

BOARD OF ADJUSTMENT

September 5, 2013

Case Number

BOA2013-06

Applicant/Owner

Mary Jo & Tim Stebbins

Property Location

Northwest of Sunnyside Elementary School and west of UGF

Property Information

Zoning of property: R-3
Single-family high density

Requested Action

Variance to Section 17.20.4.010 of the City Code that would reduce the required side yard setback from the property line for an inline garage addition

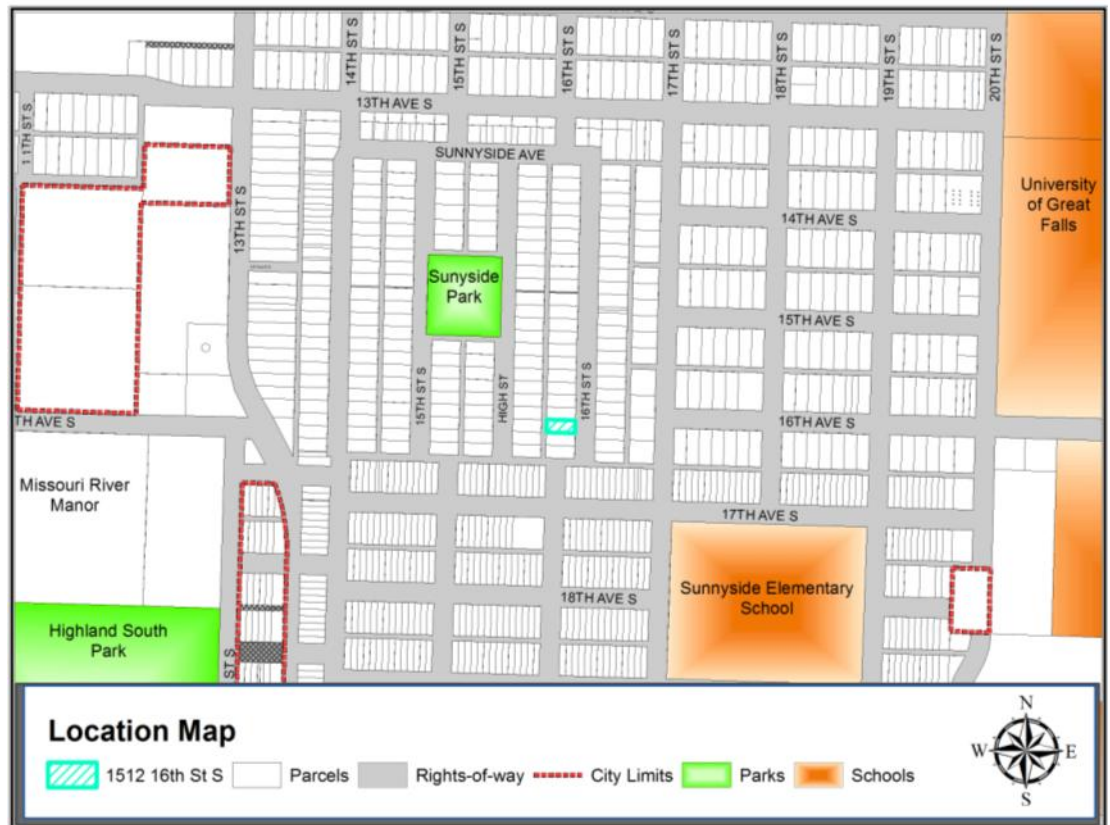
Recommendation

Approve with conditions

Project Planner

Galen Amy

1512 16TH STREET SOUTH



Synopsis

The applicant is requesting a variance to City Code, Title 17, Chapter 20, Article 4, Section 010, Exhibit 20-4, Minimum side yard setback. City Code requires a 6-foot side yard setback from the west property line. The applicant is requesting a 3-foot side yard setback from the south property line adjoining the neighboring residential property. An “inline addition” is a building addition where the exterior walls of said addition are constructed in a continuous straight line connecting to and matching up with the existing building’s exterior walls.

