

# BOARD OF ADJUSTMENT

November 29, 2012

## 3000 UPPER RIVER ROAD

**Case Number**

BOA2012-07

**Applicant**

Clay & Cherry Loney

**Property Owner**

Clay & Cherry Loney

**Property Location**

3000 Upper River Road

**Property Information**

Zoning of property: R-1  
Single-family suburban

**Requested Action**

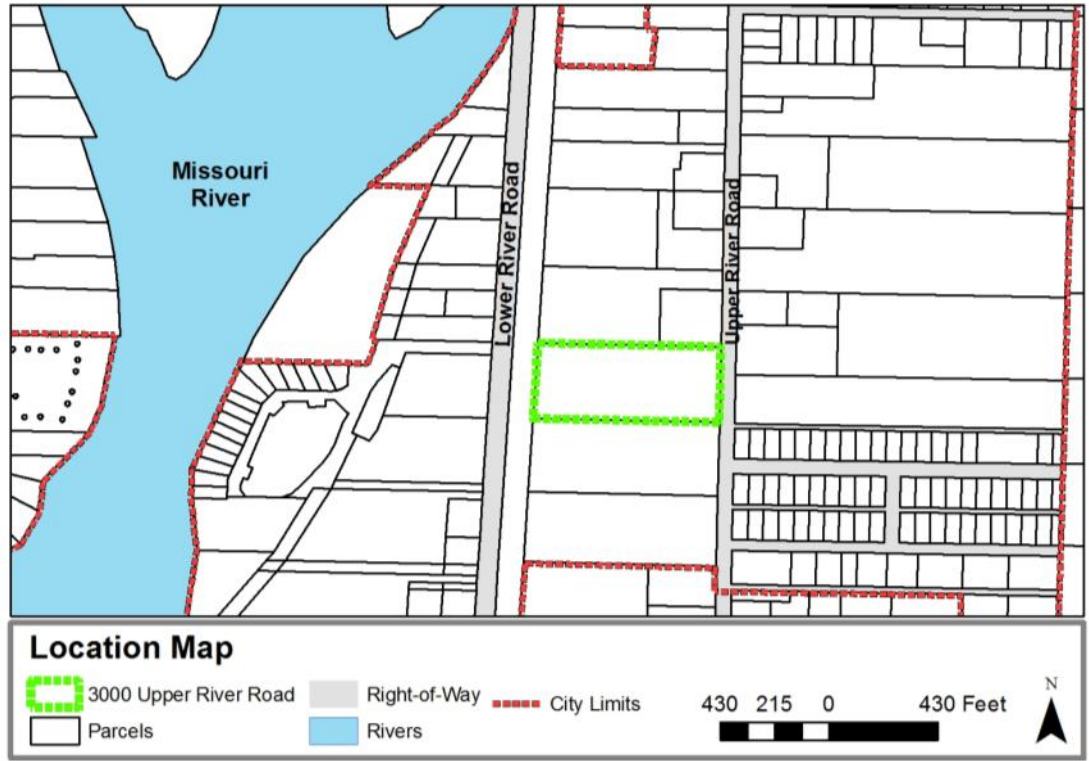
Variance to Section 17.20.7.060 of the City Code that would increase the permitted maximum garage area in order to build a private, detached garage.

**Recommendation**

Approve with conditions

**Project Planner**

Galen Amy



**Synopsis**

The applicant is requesting a variance to City Code, Title 17, Chapter 20, Article 7, Section 060, Exhibit 20-9, Garage area limitations. The applicant is requesting consideration to construct a new 3,696 square foot private, detached garage consisting of 2,352 square feet enclosed with 1,344 square feet divided into 12 foot unenclosed wings on each side of the proposed structure. City Code permits the maximum garage area of 1,800 square feet for parcels that are 1 acre and higher.

**17.16.32.040 Basis of decision for a dimensional variance**

A dimensional variance shall only be granted when the evidence shows and a finding can be made that each of the following conditions exist:

- The variance is not contrary to the public interest.
- A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
- The spirit of the Title would be observed and substantial justice done by granting the variance.

