

# BOARD OF ADJUSTMENT

April 4, 2013

**Case Number**

BOA2013-01

**Applicant/Owner**

Fred Walton

**Property Location**

1511 3rd Ave SW

**Property Information**

Zoning of property: R-1  
Single-family suburban

**Requested Action**

Variance to City Code 17.20.4.020 Ex. 20-4 and 17.20.7.060 Ex. 20-9, that would allow the height of the garage to be higher than the principal building and would increase the permitted maximum garage area in order to build an addition to the existing, detached garage.

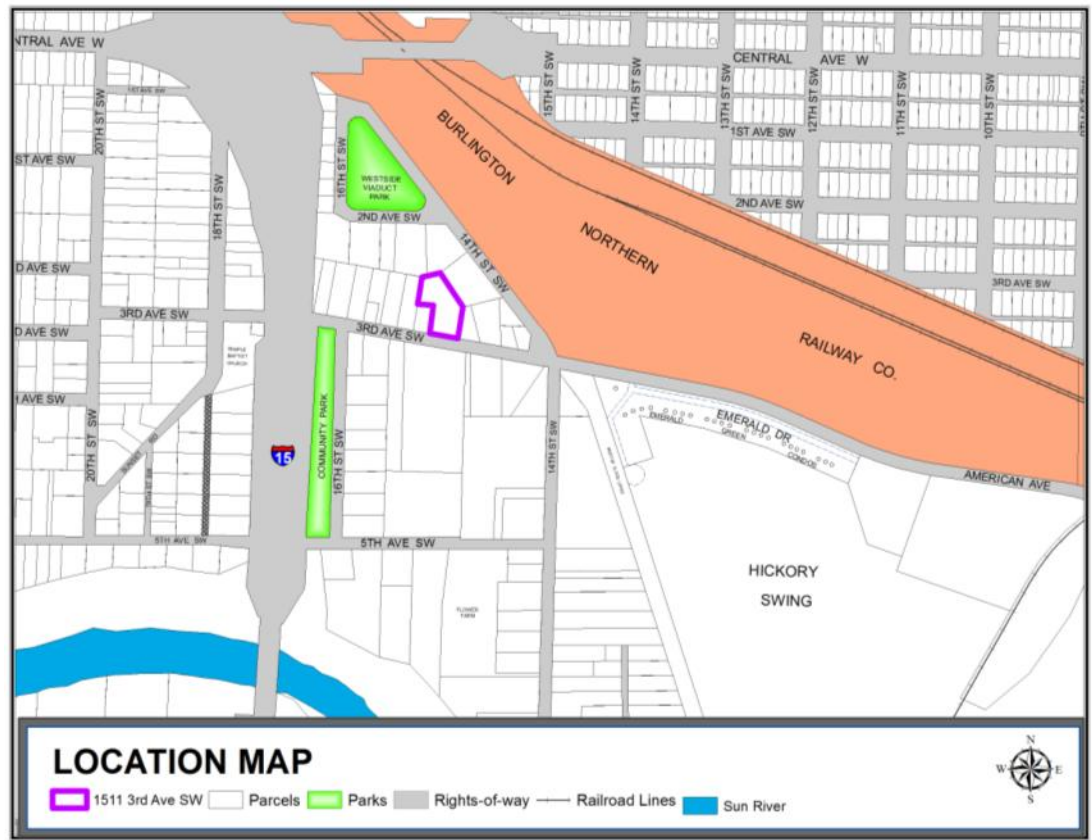
**Recommendation**

Approve with conditions

**Project Planner**

Galen Amy

## 1511 3RD AVENUE SOUTHWEST



### Synopsis

The applicant is requesting a variance to City Code 17.20.4.020, Exhibit 20-4, Maximum building height of detached garage; and is requesting a variance to City Code, 17.20.7.060, Exhibit 20-9, Garage area limitations. The applicant is requesting consideration to construct a 1,023.76 square foot addition to the existing 1,248 square foot detached garage. City Code permits the maximum garage area of 1,800 square feet for parcels that are 1 acre and higher. The applicant is concurrently requesting a variance to permit the garage to be 7 feet, 1 inch higher than the 15-foot tall existing single story residence.

