

BOARD OF ADJUSTMENT

October 3, 2013

Case Number

BOA2013-07

Applicant/Owner

Colleen & Joe LeLievre

Property Location

Immediately east of Interstate 15 and west of Hickory Swing Golf Course

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 attached and detached garage space.

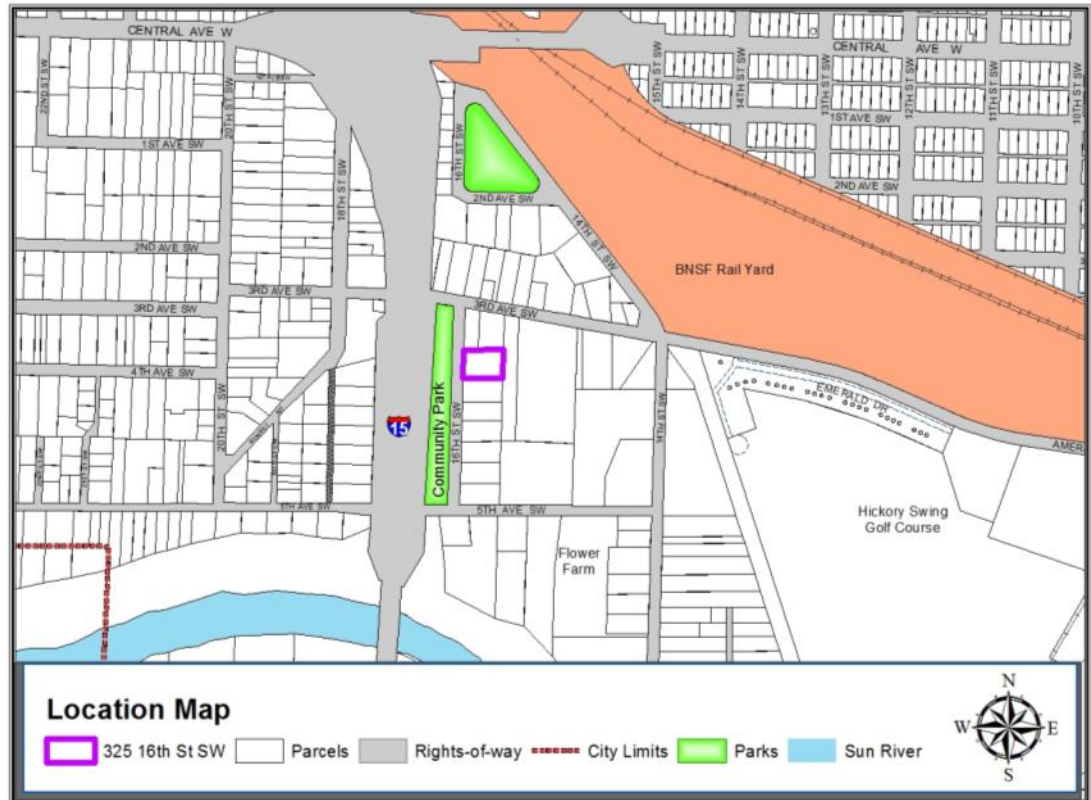
Recommendation

Approve with conditions

Project Planner

Galen Amy

325 16TH STREET SOUTHWEST



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 912 square feet attached garage and a 1,200 square feet detached garage. In total, 2,112 square feet of garage area is proposed. City Code permits the maximum garage area of 1,600 square feet for parcels that are 10,001 to 43,559 square feet. The subject property is $\pm 29,463$ square feet or ± 0.68 acres.

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 325 16th Street Southwest and is legally described as Lot 1B, Block 10, Community Hall Addition. The property is zoned R-1 Single-family suburban and has been used for residential purposes. The property owner is proposing construction of a 38-foot by 24-foot, 912 square foot, attached garage, and a detached 40-foot by 30-foot, 1,200 square foot garage/shop located on the back northeast corner of the subject property (see Exhibit C).

The proposed structures will meet all required setbacks, and the detached garage will be approximately 158 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 proposed home, attached garage, and detached garage would create a total of $\pm 16\%$ lot coverage. The properties to the north and south are similar sized parcels in the R-1 zoning district. Across 16th Street Southwest to the west is Community Park and Interstate 15. To the east are large vacant parcels zoned M-2 Mixed-use transitional.

The applicant has removed a previously existing modular home and is in the process of cleaning up the subject property in order to construct a new house with an attached garage for personal vehicles, as well as construct a detached garage for their recreational equipment in order to keep their property orderly (see Exhibit B). In support of the request, the property owner has spoken with adjacent neighbors to the north and south. None of the neighbors contacted have objection to the project (see Exhibit C). The applicant also provided the attached site plan (see Exhibit D).

