



**ROOM A | 130 6TH STREET WEST
COLUMBIA FALLS, MT 59912**

**PHONE (406) 892-4391
FAX (406) 892-4413**

**COLUMBIA FALLS BOARD OF ADJUSTMENT
AGENDA
TUESDAY, NOVEMBER 17, 2020
COUNCIL CHAMBERS CITY HALL**

NOTE: This meeting will be held in the Council Chambers as well as by virtual meeting to provide for social distancing and public health and safety. Contact City Clerk Barb Staalnd to register for ZOOM meeting access information. Email: staalndb@cityofcolumbiafalls.com

REGULAR MEETING – 6:00 P.M.

CALL TO ORDER

ROLL CALL

VISITORS/PUBLIC COMMENT (Items not on agenda)

NEW BUSINESS:

1. Variance Request – Minimum Lot Width.

This variance would allow the owner, Clara Croft, of 949 Tamarack Lane to divide her nine-acre parcel into two tracts, one being a one-acre tract of land to give to her daughter, applicant Hanna and Nick Miller, through the Family Transfer survey process. The property is zoned CR-1 which has a one acre minimum lot size as well as a minimum lot width of 150 feet. The applicant's stated reason for the variance request is that the drainfield for the existing house and an existing fence create an obstacle and hardship to comply with the required 150 foot lot width, providing only a 135 foot width for the one-acre parcel. The property is described as Assessor's Tract 2Q (Tract 1 of COS 18119) in Section 5, Township 30 North, Range 20 West, P.M.M., Flathead County.

- a. Adopt Staff Report CV-20-01 as findings of fact.
- b. Approve, amend or deny the Variance Request

2. Variance Request – Reconstruction of a Damaged Non-Conforming Building.

This variance would allow the owners, CNS Property, LLC, to rebuild the nine-unit apartments lost to a fire at 1711 4th Avenue West. The property is zoned CR-3 (One-family residential) which only allows single family structures on the property. The apartments were constructed predating the zoning and as such were a legal non-conforming use. Section 18.211.050 of the Columbia Falls Zoning Regulations state that a non-conforming use damaged by more than 50% excluding foundation must be rebuilt in conformation with current zoning regulations; meaning that the applicants cannot replace the apartments without a variance. The property is described as Lot 15, Block 1, Lenonville Subdivision in Section 17, Township 30 North, Range 20 West, P.M.M. Flathead County.

- a. Adopt Staff Report CV-20-02 as findings of fact.
- b. Approve, amend or deny the Variance Request

ADJOURN



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Planning Department

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.1.

BOARD OF ADJUSTMENT REVIEW REPORT CV-20-01

Title: Clara Croft (owner) Nick and Hanna Miller (applicants)
Subject: Request a variance to the minimum lot width of 150 feet in the CR-1 zoning district
Date: November 9, 2020
Prepared By: Eric H. Mulcahy, AICP - City Planner

Location:

Property is located at 949 Tamarack Lane; and is described as Assessor's Tract 2Q (Tract 1 of COS 18119) in Section 5, Township 30 North, Range 20 West, Flathead County, Montana.

Background:

The owner of Assessors Tract 2Q, Clara Croft, is proposing to create a one-acre tract of land to give to her daughter through the Family Transfer survey process. This property has been in the family for many years as Croft is the daughter of Knopfle who lived on this land prior to giving it to her. The Croft property is nine acres in size and is zoned CR-1 in the Columbia Falls Zoning Jurisdiction. The CR-1 property sets a minimum lot width of 150-feet.

The Croft property has an existing home and a number of outbuilding, fences, and a drainfield for the septic system of the existing house. Croft wants to split of the property in the northeast corner of the property north of the existing house (See Figure 1). However, the existing drainfield and existing fences would limit the lot width to 135 feet in the front and 103 at the rear. Otherwise the proposed tract complies with the provisions of the zoning code

Figure 1



Application:

The property is zoned CR-1 (Suburban Residential) in the Columbia Falls Zoning District. The proponent is requesting a variance to 18.322.040.2 – Minimum Lot Width: 150 feet.

Procedure for Consideration:

The Board must find that the following conditions have been met by the property owner: 18.209.030 Procedure for Consideration.