### **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 1511 3rd Avenue Southwest. The property is zoned R-1 Single-family suburban and is used for residential purposes. In the R-1 zoning district, City Code requires the total maximum garage area not to exceed 1,800 square feet for a parcel that is 43,560 square feet (1 acre) or larger. The subject property is  $\pm 45,002.7$  square feet, or  $\pm 1.03$  acres, in size.

The property owner is proposing construction of a 40-foot by 19-foot, 5-inch addition to the west side of the existing detached garage, which would be 22 feet, 1-inch in height. The owner is also proposing a 12-foot by 20-foot, 7-inch addition on the north side of said detached garage. The applicant provided the attached site plan and building elevations for the proposed garage (see Exhibit E and F).

The proposed garage addition would be located on the northeastern portion of the property (see Exhibit C - Site Plan), will meet all required setbacks, and will be 180 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, shed, and proposed garage addition would only create a total of  $\pm 14\%$  lot coverage.

Most of adjacent parcels to the north, east, west and southwest are of similar size and are zoned R-1. Parcels to the south and southwest are also large and are zoned M-2 Mixed-use transitional, which is intended to promote a transition over time to a mixed-use land use pattern where commercial and warehouses are permitted (see Aerial Map and Exhibit B - Zoning Map).

In support of the request, the applicant has attempted to speak with neighbors who have property abutting the subject property. The two owners of property immediately adjacent to the subject property to the west are in support of the proposed project. The applicant was unable to get responses from the two property owners to the east (see Exhibit G).

The Notice of Public Hearing was mailed to the neighboring property owners and was published in the *Great Falls Tribune* on March 17, 2013. Patty Cadwell, Neighborhood Council Coordinator, provided the information to Neighborhood Council #2 on March 26, 2013. As of the writing of this report, Staff has received no comments from the public related to the request.



View looking west, from 3rd Avenue Southwest, at exiting residence and detached garage.



View north at the existing detached garage and paved space between the residence and garage.



View looking north, at the west side of the detached garage, where the addition is proposed to be built.

### Variance Issues:

The subject property is zoned R-1 Single-family residential. City Code permits the maximum garage area of 1,800 square feet for parcels that are 1 acre and higher. Garage area and height 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, the large size and use of the subject and adjacent properties, and the allowable garage square footage requirement represent a hardship, is uncharacteristic of the surrounding neighborhood, and constrains reasonable development of the site.

### Staff Response:

Staff supports the request for a 1,023.76 square foot addition to the existing 1,248 square foot 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 were developed as large parcels. Based on the subject property's current use and the neighborhood characteristic, construction of an addition to the existing detached garage has minimal impact on surrounding properties or the neighborhood in general. The proposed location of the garage is consistent with the character of the neighborhood as there are other properties that have similar large outbuildings and garages. The garage will primarily affect the adjoining properties to the west, and those property owners are in support of the project (see Exhibit G). Additionally, the proposed addition is approximately 181 feet from the front property line, which decreases the visual impact from the right-of-way and is not contrary to public interest. The proposed height of the garage addition, 22 feet, 1 inch, will have minimal impact on the surrounding neighbors and is consistent with characteristic of the neighborhood.

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

Construction of a private, detached garage on the subject property is reasonable. The previous property owner had asphalt laid between the existing residence and the existing detached garage, thus altering the characteristic of the property (see Aerial Map). A literal enforcement would create restrictions uncharacteristic to the use of the subject property, and that of the neighboring R-1 and M-2 zoning districts surrounding the subject property. 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 create coverage well below that, so there is ample space on the subject property.

Moreover, neighboring properties have large detached, private garages (see Aerial Map), so the variance request is consistent with the surrounding neighborhood characteristics. In November 2011, the Board of Adjustment granted a variance, for the rear setback and the garage area limitation, in the same neighborhood for the property addressed as 1601 3rd Avenue Southwest (see Aerial Map). That property was  $\pm 0.6$  acres, and the garage proposed was 3,094 square feet total.