The Notice of Public Hearing was mailed to the neighboring property owners and was published in the *Great Falls Tribune* on September 18, 2013. Patty Cadwell, Neighborhood Council Coordinator, provided the information to Neighborhood Council 2 on September 16, 2013. As of the writing of this report, Staff has received no comments from the public related to the request.



View looking east across the subject property, and the adjacent neighbor to the north's existing garage, from 16th St SW.



View looking east across the subject property, and the adjacent neighbor to the south's existing garage and residence,



View looking east across the subject property, from 16th St SW, at some of the cleanup work the owner has done.

AERIAL MAP



Variance Issues:

City Code permits the maximum garage area of 1,600 square feet for parcels that are 10,001 to 43,559 square feet. 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 larger size of the subject and adjacent properties and the intent of the applicant, the allowable garage square footage requirement represents a clear hardship, is uncharacteristic of the surrounding neighborhood, and constrains reasonable development of the site.

Findings for the Basis of Decision:

Staff supports the request for an additional 512 square feet of private garage area. Over the past 40+ years of development in the immediately surrounding R-1 Single-family suburban density neighborhood, large garages or shops are not uncommon. 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 owner made contact with the three abutting property owners to the north and south, who provided no objections to the proposed project. Construction of private garages has minimal impact on surrounding properties or the neighborhood in general. The proposed location of the detached 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 north, which include a single-family residence, detached garage, and a primarily vacant lot (see aerial map).

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

Construction of private attached and detached garages totaling 2,112 square feet on the ± 0.68 acres 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 residential district to the north and south. City Code permits 30% maximum lot coverage of principal and accessory buildings in the R-1 Zoning district, and all of the proposed structures would create approximately 16% coverage, so there is ample space on the subject property for such development. Additionally, two neighboring properties to the north, on 3rd Avenue Southwest, have requested and received variances for garage area increases, so this variance request appears to be consistent with the surrounding neighborhood characteristics.

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 matches the adjacent R-1 uses in the neighborhood. As stated by the property owner, the proposed private garage will serve to store the many recreational vehicles and enable them to keep their property orderly. Moreover, the neighbors are in support of the variance request and proposed garages (see Exhibit C).

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

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 1B, Block 10, Community Hall Addition, for an increase to the maximum garage area permitted by 512 feet, for the construction of an attached garage and detached garage totaling 2,112 square feet combined, 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
Colleen and Joe LeLievre, Owners, elkh8me@msn.com

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: 9/6/13
 Application Number: BOA-2013-7
 Fee: \$200
 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.

JOE LE LIEVRE

Owner / Representative Name:

2127 1ST AVE SW

Mailing Address:

(406) 564-9498

Phone:

ELKHORNE@MSN.COM

Email: C_budski@hotmail.com

Requested Action: A variance from Title:

Chapter:

Article:

17.20.2.060 Ex. 20-9 Garage area limitations

Basis for Request:

see attached letter

PROPERTY DESCRIPTION LOCATION:

1B, 10 Community Hall 10 20 N 3E
 Mark/Lot/Block: Addition: Section: Township: Range:
 325 16TH ST SW GREAT FALLS, MT 59404
 Street Address:

ZONING:

R-1
 Current:

LAND USE:

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.

Colleen Budzinski
 Property Owner's Signature:

8-6-13
 Date:

Representative's Signature:

SEP 6, 2013
 Date:

EXHIBIT B - APPLICANT LETTER

City of Great Falls

Planning & Community Development Dept.
Board of Adjustment

September 6, 2013

Dear Board Members:

We are requesting a variance to build a detached garage at the property located at 325 16th St SW. This lot previously had a mobile home on it, and a fenced storage area of masonry supplies.

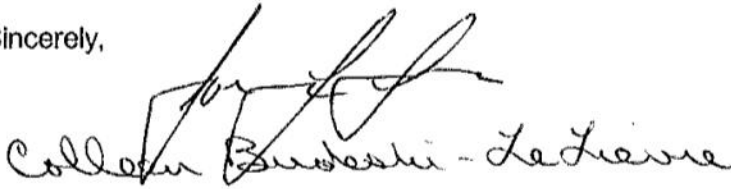
This is a larger R-1 lot. While the minimum size for a newly created lot is 15,000 square feet, this property is surveyed at 29,403 square feet.

Our intent is to build a dwelling with an attached three-car garage, which will be used to park our daily driving vehicles.

We would like to keep our property looking clean, and the additional garage will provide a secure building for our camper, boat, 4 wheelers, dirt bikes, and some hobby woodworking tools.