- C. Findings are required to be made by the board for approval of a variance. No variance shall be granted unless the board finds all the following conditions are met or found to be not pertinent to the particular case:
 - 1 Strict compliance with the provisions of this title will:
 - a. Limit the reasonable use of the property, and
 - b. Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

2. The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control.
3. The hardship is peculiar to the applicant property.
4. The hardship was not created by the applicant.
5. The hardship is not economic (when a reasonable or viable alternative exists).
6. Granting of the variance will not adversely affect the neighboring properties or the public.
7. The variance requested is the minimum variance which will alleviate the hardship.
8. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

Finding:

The staff considered the proponents arguments with respect to the following conditions:

1. *a. Strict compliance:* strict compliance would allow creating a tract somewhere else on the property. However, the site selected is flat and close to the existing driveway. Moving the tract somewhere else may prove difficult because the topography is more uneven and would be more destructive to the property and existing trees. The minimum lot width standard is more of an aesthetic requirement than it is a health and safety requirement. Minimum lot widths provide adequate side yards for setbacks whereas lots that are too narrow crowd neighboring lots and create front or back yards that are not useable for accessory structures. I do not believe that the requested variance is too narrow as the applicant's mother is located to the south.
- b. Deprive the applicant of rights:* If the variance was to be denied, it is likely that the applicant could develop a lot elsewhere on the property but that may require a longer driveway and substantial grading of the building site which would disturb more of the owner's property. The applicants selected the proposed site because it is level, close to the driveway and they will not have to cut as many trees on the site.
2. *The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control:* The applicants indicate that the existing drainfield for the Croft house prevents the lot line from moving south to meet the minimum lot width. The applicants are also trying to recognize the existing fencing as a proposed lot boundary. The applicants selected this site for the new parcel because it is close to the existing driveway, this portion of the property is level, and they are close to the applicant's mother. Although drainfields can be moved, it is extremely expensive and disruptive to the property.

3. *The hardship is peculiar to the applicant property:* The hardship is somewhat unique to this property. The ideal building site for the family member is pinched by the existing drainfield. If all the property was level and bare of trees it might be easy to select a different location on the property where they could meet the dimensional requirements of the zoning code but that is not the case with this parcel.
4. *The hardship was not created by the applicant:* Location of the drainfield and fence pre-date any thought of splitting this land for the owner's daughter.
5. *The hardship is not economic (when a reasonable or viable alternative exists):* The hardship is not economic. The hardship is based on the location of the drainfield and existing fence. Just because both could potentially be moved at great expense does not necessarily mean that the hardship is economic. Moving the existing drainfield or the proposed homesite would be more disruptive to the property which is not an economic motive.
6. *Granting of the variance will not adversely affect the neighboring properties or the public:* Granting of the variance will have no impact on neighboring properties as the property will still have ample width to meet the required setbacks and the closest affected home is that of the owner, Croft.
7. *The variance requested is the minimum variance which will alleviate the hardship:* The variance to allow a new tract of record with a minimum front yard width of 135 and a rear yard setback of 103 feet will still be plenty wide enough to meet the required setbacks and all other provisions of the bulk and dimensional zoning requirements.
8. *Granting the variance will not confer a special privilege that is denied other similar properties in the same district:* There are few tracts in the Columbia Falls zoning jurisdiction where the preferred home location is squeezed by family decisions made generations earlier.

Summary:

Staff concurs that the applicant has property that does qualify for a variance under each of the eight prescriptions required in 18.209.030.

Specifically, the applicant requests a variance to create a tract of record that does not meet the minimum lot width.

RECOMMENDATION:

Staff recommends that the Board find that the applicant has met the variance criteria and grant said variance for the new tract located at 949 Tamarack Lane and on land described as Tract1 of COS 18119. The new tract will have a lot width 135 feet in the front and 103 feet in the rear.

BRECKENRIDGE SURVEYING AND MAPPING, INC.

Item No.1.