## BACKGROUND INFORMATION:

The subject property is located at 3000 Upper River Road and was annexed into the City in 2009. The property is zoned R-1 Single-family suburban and has been used for residential purposes. In the R-1 zoning district City Code requires the total maximum garage area not exceed 1,800 square feet for a parcel that is 43,560 square feet (1 acre) or larger. The subject property is  $\pm 5$  acres, or  $\pm 217,800$  square feet in size. The property owner is proposing construction of a 42 foot by 56 foot detached, private garage with 12 foot unenclosed wings on each side to house vehicles, trailers, and boat that are on the property, as well enable them to regain the use of their barn for horses as it currently serves as storage.

The proposed garage would be located on the front north-eastern portion of the property (see Exhibit C), will meet all required setbacks, and will be 40 feet from the front property line. City Code requires no more than 30% lot coverage of principal and accessory buildings in R-1 districts. The existing home, garage, barn, and proposed garage would only create a total of  $\pm 4\%$  lot coverage. There are two properties immediately to the north of the subject property. The northeastern property is zoned R-1 and is a vacant lot. The northwestern property is zoned I-1 Light industrial, and is partially vacant and partially used for parking. The properties to the south, east and west are similar sized large parcels zoned R-1.

In support of the request, the property owner has spoken with seven surrounding neighbors, including adjoining property owners to the north, south and across the Upper River Road to the east. None of the neighbors contacted have objection to the project (see Exhibit B).



View looking west at the Loney residence from Upper River Road.



View looking north from the residence towards the location the proposed garage site, which would be on the opposite side of the wooden fence.



View looking west towards the barn across the proposed garage site.



View looking south towards the residence from the proposed garage site.

The applicant provided the attached site plan and building elevations for the proposed garage (see Exhibit C and E). For the R-1 district, City Code 17.32.150(G) Driveway paving, states: Driveways connecting to a public street must be surfaced and maintained with cement or asphaltic concrete. Paving of driveways connecting to a public street in R-1 Zoning District shall be required at the discretion of the City Engineer. The City Engineer has been contacted and does not require the driveway to be paved at this time.

The Notice of Public Hearing was mailed to the neighboring property owners and was published in the *Great Falls Tribune* on November 11, 2012. Patty Cadwell, Neighborhood Council Coordinator, provided the information to Neighborhood Council 6 on November 8, 2012. As of the writing of this report, Staff has received no comments from the public related to the request.

In Title 17, Chapter 8 Interpretation, Construction and Definitions, a private garage is defined as “a building that is intended to house vehicles and household items belonging to the owner or occupant of the principal residence” and a building is defined as “a structure having a roof supported by walls or columns, or other supports intended for the shelter or enclosure people, animals, chattels, or property of any kind.” Thus, while the enclosed space of the proposed garage is 2,352 square feet, for the purposes of the variance the garage shall be considered to be 3,696 square feet to include the area of the 12 foot wings on each side.

### Variance Issues:

The subject property is zoned R-1 Single-family residential. City Code limits the maximum garage area permitted to 1,800 square feet for parcels that are 1 acre and higher. Garage area limitations established in City Code are provided to promote sound development patterns, to regulate the construction of structures and maintain the existing characteristics in various neighborhoods. In this case, due to the large size of the subject property and adjacent properties, the limitation on garage square footage requirement represents a clear hardship, is uncharacteristic of the surrounding neighborhood, and constrains reasonable development of the site.

### Staff Response:

Staff supports the request for a new 3,696 square foot private, detached garage. Staff provides the following Basis of Decision for the proposed dimensional variance:

1. The variance is not contrary to the public interest.

The requested variance is not contrary to the public interest because the subject property and neighborhood are rural in nature and were developed in the county prior to annexing into the City. The property owner made contact with adjoining property owners who have no objections to the proposed project. Construction of a private, detached garage has minimal impact on surrounding properties or the neighborhood in general. The proposed location of the garage is consistent with other properties that have similar large outbuildings and garages. The garage will primarily impact properties to the north, which include a commercial business surface parking area and a vacant lot (see aerial map). Additionally, the front of the subject property is fenced, which decreases the visual impact to the neighborhood and is not contrary to public interest.

2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.

Construction of a private, detached garage on the 5 acre property is reasonable. A literal enforcement would create restrictions uncharacteristic to the use of the subject property, and that of the neighboring R-1 and I-1 districts. City Code permits 30% maximum lot coverage of principal and accessory buildings in the R-1 Zoning district, and all of the existing structures plus the proposed garage would total only 4% lot coverage.