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 on 16th Street South and is legally described as Lot 22, Block 9, Sunnyside Heights Addition. The existing home and attached garage was constructed in 1956. The property and surrounding area is zoned R-3 Single-family high density. This residential area has been developed in a dense fashion over the past 50+ years.

The property owner is proposing construction of a 17 feet by 33.5 feet addition to the existing garage (see Exhibit D - Site Plan). City Code requires no more than 50% lot coverage of principal and accessory buildings in R-3 districts. The existing residence and garage and the proposed addition would create a total of $\pm 35\%$ lot coverage. Further, per City Code, if the subject garage was detached it would be permitted to be constructed as close as 2 feet from the side property line without a variance, as it is more than 40 feet from the front property line.

The property and neighborhood was developed in compliance with the City Code in effect when the residence and garage were constructed. The owner is requesting a variance for a 3-foot side yard setback from the west property line, which will allow for the addition's exterior wall to be in line with the existing garage.

In the 2005 citywide rezoning, residential zoning districts were primarily assigned according to lot size, without consideration of existing setbacks. Resultantly, the aerial photo (Exhibit A) confirms that most of the homes in the vicinity have less than a 6-foot side yard setback. The impact of the proposed addition with the requested 3-foot side yard variance would have minimal effect on the surrounding properties, especially as it is being constructed parallel to an existing garage that is 3 feet from the applicant's south side property line.

The Notice of Public Hearing was mailed to the neighboring property owners and published in the *Great Falls Tribune* on August 21, 2013. As a courtesy, Patty Cadwell, Neighborhood Council Coordinator, provided the information to Neighborhood Council #6 on August 22, 2013. As of the writing of this report, staff has received no comments from the public related to the request.



View looking west at the subject property from 16th Street South.



View looking northwest from 16th Street South.




View east from the alley, at the back of the existing residence and garage, where the proposed garage addition would be constructed.

EXHIBIT A - AERIAL PHOTO



 1512 16th St S  Tracts of Land

200 100 0 200 Feet



Variance Issues:

The subject property is zoned R-3 Single-family medium density. The required side yard setback is 6 feet. Setbacks established in City Code are provided to promote sound development patterns, to regulate the construction of structures and maintain the existing streetscape in various neighborhoods. In this case, due to the current use of the property and the character of the surrounding neighborhood, the 6-foot side yard setback requirement represents a clear hardship and constrains reasonable development of the property.

Findings for the Basis of Decision:

Staff supports the request for a 3-foot side yard setback for the construction of a garage addition. The proposed setback is characteristic to the surrounding R-3 Single-family high density neighborhood development over the past 50+ years. 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 was developed in compliance with the City Code in effect when the residence and attached garage was constructed on the lot in 1956. Construction of a rear inline garage addition has minimal impact on surrounding properties or the neighborhood in general. The addition will primarily affect the adjoining property to the south. The adjoining property has a detached garage 3 feet from the property line, and the owners have no objection to the applicant's request. The applicant also provided signatures from the surrounding neighbors stating that they understand what the proposed project is and that they are not in opposition (see Exhibit E).

The proposed addition is consistent with the character of the neighborhood as there are numerous properties that do not meet the updated Code required setbacks. Also, the addition will not be visible to the general public. The existing wide right-of-way and unchanging, existing residence's front façade provides adequate visual consistency 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 an inline addition to the existing garage is reasonable. A literal enforcement would create restrictions uncharacteristic to the current use of the subject property, and that of the neighboring R-3 residential district surrounding the subject property. Where appropriate, a 2-foot wall inset can be visually appealing, but the decision to create such an inset should be based on good design, not variable setbacks. The exterior wall that this requirement impacts is not easily viewed by the public, so the aesthetic value of such an inset is lost. Moreover, an inline addition is superior in design to create supplementary interior storage and living space. Neighboring properties consistently were constructed and/or have additions that met the Code requirements prior to citywide rezoning in 2005 (see Exhibit B). In addition, per City Code, if the subject garage was detached it would be permitted to be constructed as close as 2 feet from the side property line without a variance, as it is more than 40 feet from the front property line.