OFFICE LOCATION & MAILING: 2302 Highway 2 East #6, Kalispell, MT 59901
Phone: (406) 871-2643 Email: montanasurveying@gmail.com

SURVEYING • MAPPING • GEODETIC CONSULTING

October 15, 2020

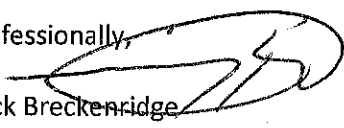
City of Columbia Falls
City Manager, Susan Nicosia
130 6th Street West
Columbia Falls, MT 59912

Dear Mr. Mulcahy,

This letter is attached to the application for a variance from the minimum lot width requirement of the Columbia Falls CR-1 zoning regulations. Clara Croft, the owner of Tract 1 of COS 18119, wants to gift a portion of her property to her daughter as shown on the attached proposed COS. The location of an existing septic system does not allow for the 150 foot lot width minimum without creating an encroachment (see the attached site plan exhibit.)

Please let me know if you need any additional information to review this application.

Professionally,


Buck Breckenridge
406-871-2643



Planning Department

130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.1.

COLUMBIA FALLS BOARD OF ADJUSTMENT APPLICATION FOR A VARIANCE

Before completing this application please read instructions on page 3.

1. APPLICANT: (Please print or type)
NAME: Nick and Hanna Miller
ADDRESS: 949 Tamarack Lane Phone: 406-871-5976
CITY/STATE/ZIP: Columbia Falls, MT 59912
INTEREST IN PROPERTY: Owner's daughter and son-in-law (see item 9)
2. OWNER: (If different from above)
NAME: Clara I. Croft
ADDRESS: 949 Tamarack Lane
CITY/STATE/ZIP: Columbia Falls, MT 59912
3. LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:
Street Address: 949 Tamarack Lane
4. ZONING DISTRICT: C-Falls ZONING CLASSIFICATION: CR-1
5. DATE PROPERTY ACQUIRED: 11/07/2007
6. LEGAL DESCRIPTION: (Subdivision, Lot and Block Number, or Tract Number; and Section, Township and Range): Tract 1, COS 18119
7. REQUEST FOR A VARIANCE FROM THE PROVISIONS OF; (State Section, Part and Paragraph of the Zoning Regulations): **Bulk and dimensional requirements (Minimum Lot Width) 18.322.040(B)**
8. THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE:
Area _____ Yard _____ Height _____
Coverage _____ Parking _____ or **Lot Width (150')**
provisions of the regulations.
9. STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY (use additional sheet if necessary):
The owner desires to transfer 1 acre of the subject property to her daughter. The location of an existing septic system does not allow for a 150' wide lot. The average width for the proposed lot (see attached layout) is ~120'.
10. EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS (be complete, use additional sheet if necessary):

A. That the variance(s) requested will not amount to a change in the use of the property to a use which is not permitted within the zoning district.

07/2016

The proposed use for this property is single-family residential which is a permitted use under CR-1.

Item No.1.

B. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location. If such conditions apply to other parcels in the same district explain how literal interpretation of the provision of these regulations would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of these regulations.

The septic system (see item 9) is unique to the property, and the proposed layout is in alignment with existing fences and utilities.

C. That the special conditions and circumstances do not result from the actions of the applicant.

The septic system was built on the approved septic site. The position of this site was chosen prior to the applicant's ownership.

D. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

The applicant is not requesting any special considerations other than those imposed by the unique characteristics of the property. The applicant believes that these considerations are reasonable for this property, and they would be reasonable for any property with similar circumstances.

E. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

The impacts of this request, if any, would be negligible, and the overall impact of designing the lot in accordance with existing conditions will be positive. If a strict adherence to the 150' lot width requirement is enforced, an easement for the existing drain field would be required. In our opinion, easements like these should be avoided as they often become a source of friction between future landowners.

11. ATTACH A PLOT PLAN OR DRAWING.

10-16 -2020
Date

Cham Craft
Signature of Applicant(s)
Hillman
Hillman

INSTRUCTIONS FOR VARIANCE APPLICATION

1. ANSWER ALL QUESTIONS. Answers should be clear and contain all the necessary information.
2. In answering Question 7, refer to the classification system in the Zoning Regulations and explain in detail the specific standards from which the applicant is seeking relief.
3. In answering Question 9, be specific and complete. In this and all other questions, if additional space is needed you may use additional paper, and list which section number you are continuing.
4. Answer Question 10, A-E completely and fully.