3. The spirit of this Title would be observed and substantial justice done by granting the variance.

The proposed detached garage location provides adequate room for construction and maintenance of the structure, and is consistent with the adjacent R-1 and I-1 uses in the neighborhood. As stated by the property owner, the proposed private garage will serve to store the many vehicles, trailers, and boat that are currently outside on their property and enable them to regain use of their barn for horses. Moreover, the neighbors are in support of the variance request and proposed garage (see Exhibit C).

Staff finds adequate basis and hardship for the variance and supports granting the increase in permitted garage area limitations.




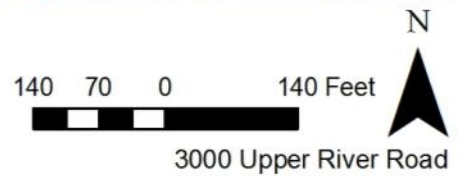
# AERIAL MAP



 3000 Upper River Road

 City Limits

 Tracts of Land



**Suggested Motions:**

Board Member moves:

“I move that the Board of Adjustment (approve with conditions) the application of Clay & 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:

- 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.
- 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.

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Or:

“I move that the Board of Adjustment deny the application of Clay & Cherry Loney, 3000 Upper River Road, for the requested variance of City Code, Title 17, Chapter 20, Article 7, Section 060, Exhibit 20-9, Garage area limitations.”

Chairman calls for a second, discussion, inquiries from the public, and calls the vote.

Cc: Patty Cadwell, City Neighborhood Council Representative  
Clay & Cherry Loney, 3000 Upper River Road, Great Falls, MT 59405



# EXHIBIT A - APPLICATION

**CITY OF GREAT FALLS  
 PLANNING & COMMUNITY DEVELOPMENT DEPT.  
 P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
 406.455.8431 • WWW.GREATFALLSMT.NET**

**VARIANCE APPLICATION**

Date: 10/30/12  
 Application Number: BOA2012-07  
 Fee: \$200  
 Paid (Official Use ONLY):

## CONDITION FOR VARIANCE

Montana Statues mention "unnecessary hardship" as a condition for a variance. Variance means a grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.

Clay and Cherry Loney  
 Owner / Representative Name:

3000 Upper River Road, Great Falls MT, 59405  
 Mailing Address:

406-727-4827  
 Phone:

clays.concrete@Bresnan.net  
 Email:

Requested Action: A variance from Title: 17 Chapter: 16 Article: 7, Section 060  
Exhibit 20-9 - "Garage area limitations"

Basis for Request: For personal use, added storage capacity for boats, currently use our barn for this to the extent it allows - but space is limited & also renders the barn useless for horses.

## PROPERTY DESCRIPTION LOCATION:

<u>23</u>	<u>S23 T20N R3E</u>	<u>McLean Garden Tracts</u>
Mark/Lot:	Section:	Township/Block:
<u>3000 Upper River Rd</u>	<u>Great Falls</u>	<u>MT, 59405</u>
Street Address:		Range/Addition:

ZONING:  
R-1

LAND USE:  
Residence / Pasture

Current:

Current:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge. NOTE: If the applicant is not the owner of record, the signature of the owner of record must also be obtained.

Cherry M. Loney  
 Property Owner's Signature:

10-20-2012  
 Date:



Representative's Signature:

Date:

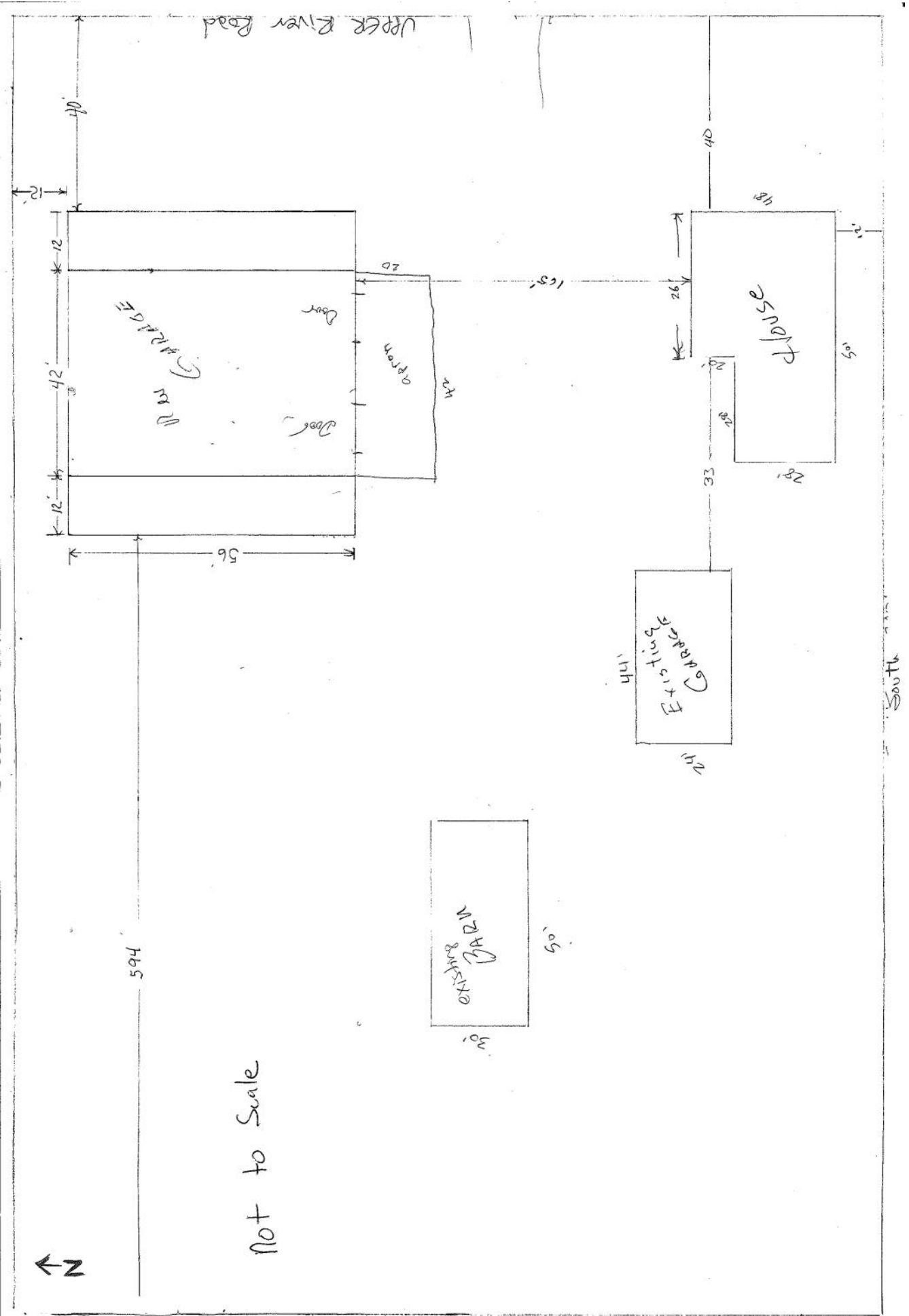
## EXHIBIT B - NEIGHBOR SIGNATURES

October, 2012

I am aware Clay and Cherry Loney, 3000 Upper River Road, Great Falls, MT, plan to build a 42 X 56 shop/garage on their property. I am a neighbor and own property adjacent to or near 3000 Upper River Road and have no concerns about them placing this building on their property.

Name/Signature	Address	Date
Sandra J. Bauer	2907 upper River Rd Great Falls, mt	10/18/12
	2917 Upper River Rd. Great Falls, MT 59405	10/20/12
Thomas K. Loney	3104 Upper River Rd Great Falls MT	10-20-12
Robert L. Loney	2800 Upper River Road GTF	10/23/12
Robert L. Loney	2802 Upper River Road GTF	10/23/12
Betty Vandernick	2821 Up Riv. Rd	10/23/12
	205 31 AVB S.	10/28/12