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

The proposed side yard setback provides adequate room for construction and maintenance of the residential addition, matches the surrounding R-3 residential uses in the neighborhood, and would be a logical, efficient use of space to create an inline addition to the current garage.

Staff finds adequate basis and hardship for the variance and supports granting the reduction of the side yard setback.

Recommended Motion:

Board Member moves:

“I move the Board of Adjustment, based on the Findings for the Basis of Decision, approve a variance on the property legally described as Lot 22, Block 9, Sunnyside Heights Addition, for a 3-foot side yard setback from the south property line, for the construction of an inline garage addition, subject to conditions 1 and 2.”

Conditions of Approval

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 by this Board, the owner proposes to expand or modify said 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 said plan, the proposal shall be resubmitted for review as a new application.

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

Cc: Patty Cadwell, Neighborhood & Youth Council Coordinator
Mary Jo & Tim Stebbins, Owner, mochamom38@hotmail.com

EXHIBIT B - 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: 8/14/13
 Application Number: BCR2013-06
 \$200 Fee Paid
 Public Hearing Notice
 Paid (Official Use ONLY):

CONDITION FOR VARIANCE

Montana Statutes require an *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.

Mary Jo (Bailey) Stebbins
 Owner / Representative Name:

1512 16th ST. SOUTH GREAT FALLS, MT. 59405
 Mailing Address:

406-454-1683 / 406-217-7585 mochamom38@hotmail.com
 Phone: 899-3303 Email:

Requested Action: A variance from Title: 17.20.4.010 Ex 20-4 Chapter: Article:

Basis for Request: Continuation of non-conforming line for garage addition as per site plan.

PROPERTY DESCRIPTION LOCATION:

Lot 22, Block 9 Sunnyside Heights 18 T20N R4E
 Mark/Lot/Block: Addition: Section: Township: Range:

1512 16th Street South, Great Falls, MT 59405
 Street Address:

ZONING:

R3
 Current:

LAND USE:

Residential
 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 public hearing notice requirements and associated costs for land development projects are my (our) responsibility. 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.