5. A plot plan or site plan must be submitted with each application.

Item No.1.

1. A fee per the Columbia Falls Planning Department schedule of fees for a variance application as shown below must be submitted with this application to cover the cost of necessary investigation, publication, mailing and processing procedures.

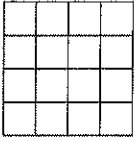
Residential (Single-Family/Duplex)	\$300
Multi-Family/Commercial/Industrial	\$600
Letters to adjoining property owners	\$5 per address

Make checks payable to:

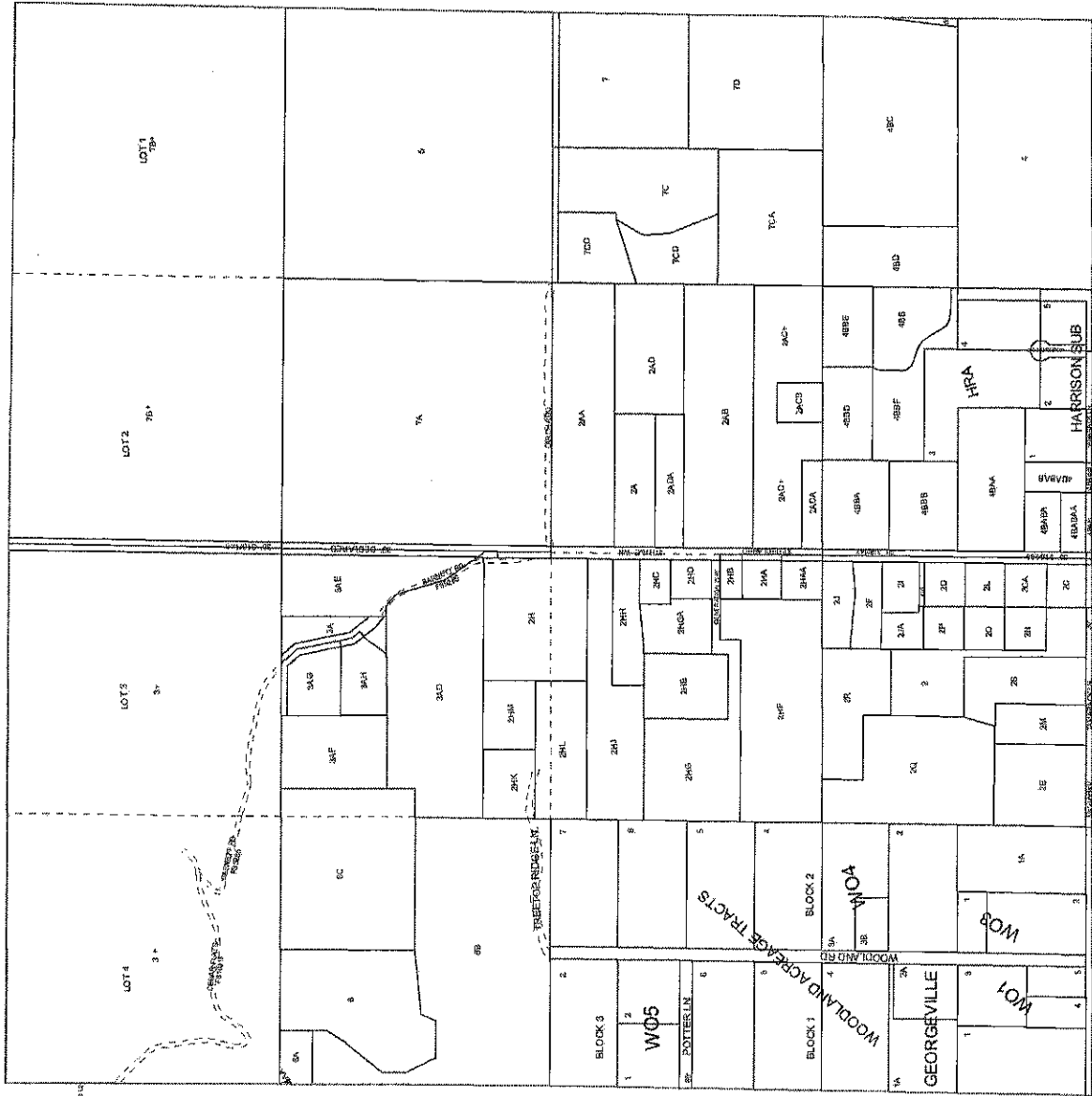
City of Columbia Falls Planning Department

