stated that staff presented the application well. Ms. Martin said it is helpful that the applicant inquired of the neighbors regarding the proposed building. Mr. Ward said the application makes sense to him and said the zoning does not really take into consideration lot size for this application. Mr. Haynes noted that the City has annexed a number of properties in the Upper/Lower River Road area in the past few years and provided water and sewer services, and that these lots are uncharacteristically large for the City. He said this could be addressed in future Code amendments. Mr. Cummings stated staff has done a good job on this application and he is in support of it.

MOTION: That the Board of Adjustment (approve with conditions) the application of Clay and Cherry Loney, 3000 Upper River Road, as shown in the conceptual development plans contained within this report, for the requested variance of City Code, Title 17, Chapter 20, Article 7, Section 060, Exhibit 20-9, Garage area limitations to construct a new 3,696 square foot private detached garage at the front northeast portion of the existing property 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 proposes 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: Mr. Ward

Second: Mr. Peterson

VOTE: All being in favor, the motion passed.

**PUBLIC COMMENT**

There was no public comment.

**COMMUNICATIONS**

There were no communications.

**ADJOURNMENT**

Mr. Haynes stated there were no pending applications for a meeting in December. The meeting was adjourned at 3:21 p.m.