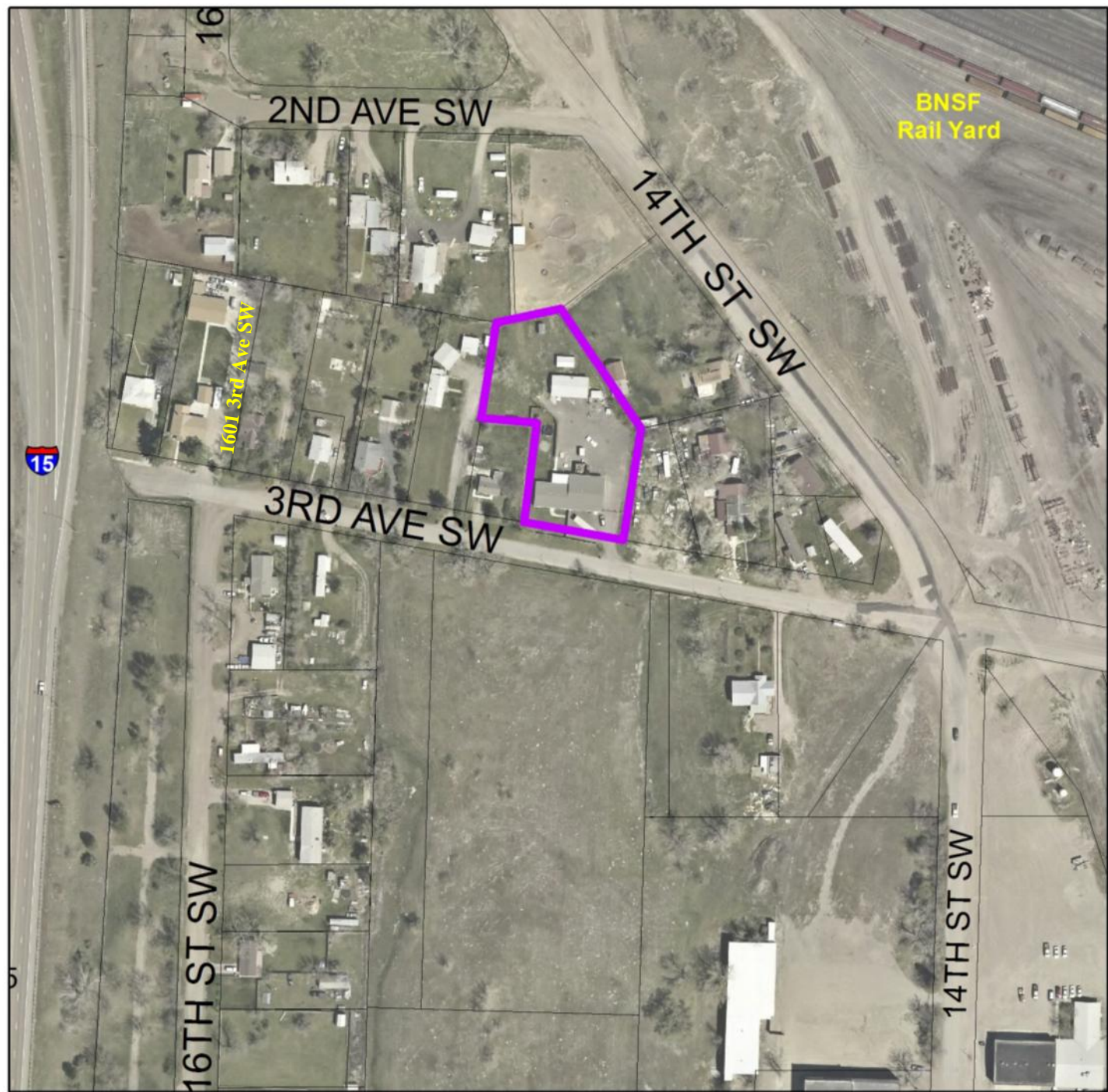
3. The spirit of this Title would be observed and substantial justice done by granting the variance.

The proposed detached garage location provides adequate room for construction and maintenance of the structure, and is consistent with the adjacent R-1 and M-2 uses in the neighborhood. Also, the neighbors most impacted are in support of the variance request and proposed garage addition (see Exhibit C).

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



# AERIAL MAP



-  1511 3rd Ave SW
-  City Limits
-  Tracts of Land



**Suggested Motions:**

Board Member moves:

“I move that the Board of Adjustment (approve with conditions) the application of Fred Walton, 1511 3rd Avenue Southwest, as shown in the site plans contained within this report, for the requested variance of City Code, 17.20.4.020, Exhibit 20-4, Maximum building height of detached garage, and variance of City Code, 17.20.7.060, Exhibit 20-9, Garage area limitations, to construct a 1,023.76 square foot addition to the existing garage 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 Fred Walton, 1511 3rd Avenue Southwest, for the requested variance of City Code, 17.20.4.020, Exhibit 20-4, Maximum building height of detached garage, and variance of City Code, 17.20.7.060, 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  
Fred Walton, 1906 Colorado Avenue, Black Eagle, MT 59414



## 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: 2/22/13

Application Number: BOA2013-1

Fee: \$200

Paid (Official Use ONLY): ☒

## CONDITION FOR VARIANCE

Montana Statutes 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.