53020

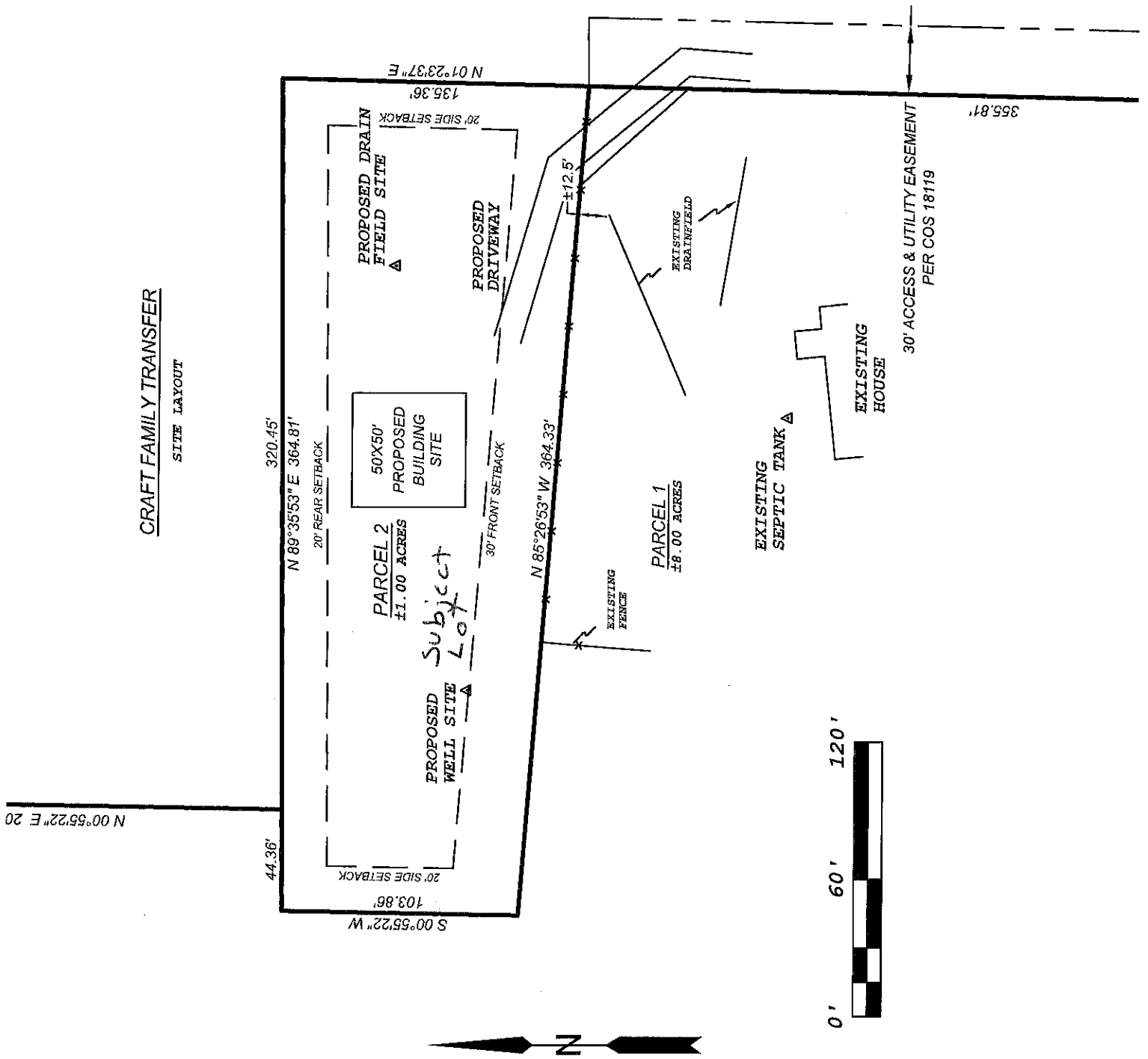
SCALE 1" = 400'



THIS MAP IS PREPARED ONLY FOR THE ADMINISTRATIVE USE OF FLATHEAD COUNTY AND IS NOT NECESSARILY AN ACCURATE REPRESENTATION OF THE LOCATION OR EXISTENCE OF TRACTS OF RECORD, THEIR BOUNDARIES OR EASEMENTS AND ROADWAYS.