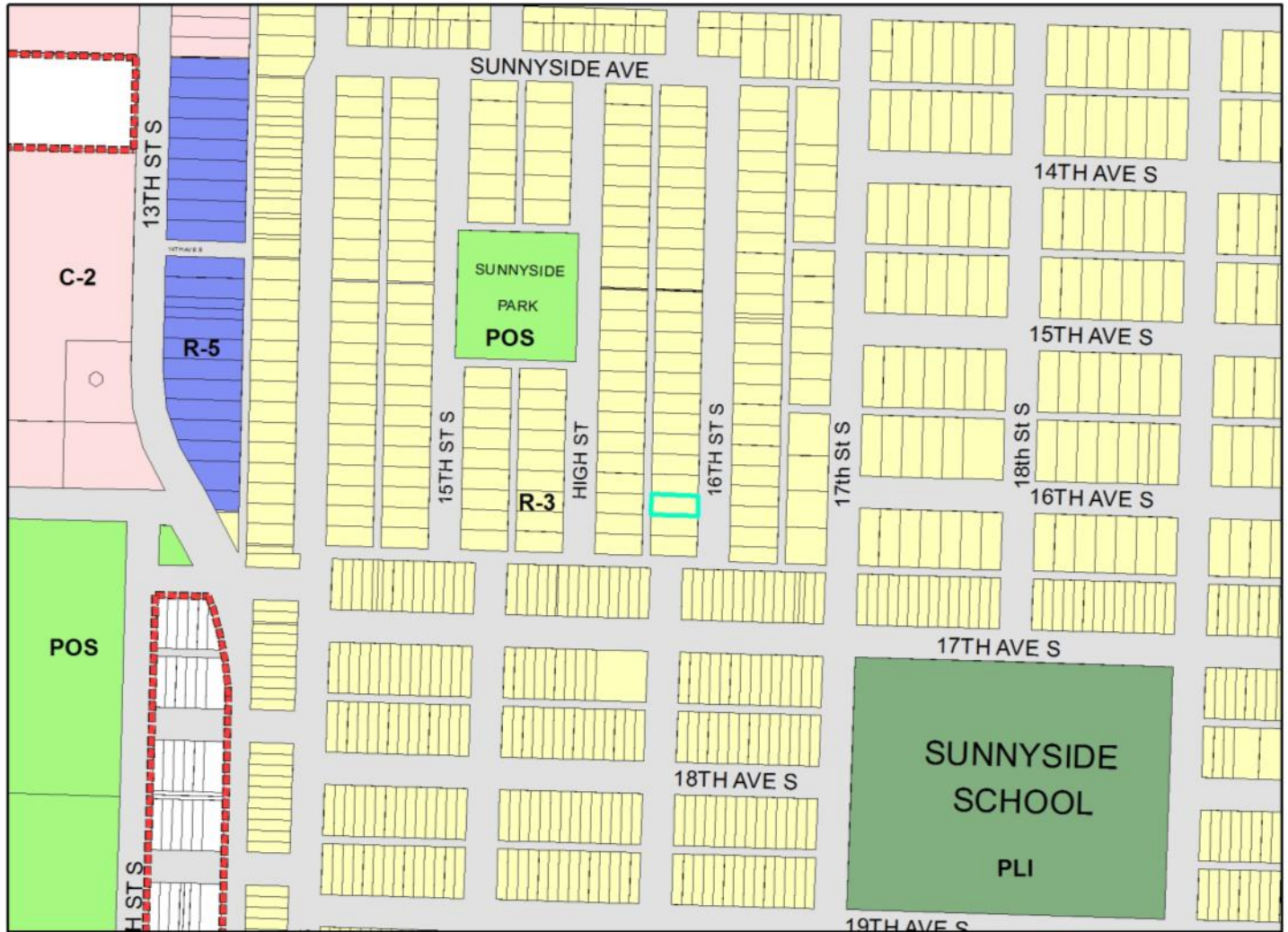
Mary Jo Stebbins
 Property Owner's Signature:

8/13/13
 Date:

Representative's Signature:

Date:

EXHIBIT C - ZONING MAP



300 150 0 300 Feet



1512 16th St S

City Limits

Tracts of Land

ZONING

AI Airport Industrial

C-1 Neighborhood commercial

C-2 General commercial

C-3 Highway commercial

C-4 Central business core

C-5 Central business periphery

I-1 Light industrial

I-2 Heavy industrial

M-1 Mixed-use district

M-2 Mixed-use transitional

PLI Public lands institutional

POS Park Open Space

PUD Planned unit development

R-1 Single-family suburban

R-2 Single-family medium density

R-3 Single-family high density

R-5 Multi-family medium density

R-6 Multi-family high density

R-9 Mixed residential

R-10 Mobile home park

Unincorporated

Right of Way

EXHIBIT D - SITE PLAN

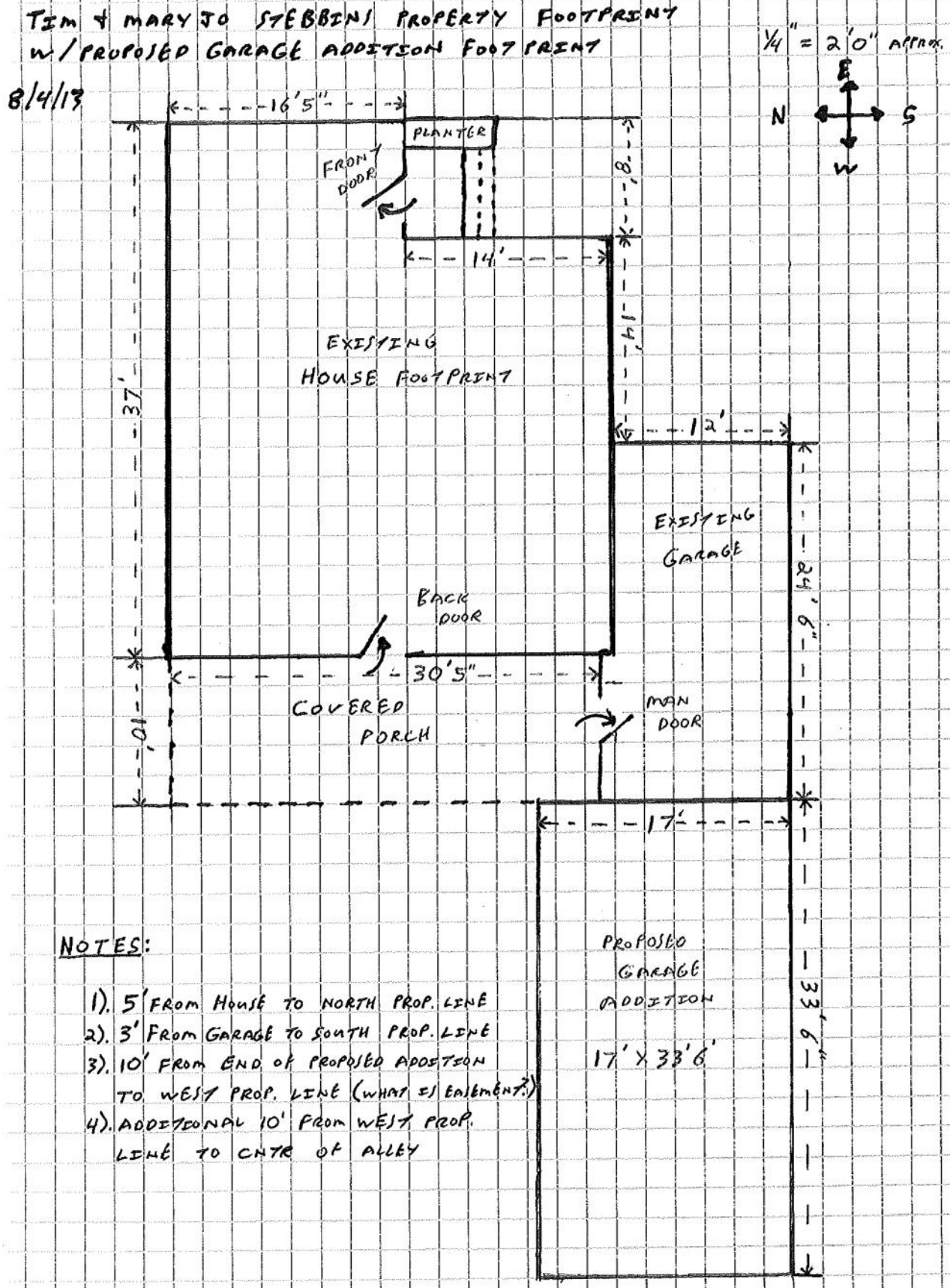


EXHIBIT E - NEIGHBOR SIGNATURES

I/We are aware of our neighbor's (Tim and Mary Jo Stebbins) intent to add an addition to their existing garage and have no objections to the project.



Name

Address

Signature

George Egan

1511 16th St So

[Handwritten signature]

SHIRLEY HAPIERKE 1513-16th St. So. *[Handwritten signature]*

^{Tammy} DON Miller 1515 16th St So *[Handwritten signature]*

VACANT 1510 16th St. So.

Kerry Parsons 1514 16th St. So. *[Handwritten signature]*

Beulah by Cecil 1513- High St CMC

Rental? No answer 1515 High St