FRED WAITON

Owner / Representative Name:

1906 COLORADO AVE BLACK EAGLE MT. 59414

Mailing Address:

406-788-7808

Phone:

SAMBO1906@MSN.COM

Email:

Requested Action: A variance from Title:

Chapter:

Article:

TO BUILD A STRUCTURE HIGHER 20 4 Title 17

THAN THE PRIMARY STRUCTURE (DIMENSIONAL STANDARDS)

TO BUILD IN EXCESS OF THE 20 7 Title 17

1800 S.F. SHOP RULE (GARAGE AREA LIMITATIONS)

Basis for Request:

EXISTING BUILDINGS ARE USED FOR STORAGE

NEW BUILDING IS FOR VEHICLE MAINTENANCE

NEIGHBORING BUILDING ARE TWO STORIES IN HEIGHT

## PROPERTY DESCRIPTION LOCATION:

A-1

Mark/Lot:

9

Section:

Township/Block:

COMMUNITY HALL ADDITIONAL

Range/Addition:

1571 3RD AVE SOUTH WEST GREAT FALLS MT. 59404

Street Address:

## ZONING:

R-1

Current:

## LAND USE:

RESIDENTIAL-SINGLE FAMILY

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.

Fred Waiton

Property Owner's Signature:

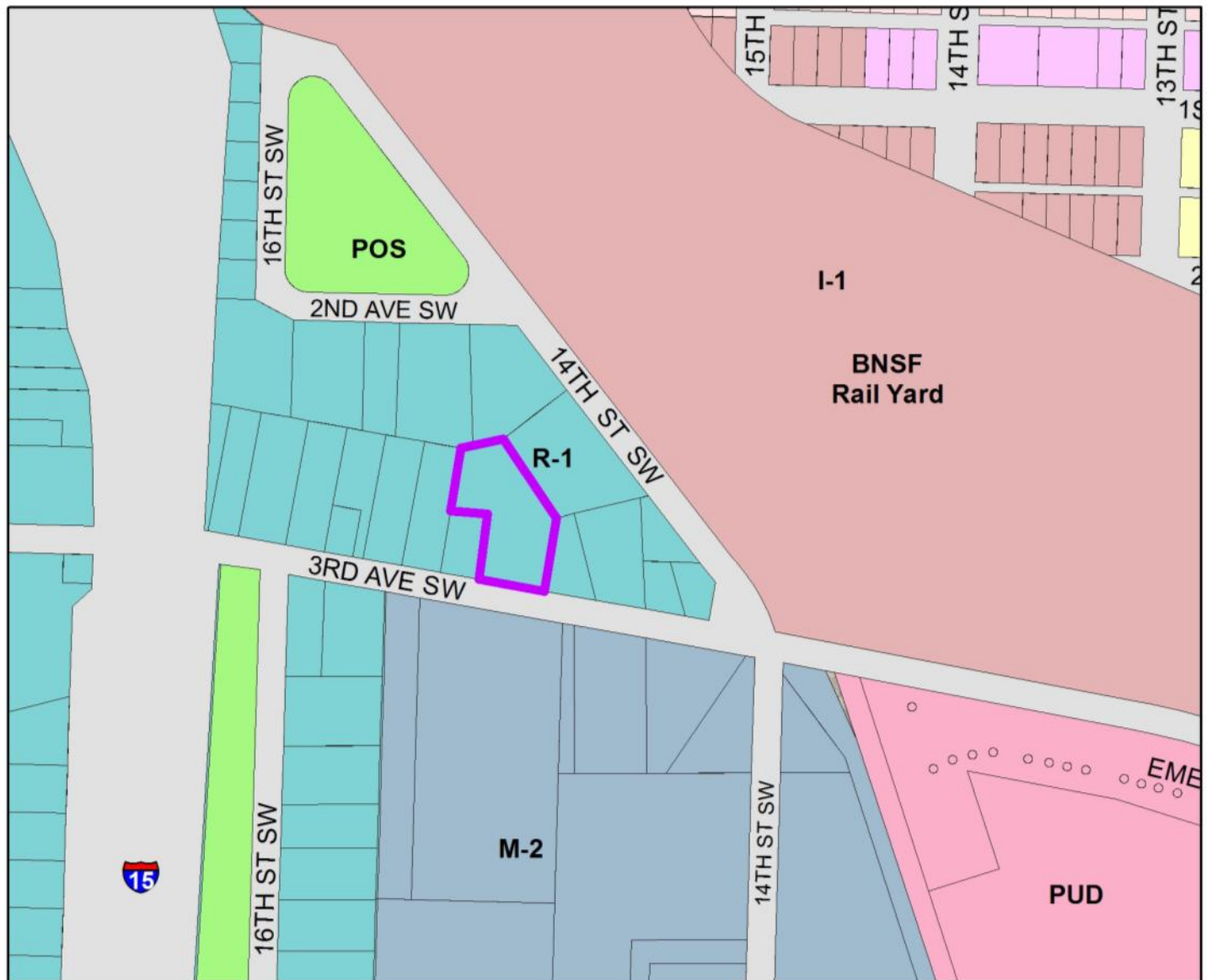
2/22/13

Date:

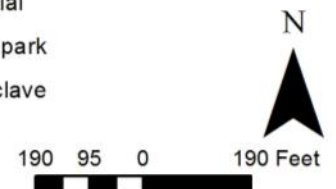
Representative's Signature:

Date:

# EXHIBIT B - ZONING MAP



	1511 3rd Ave SW		C-4 Central business core		R-1 Single-family suburban
	Tracts of Land		C-5 Central business periphery		R-2 Single-family medium density