[illegible]

10/5/20



CRAFT FAMILY TRANSFER

SITE LAYOUT

Proposed COS

BY: BRECKENRIDGE SURVEYING AND MAPPING, PLLC
2302 US HIGHWAY 2 EAST, STE 6
KALISPELL, MT 59901

(406) 732-3339
MIL BRECKENRIDGE, PLS
DARRIN R. BRECKENRIDGE, PLS
LUCKS BRECKENRIDGE, PLS

CERTIFICATE OF SURVEY

LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 5, T. 30 N., R. 20 W.,
PRINCIPAL MERIDIAN, FLATHEAD COUNTY, MONTANA

SEC. 5



OWNER'S CERTIFICATE

I CERTIFY THAT THE PARCELS FOR THIS DIVISION OF LAND IS TO TRANSFER PART 2 AS SHOWN ON THIS CERTIFICATE TO NANA MAY PART 1, AND TO NO OTHER PARTS OF THE SAME. I AM IN COMPLIANCE WITH ALL CONDITIONS IMPOSED ON THE USE OF THIS CERTIFICATE. I HAVE BEEN ADVISED BY THE SURVEYOR THAT THE LAND IS NOT SUBJECT TO ANY OTHER EASEMENTS OR ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH THAT DISCLOSE.

I ALSO CERTIFY THAT PARCEL 1, AS SHOWN HEREIN, IS EXCLUDED FROM REVIEW BY THE SURVEYOR. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH THAT DISCLOSE.

I ALSO ACKNOWLEDGE THAT THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH THAT DISCLOSE.

CLARA IRENE CRAFT

NOTARY ACKNOWLEDGEMENTS

STATE OF _____ DAY OF _____ 20____ COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, WHO IS PERSONALLY KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS DOCUMENT AND HEREBY ACKNOWLEDGED THAT HE/SHE SIGNED IT.

MY COMMISSION EXPIRES _____ NOTARY SIGNATURE _____

LEGAL DESCRIPTIONS:

PARCEL 1:

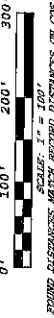
A tract of land located in the SE 1/4 of the SW 1/4 of Section 5, T. 30 N., R. 20 W., 2nd M., Flathead County, Montana; more particularly described as follows:

Beginning at the SW 1/16 Corner of said section; thence N 89°35'53" E, 213.61 feet along the South 1/16 Line; thence S 00°55'22" W, 203.97 feet; thence S 89°35'53" W, 44.36 feet; thence S 00°55'22" W, 103.86 feet; thence S 85°26'53" E, 364.33 feet; thence S 01°23'37" W, 135.36 feet; thence S 15°59'30" W, 178.76 feet; thence S 89°35'53" W, 484.62 feet to the West 1/16 Line; thence S 01°23'21" W, 204.25 feet along said line; S 00°55'22" W, 653.47 feet along said line to the point of beginning; Containing 8.00 acres, more or less; being surveyed and monumented according to Certificate of Survey No. _____, subject to and together with any existing easements, covenants, conditions or restrictions.