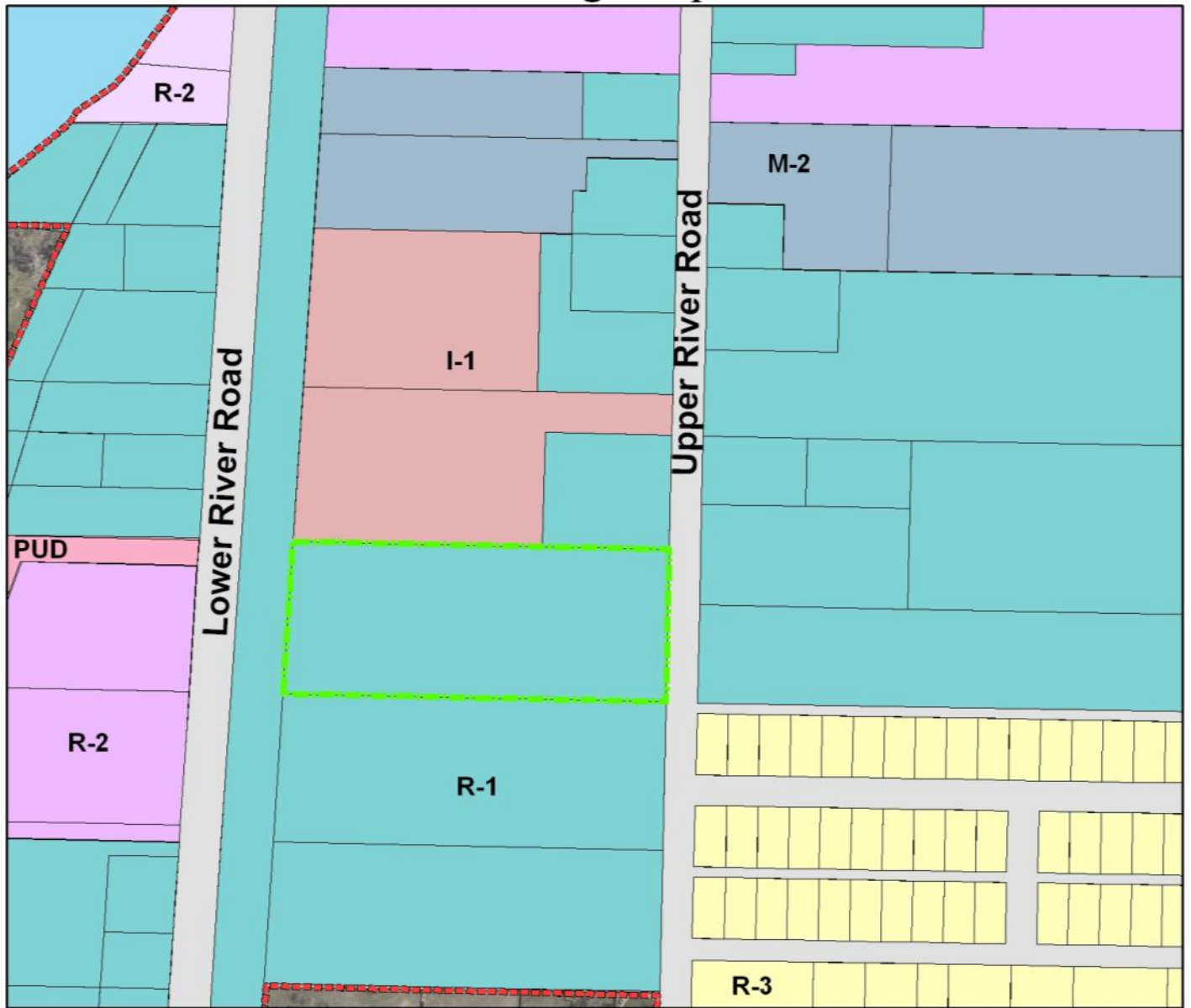
# EXHIBIT C - SITE PLAN



Not to Scale



# EXHIBIT D - ZONING MAP



- |                             |                                |                                  |
|-----------------------------|--------------------------------|----------------------------------|
| 3000 Upper River Road       | C-5 Central business periphery | R-2 Single-family medium density |
| City Limits                 | I-1 Light industrial           | R-3 Single-family high density   |
| Tracts of Land              | I-2 Heavy industrial           | R-5 Multi-family medium density  |
| <b>ZONING</b>               | M-1 Mixed-use district         | R-6 Multi-family high density    |
| AI Airport Industrial       | M-2 Mixed-use transitional     | R-9 Mixed residential            |
| C-1 Neighborhood commercial | PLI Public lands institutional | R-10 Mobile home park            |
| C-2 General commercial      | POS Park Open Space            | Unincorporated Enclave           |
| C-3 Highway commercial      | PUD Planned unit development   | Right-of-Way                     |
| C-4 Central business core   | R-1 Single-family suburban     |                                  |