	City Limits		I-1 Light industrial		R-3 Single-family high density
	Right-of-way		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		



# EXHIBIT C - SITE PLAN

January 22, 2013

**CALL BEFORE YOU DIG**  
THE OWNER IS RESPONSIBLE FOR LOCATING  
ALL UNDERGROUND UTILITIES PRIOR TO  
BEGINNING ANY CONSTRUCTION.  
  
**CALL**  
**1-800-424-5555**

## GENERAL NOTES

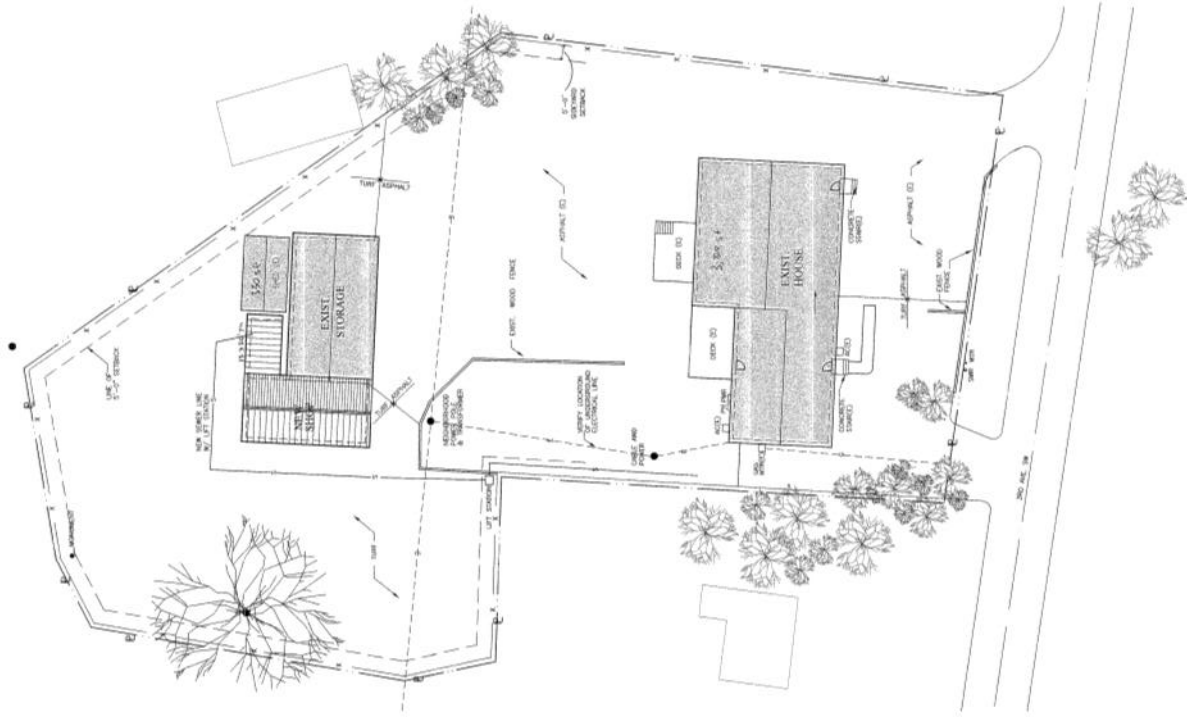
1. OWNER IS RESPONSIBLE FOR ALL UTILITIES ON THE SITE. CONTRACTOR TO VERIFY ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR TO VERIFY ALL EXISTING SITE CONDITIONS, EXISTING & NEW UTILITY LOCATIONS AND PROJECT LAYOUT PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES. VERIFY LAYOUTS OF ALL EXISTING AND NEW CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.
3. CONTRACTOR TO ESTABLISH LOCATION OF NEW BUILDING LINE, GREAT AND ELEVATION PRIOR TO EXCAVATION. CONFIRM BUILDING LOCATION WITH OWNER AND CONSTRUCTION MANAGER PRIOR TO COMMENCEMENT OF CONSTRUCTION.
4. NEW SEWER LINE TO THE NEW SHOP TO BE DESIGNED IN ACCORDANCE WITH ALL STATE AND LOCAL CODES. OWNER TO VERIFY HT. LIMITATIONS OF THE EXIST SEWER CONNECTIONS.
5. OWNER TO VERIFY ALL ZONING REQUIREMENTS WITH THE CITY OF GFL.

