

**MINUTES OF THE MEETING**  
OF THE  
**GREAT FALLS BOARD OF ADJUSTMENT/APPEALS**  
February 5, 2015

**CALL TO ORDER**

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chairman Chris Ward at 3:00 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals Members present:

Mr. Chris Ward, Chair  
Mr. Jeffrey Foster, Vice Chair  
Mr. Jule Stuver  
Mr. Patrick Tice

Great Falls Board of Adjustment/Appeals Members absent:

None

Planning Staff Members present:

Mr. Craig Raymond, Director Planning & Community Development  
Mr. Gregory Gordos, Planner I  
Ms. Phyllis Tryon, Sr. Administrative Assistant

Others present:

None

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

MINUTES

Chair Ward asked if there were any changes to the minutes of the January 9, 2014 meeting of the Board of Adjustment/Appeals. Chair Ward noted a couple of corrections to the minutes. Seeing no other corrections, the minutes were approved as corrected.

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

ELECTION OF OFFICERS FOR 2015

Chair Ward called for nominations for Board Chair for 2015. Chair Ward nominated Mr. Foster for Chair for 2015. There were no other nominations. Chair Ward called for nominations for Vice

Chair for 2015. Mr. Foster nominated Mr. Stuver for Vice Chair. Mr. Stuver nominated Mr. Ward as Vice Chair.

Chair Ward called the vote for Chair for 2015, and all being in favor, Mr. Foster was voted as Chair. There being more than one nomination for Vice Chair, the Board voted by ballot. The vote was three in favor of Mr. Stuver and one vote for Mr. Ward. Mr. Stuver was elected Vice Chair for 2015. Chair Ward turned the meeting over to the new Chair, Mr. Foster.

#### OLD BUSINESS

There was no old business.

#### NEW BUSINESS

##### **Design Waiver Process**

Craig Raymond, Director of Planning & Community Development, presented information to the Board on the Design Waiver process. Mr. Raymond said that typically the Board of Adjustment (BOA) meets when someone requests a variance. He said in the past, there was a number of variance requests, but more recently that has not been the case. When there are a number of requests for similar issues, it suggests to staff that they need to review the Code to see if there should be any amendments.

Mr. Raymond said that Chair Ward had inquired about the difference between variance applications and the Design Waiver process. He said the issues may appear similar, but have definite differences. He reviewed Montana Code 17.16.32.040 and following on the Basis of decision for a dimensional variance, and related topics.

Mr. Raymond said that this body also hears administrative appeals, and he reviewed Montana Code 17.16.34.010 for the rules relating to appeals. Chair Ward said that in theory, there could be appeals about signs, floodplain permits, or anything where the P&CD Department interacts with the public. Mr. Raymond agreed that is the case.

Mr. Raymond reviewed Montana Code 17.16.20.010 on the rules for the Design Waiver process and then provided information on the reasons for a waiver, and examples of some current Design Waivers in the City. He said there have been only two or three waivers granted in the past two years.

Chair Foster asked if the Design Waiver process allowed staff to circumvent the BOA process. Mr. Raymond said it was not designed to circumvent the BOA process, and he discussed the language in the Code of "unwanted or unintended results" when applying certain requirements of the Code. Mr. Ward said it seemed out of balance to have residential owners required to go through the variance process and the big commercial developers don't have to do the same. Mr. Raymond explained that retail development is going through a lengthy vetting process through both the Planning Advisory Board and City Commission, as well as going through the permit process.

There was lengthy discussion about requirements and differences for variances and Design Waivers. Chair Foster said that in his understanding, the Design Waiver process should not do what the variance process does. Mr. Ward said he thinks the BOA should handle dimensional

variances. Mr. Foster said the limitation of the Code is that Design Waivers should not be granted for a variance. Mr. Raymond said staff will take that under advisement.

Mr. Ward said that a variance is granted to a person for a limited time and it is specific to a project. Mr. Raymond clarified that a variance transfers with the property once the project is built.

#### COMMUNICATIONS

Chair Foster reviewed the City Commission appointments and letters. He said the BOA appreciated the service of Ms. Martin and Mr. Peterson on the Board and welcomed Mr. Stuver and Mr. Tice to the Board.

#### ADJOURNMENT

There being no further business, Chair Foster adjourned the meeting at 3:44 p.m.