We have no intention for this garage other than residential use. We believe granting this variance will bring the property into parity with other properties in the area. We are available to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Colleen Budeski-LeLievre". The signature is written in a cursive, flowing style.

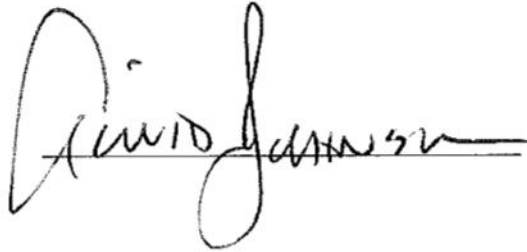
Joe Le Lievre
Colleen Budeski-Le Lievre

Phone: 564-9498
Phone: 868-6175

EXHIBIT C - NEIGHBOR SIGNATURES

As an adjacent property owner, I have no objection to an oversized detached garage proposed for construction on the back of the lot at 325 16th St SW. The structure will meet height and property line setback conditions as established by the City of Great Falls.

Arvid Johnson
301 16th St SW
Great Falls, MT



Date: 8.8.13

Cori Mader
407 16th St SW
Great Falls, MT



Date: 8-8-13

Mike Hryszko
1536 3rd Ave SW
Great Falls, MT



Date: 8-18-13

EXHIBIT D - SITE PLAN

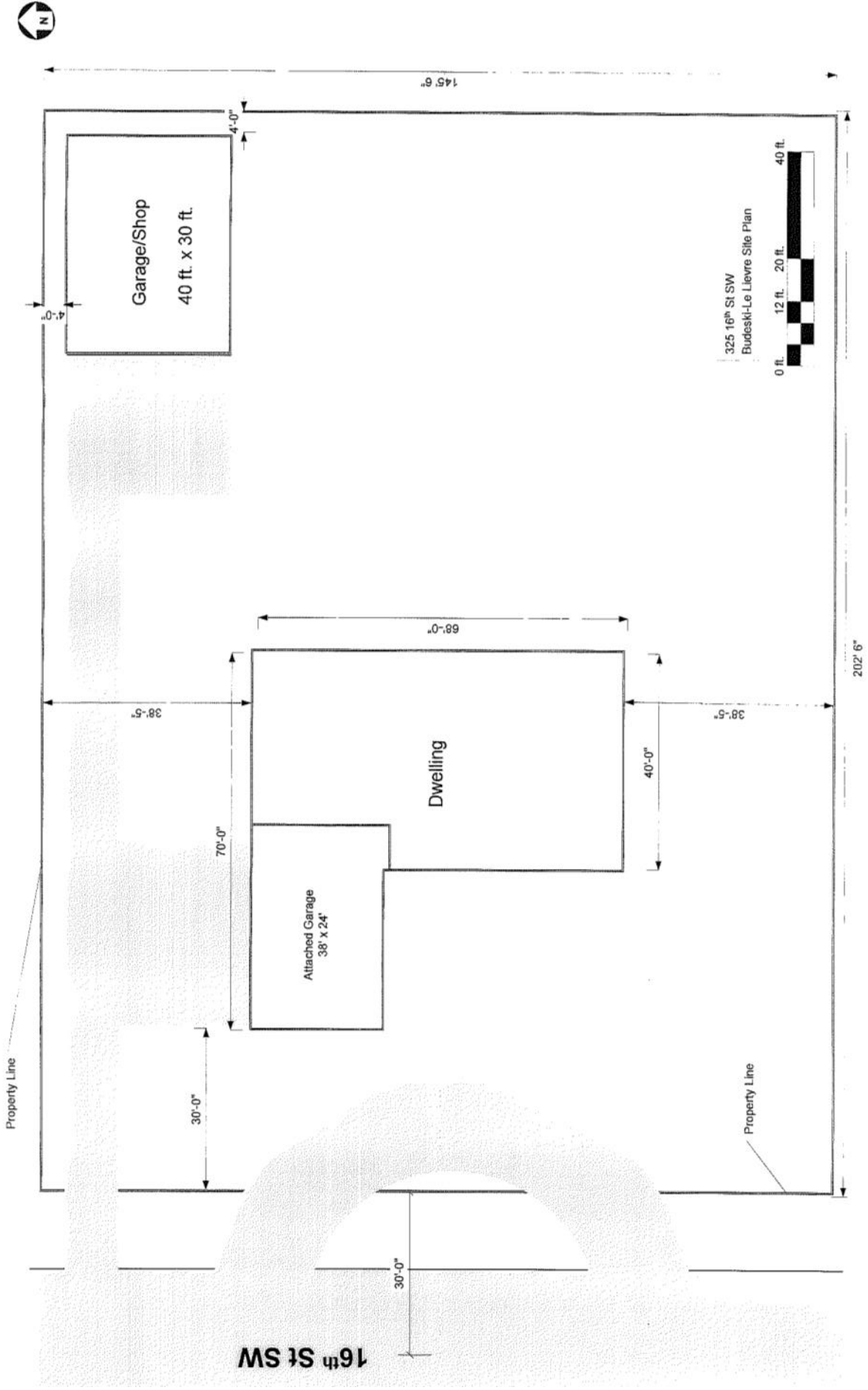
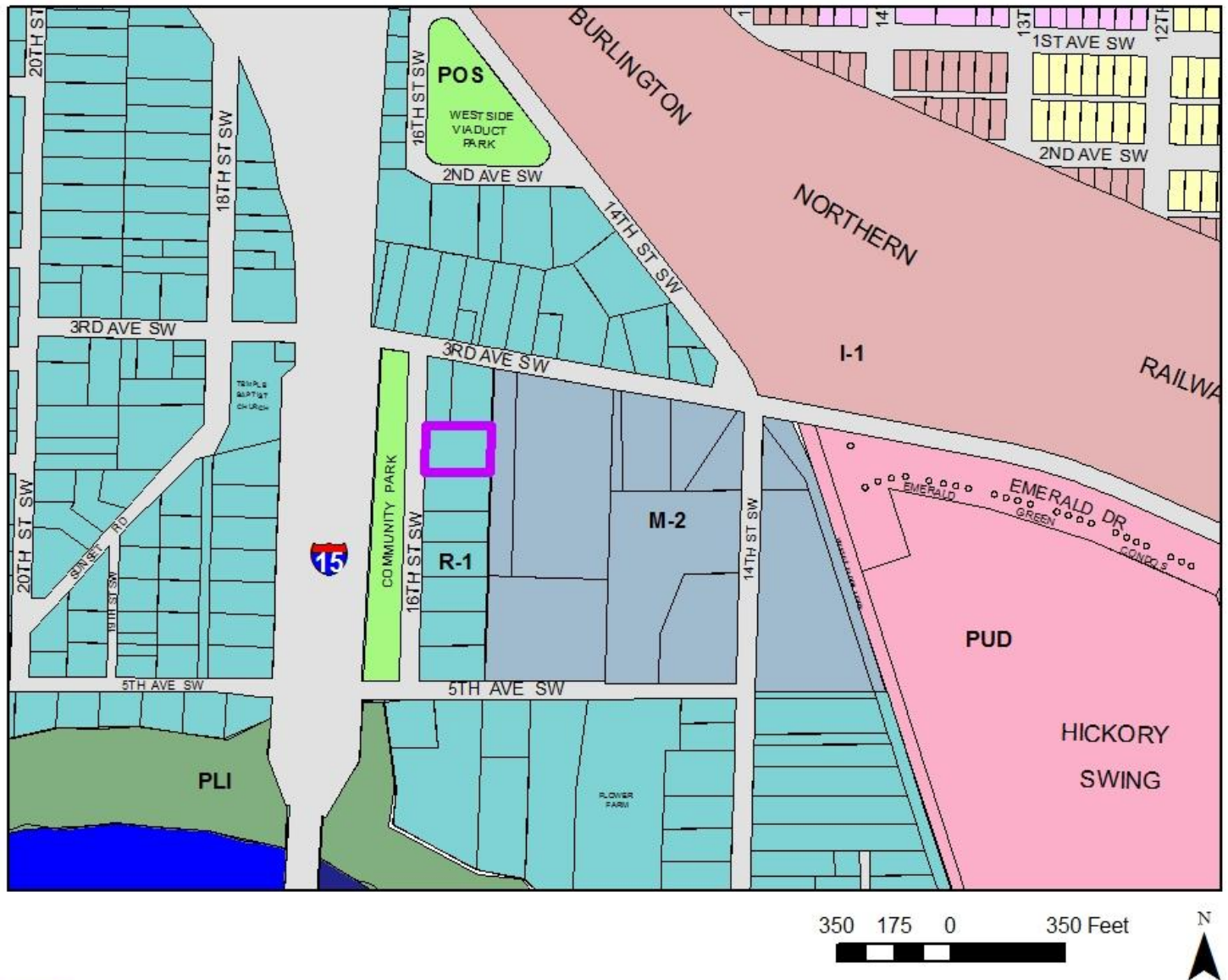


EXHIBIT E - ZONING MAP



325 16th St SW

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