## SITE SYMBOLS

- (F) ABBREVIATION FOR EXISTING
- CHAIN LINK FENCE
- PROPERTY LINE

## LOT COVERAGE

TOTAL LOT SF	=	46,500
BUILDING AND ASPHALT SF	=	22,320
PERCENT COVERAGE	=	48%



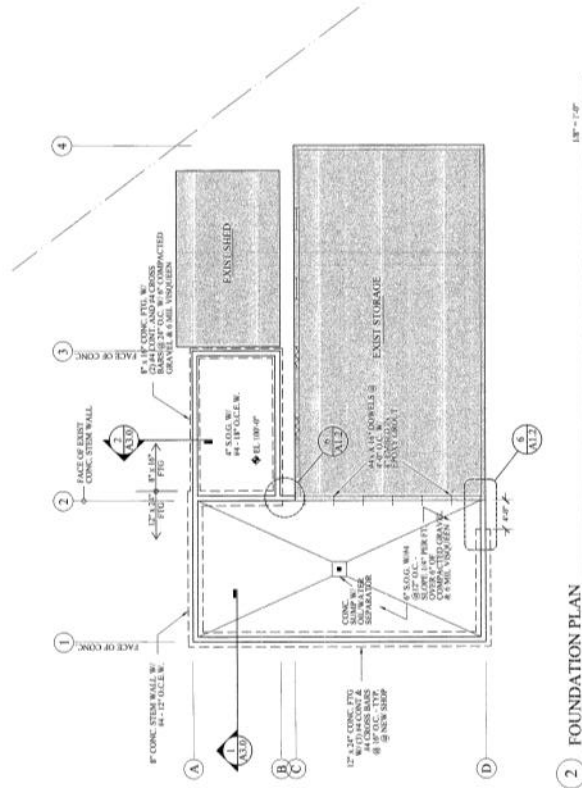
## SITE PLAN

WALTON RESIDENCE  
1511 3RD AVE. SW  
GREAT FALLS, MONTANA






No. REVISION DATE:



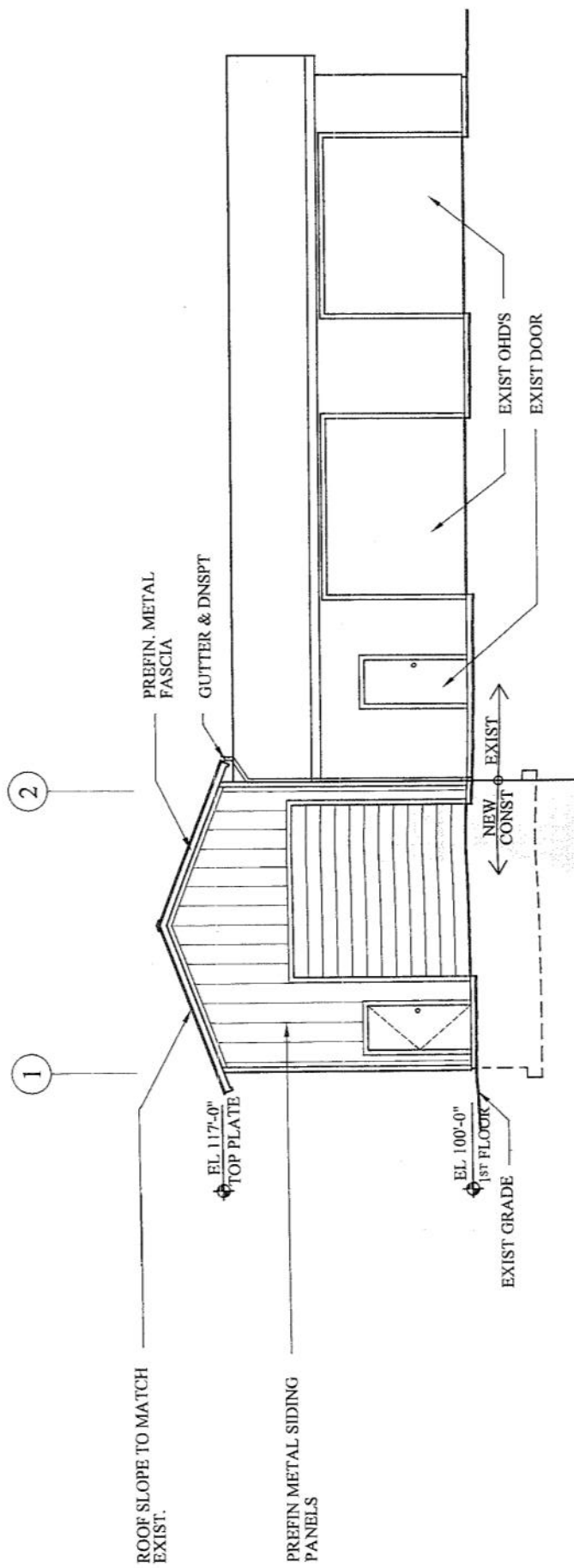
# EXHIBIT D - FLOOR PLAN

[illegible]