190 95 0 190 Feet



3000 Upper River Road



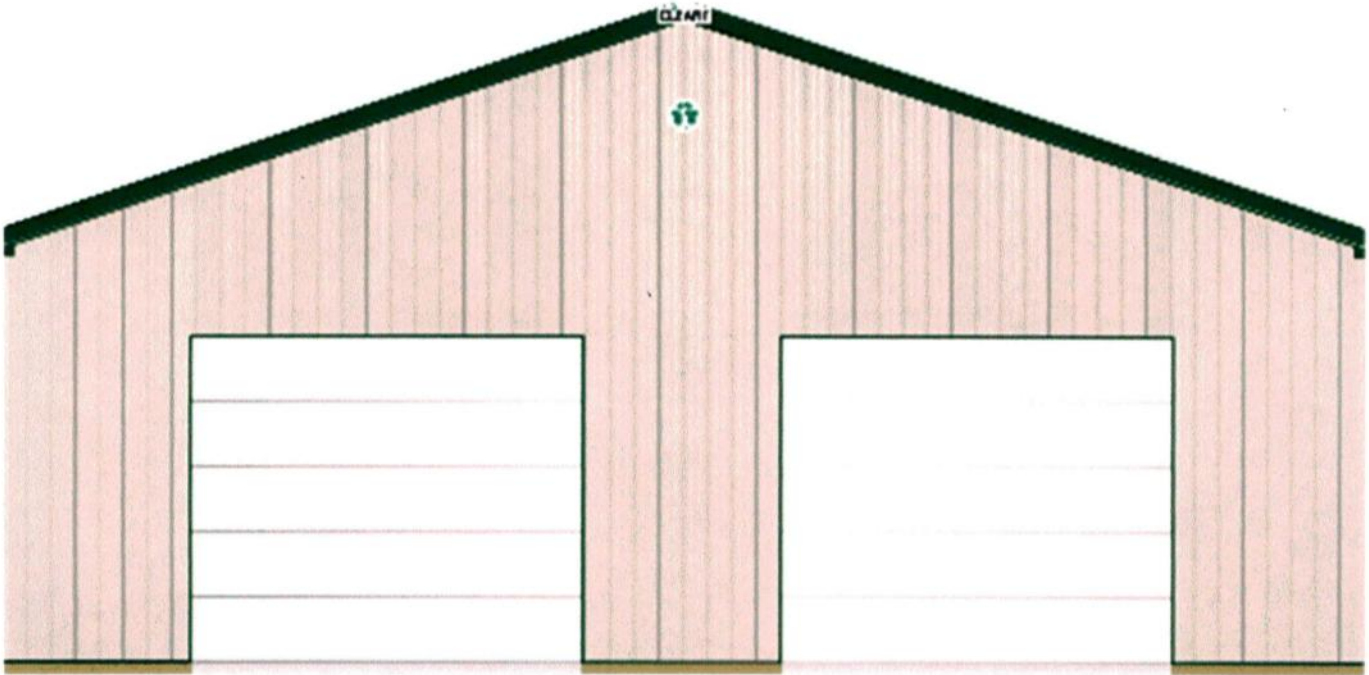
# EXHIBIT E - PROPOSED GARAGE ELEVATION



P.O Box 930220  
Verona, WI 53593-0220  
Phone: (608) 845-9700  
Fax: (608) 845-7070

10/24/2012  
LONEY, TY  
Doc ID: 5376820121024065151

## Elevations & Floor Plan



**End Wall 1 for Building 1**

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.