PARCEL 2:

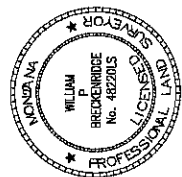
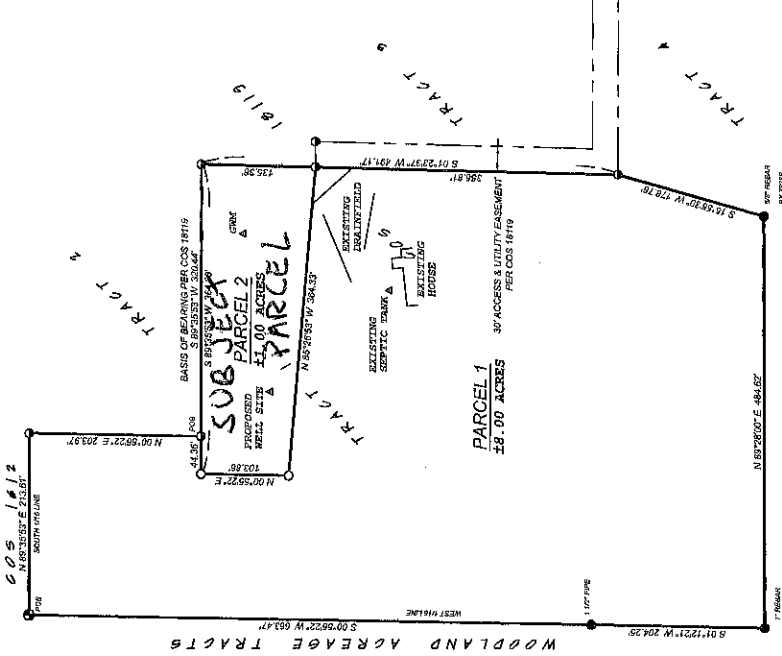
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Commencing at the SW 1/16 Corner of said section; thence N 89°35'53" E, 213.61 feet along the South 1/16 Line; thence S 00°55'22" W, 203.97 feet to the POINT OF BEGINNING; thence N 89°35'53" E, 320.44 feet; thence S 01°23'37" W, 135.36 feet; thence N 85°26'53" E, 364.33 feet; thence S 00°55'22" W, 103.86 feet; thence N 89°35'53" E, 44.36 feet to the point of beginning; Containing 1.00 acre, more or less; being surveyed and monumented according to Certificate of Survey No. _____, subject to and together with any existing easements, covenants, conditions or restrictions.



ROUND DISTANCES MATCH RECORD DISTANCES ON COS 16119

LEGEND
● SW 1/16 CORNER 1/2 PPE
● MONUMENT AS NOTED
○ SET 1/2" REBAR IN CAP MKD "BRECKENRIDGE 48220LS"
FOR POINT OF BEGINNING



CERTIFICATE OF SURVEYOR

REGISTRATION NUMBER 48220LS
APPROVED _____ 20____
EXAMINING LAND SURVEYOR REG. NO. _____
STATE OF MONTANA
COUNTY OF _____
FILED THIS _____ DAY OF _____ 20____ A.D.
AT _____ O'CLOCK _____ A.M.
CLERK AND RECORDER
BY _____
INSTRUMENT RECORD NUMBER _____

CERTIFICATE OF SURVEY NO.

FOR: NICK MILLER
OWNERS: CLARA IRENE CRAFT
DATE: 09-10-2020
DRAFTED BY: WFB
FILE: HISSAMILLER_NICKDWG000907-MILLER_NICK-FT.DWG

- 15 -

CITY OF COLUMBIA FALLS NOTICE OF PUBLIC HEARING

The COLUMBIA FALLS BOARD OF ADJUSTMENT will hold public hearings on the following items Tuesday, November 17, 2020 at 6:00 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls. The hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

VARIANCE REQUEST - Minimum Lot Width. This variance would allow the owners of 949 Tamarack Lane, Nick and Hannah Miller, to divide their nine-acre parcel into two tracks, one being 135-feet wide. The property is zoned CR-1 which has a one acre minimum lots size but also requires a minimum lot width of 150-feet. The applicant's stated reason for the variance request is that the drainfield for the existing house and an existing fence create an obstacle and hardship to compliance with the required setback. The property is described as Tract 1 of COS 18119 in Section 5, Township 30 North, Range 20 West, P.M.M. Flathead County.

VARIANCE REQUEST – Reconstruction of a Damaged Non-Conforming Building. This variance would allow CNS Property, LLC and Chad Ross of 1711 4th Avenue West to rebuild the nine-unit apartments lost to a fire earlier this year. The property is zoned CR-3 (One-Family Residential), which only allows single family structures on the property. The apartments were constructed in the 1960's and most likely predated zoning by the City of Columbia Falls and were therefore legal non-conforming uses. Section 18.211.050 of the Columbia Falls Zoning Regulations state that a non-conforming use damaged by more than 50% excluding foundation must be rebuilt in conformance with these regulations; meaning that the applicants cannot replace the apartments without a variance. The property is described as Lot 15, Block 1, of Lenonville in Section 17, Township 30 North, Range 20 West, P.M.M. Flathead County.

