

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
August 6, 2015

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chairman Jeffrey Foster 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. Jeffrey Foster, Chair
Mr. Jule Stuver, Vice Chair
Mr. Patrick Tice
Mr. Chris Ward

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Mr. Craig Raymond, Director Planning & Community Development
Ms. Sara Sexe, City Attorney
Ms. Phyllis Tryon, Sr. Administrative Assistant

Others present:

None

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

MINUTES

Chair Foster asked if there were any changes to the minutes of the February 5, 2015 meeting of the Board of Adjustment/Appeals. Seeing no corrections, Mr. Stuver moved to approve the minutes as submitted, seconded by Mr. Ward. All being in favor, the minutes were approved.

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

Discussion of Design Waivers

Chair Foster said that after having been on the Board of Adjustment/Appeals for almost 6 years, there has been almost a complete lack of interest in variances in the past year. He said that at the last meeting, there was some debate about the design waiver process and how that might have affected matters coming to this Board.

Prior to the meeting, the Planning and Community Development Director, Craig Raymond, provided the Board with information on design waivers granted in 2014-15. Mr. Ward noted the memo provided to the Board stated these were waivers approved since May 1, 2015. That date should be May 1, 2014, instead of May 1, 2015.

Chair Foster said that upon reviewing the information provided, it does not appear the Board has been circumvented in the variance process through the use of design waivers. Mr. Ward said that the design waiver for the height of light fixtures in a parking lot does not fall under the purview of this Board. He was unsure about the waiver for a common separation wall down a property line. Mr. Raymond said that waiver was more about lot width related to City Code and was fairly routine and simple. There was discussion about that waiver and whether it encroached on any setbacks, which it did not. Mr. Raymond said that project included demolishing a dilapidated structure and building two units with a shared wall.

Mr. Ward asked about the East Great Falls Retail Development project and the design waiver for a rear setback. Mr. Raymond said that a design waiver for that issue has not yet been processed and the plan review for the project has not been completed. Mr. Ward said he thought that maybe the Board should look at that setback issue. Mr. Raymond said that City Code states that a design waiver may be used if enforcement of the Code causes unwanted results, as opposed to a hardship where a variance would be the appropriate remedy. He said there was no hardship for the developer in this instance, but staff determined there would be unwanted results if the rear yard setbacks were strictly adhered to.

There was discussion about hardship and variances and the differences between variances and design waivers. Mr. Raymond said staff is working on proposing changes to City Code to help make the Code work better in these situations. He said a compressed time schedule for the formal process to change the City Code is a minimum of two months. Mr. Ward said that dimensional changes should be exposed to the expected public process and he felt that citizens would not be aware of a design waiver such as the one that may get processed for the East Great Falls Retail Development project. Mr. Raymond said he appreciated this input, and also said there is a fine line with staff working cooperatively with developers.

There was further discussion about what constitutes hardships and the reason for approving variances. Mr. Foster said that one of his complaints in the past with this Board was that he felt staff should have more discretion on approving variance requests, but that there should always be public transparency. Mr. Ward said he didn't want the appearance that there is an expedited process for large corporations but that a citizen wanting to enlarge his garage would have to go through an arduous process. He suggested staff add to each agenda, for informational purposes only, any design waivers or waiver applications granting relief from dimensional requirements since the previous meeting. This would help provide public transparency. City Attorney, Sara Sexe, said the Code has an appeal provision. This Board could ratify the

decision made in the administrative process, and by ratifying, an appeal process would also then be available. There was discussion about that possibility and how that process could provide further public transparency, as well as discussion about whether it would diminish staff ability to approve design waivers without involving the Board of Adjustment.

COMMUNICATIONS

Mr. Raymond said that Board members Jeffrey Foster and Chris Ward will be completing their terms on the Board at the end of September. He thanked them for taking time from their professional careers to serve on this Board.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chair Foster adjourned the meeting at 3:45 p.m.