**PLAN SYMBOLS**

	EXISTING PARTITION (WALL)
	NEW WALLS WITH PARTITION TYPE SYMBOL
	EXISTING CONCRETE WALL (SHOWN)
	NEW DOOR
	EXIST DOOR

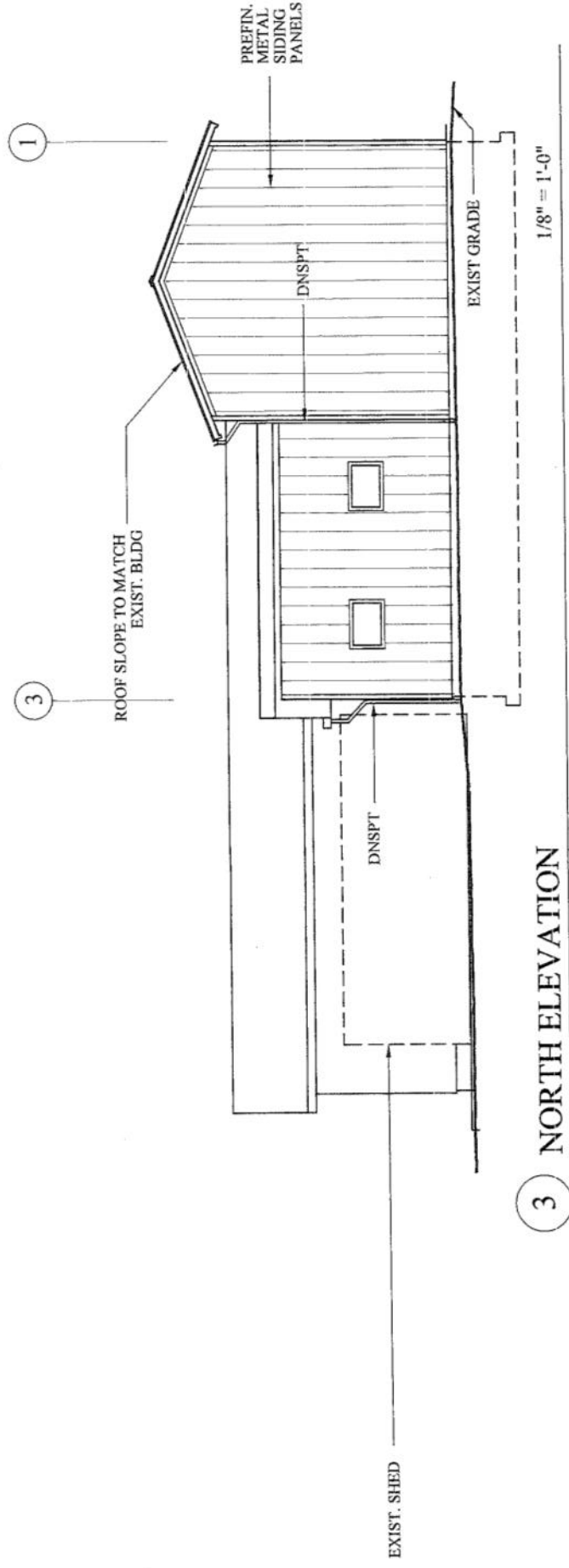
# EXHIBIT E - SOUTH ELEVATION



1 SOUTH ELEVATION

1/8" = 1'-0"

# EXHIBIT F - NORTH ELEVATION





## EXHIBIT G - NEIGHBOR SIGNATURES

Fred S. Walton & Shelley Marsh Walton

1511 3<sup>rd</sup> Avenue SW, Great Falls, MT 59404

PH# 406-788-7808

March 10, 2013

Re: Permission from neighbors adjacent to 1511 3<sup>rd</sup> Avenue SW, Great Falls, MT 59404 for improvements to 1511 3<sup>rd</sup> Avenue SW, Great Falls, MT relating to increasing the square footage & adjusting the height to that of a two story building pertaining specifically to a new addition to the existing shop.

To whom it may concern:

This letter is to our new neighbors adjacent to 1511 3<sup>rd</sup> Avenue SW, Great Falls, MT 59404. We, Fred & Shelley Walton, the new owners of 1511 3<sup>rd</sup> Avenue SW, Great Falls, MT are requesting your permission to add on to and increase the size (square footage) and height (to two stories) of the existing shop behind our house. It is our intent to use the shop for storage and to work on and repair our personal vehicles. We have been and will continue to make improvements to the property at 1511 3<sup>rd</sup> Avenue SW, Great Falls, MT. We understand that there were problems with the previous owner, and we wish to have a peaceable relationship with the neighbors. We are asking to be able to use our personal property in a way which will be most beneficial to us personally and least disruptive and most desirable to our nearby neighbors.

We are the neighbors at: 224 14<sup>th</sup> Street SW, Great Falls, MT; 1515 3<sup>rd</sup> Avenue SW, Great Falls MT;

1517 3<sup>rd</sup> Avenue SW, Great Falls, MT; 1509 3<sup>rd</sup> Avenue SW, Great Falls, MT to each sign this letter stating that they have no objections to the improvements we are intending to make. We appreciate your consideration.

Sincerely,

Fred Walton & Shelley Walton

## EXHIBIT G - NEIGHBOR SIGNATURES

Owner of 224 14<sup>th</sup> Street SW, Great Falls, MT

Printed Name

Signature

Date

was not home; repeatedly inquired

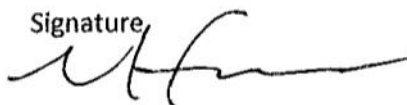
Owner of 1515 3<sup>rd</sup> Avenue SW, Great Falls MT

Printed Name

Signature

Date

MEL CARVER



3-12-15

Owner of 1517 3<sup>rd</sup> Avenue SW, Great Falls, MT

Printed Name

Signature

Date

Hubert E Higgins Jr



3-11-13

<sup>1425</sup>  
Owner of ~~1509~~ 3<sup>rd</sup> Avenue SW, Great Falls, MT

Printed Name

Signature

Date

was not able to sign due to altered state.