# EXHIBIT E - CONTINUED

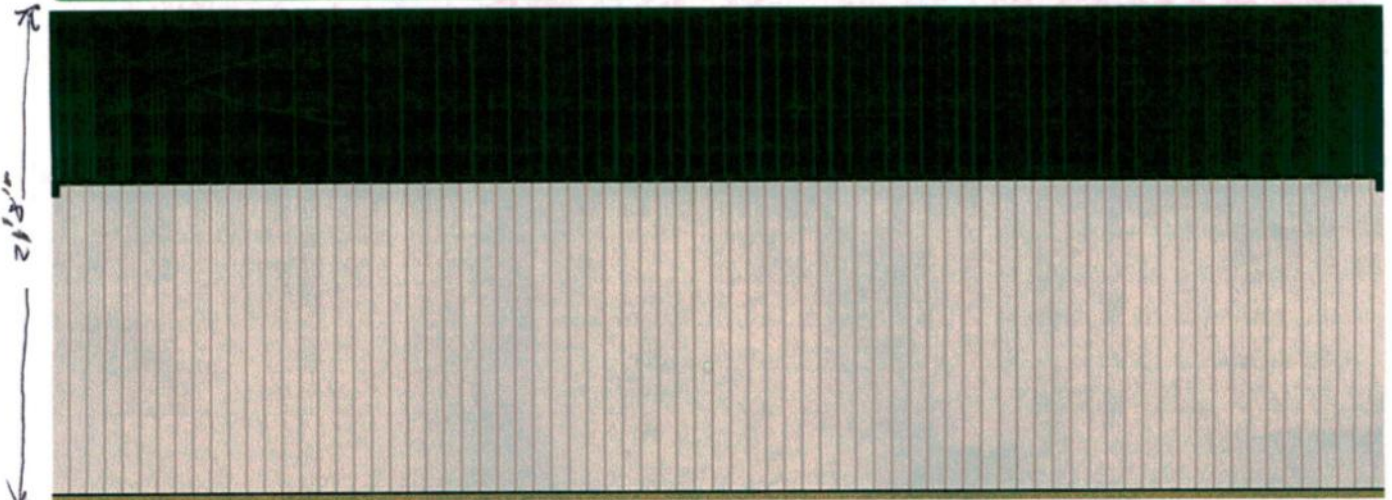


P.O Box 930220  
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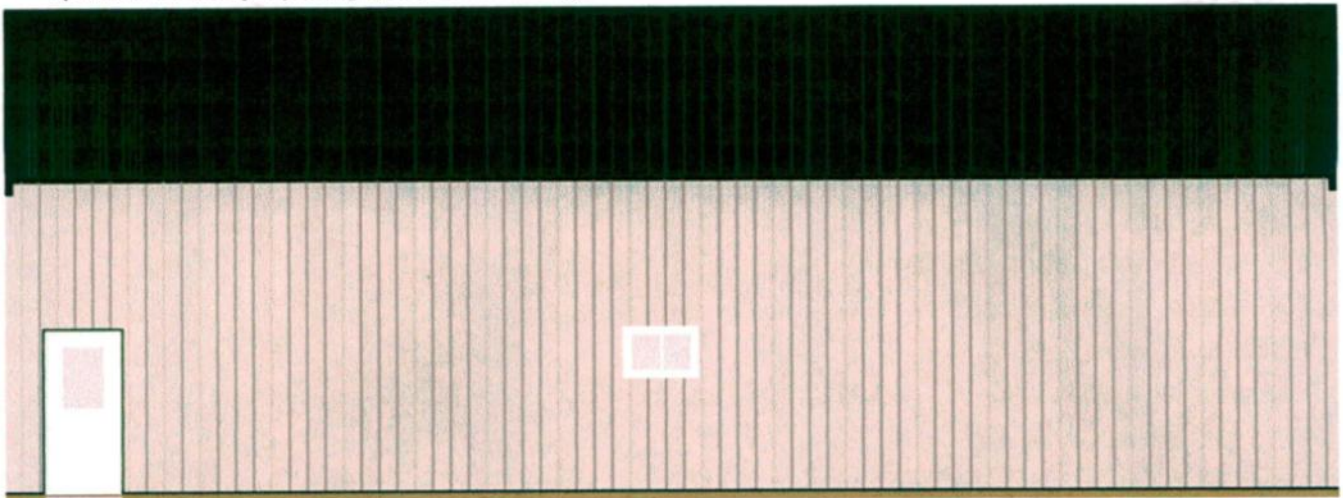
## Elevations & Floor Plan

### Elevations for Building 1



**South Side Wall 1 for Building 1**

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.



**North Side Wall 2 for Building 1**

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.