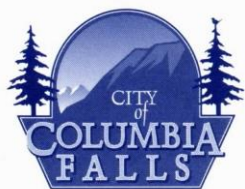
Persons are allowed to attend the hearings, subject to the most recent public gathering restrictions enacted by County and State agencies at or prior to the time of the hearing. Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 130 6th Street West, Room A, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed conditional use, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

Dated this 28th day of October, 2020

Susan Nicosia, City Manager/Zoning and Planning Administrator

COLUMBIA FALLS BOARD OF ADJUSTMENT

PUBLISH: Daily Interlake – Sunday, November 1, 2020



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Planning Department

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.1.

October 28, 2020

Re: Public hearing notice for a zoning variance to the minimum parcel width for Nick and Hannah Miller

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing for a Variance from the Columbia Falls Zoning Regulations. The Miller's, owners of the land at 949 Tamarack Lane, wish to gift a one-acre parcel of land to their daughter. The Millers have nine acres but because of the existing improvements and drain field for the existing house the new parcel would not meet the minimum lot width of 150-feet. The new lot would only be 135 feet in the front and 103 feet in the rear but otherwise would meet all of the zoning requirements. The property is described as Lot 3 of the O'Neil Subdivision Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

If you have questions or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday November 12, 2020 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment may be provided up to 5:00 pm on the day of the hearing; it will be passed out at the hearing.

Sincerely,

Eric H. Mulcahy, City Planner

CITY OF COLUMBIA FALLS NOTICE OF PUBLIC HEARING

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Dated this 28th day of October, 2020

Susan Nicosia, City Manager/Zoning and Planning Administrator

COLUMBIA FALLS BOARD OF ADJUSTMENT

PUBLISH: Daily Interlake – Sunday, November 1, 2020



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Planning Department

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.1.

November 2, 2020 (Owner correction)

Re: Public hearing notice for a zoning variance to the minimum parcel width for Nick and Hannah Miller

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property owner within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing for a Variance from the Columbia Falls Zoning Regulations. Clara Croft, owner of the land at 949 Tamarack Lane, wishes to gift a one-acre parcel of land to her daughter Hanna Miller. Croft has nine acres but because of the existing improvements and drain field for the existing house the new parcel would not meet the minimum lot width of 150-feet. The new lot would only be 135 feet in the front and 103 feet in the rear but otherwise would meet all of the zoning requirements. The property is described as Lot 3 of the O'Neil Subdivision Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

If you have questions or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday November 12, 2020 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment may be provided up to 5:00 pm on the day of the hearing, it will just be emailed and/or passed out at the hearing.

Sincerely,

Eric H. Mulcahy, City Planner

CITY OF COLUMBIA FALLS NOTICE OF PUBLIC HEARING

The COLUMBIA FALLS BOARD OF ADJUSTMENT will hold a public hearing on the following item Tuesday, November 17, 2020 at 6:00 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls. The hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings

VARIANCE REQUEST - Minimum Lot Width. This variance would allow the owner Clara Croft of 949 Tamarack Lane and Nick and Hannah Miller, to divide their nine-acre parcel into two tracks, one being 135-feet wide. The property is zoned CR-1 which has a one-acre minimum lots size but also requires a minimum lot width of 150-feet. The applicant's stated reason for the variance request is that the drainfield for the existing house and an existing fence create an obstacle and hardship to compliance with the required setback. The property is described as Tract 1 of COS 18119 in Section 5, Township 30 North, Range 20 West, P.M.M. Flathead County.

Persons are allowed to attend the hearing(s), subject to the most recent public gathering restrictions enacted by County and State agencies at or prior to the time of the hearing. Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 130 6th Street West, Room A, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed conditional use, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

Barb Staaland

From: theresa steppe <t-dolls@outlook.com>
Sent: Wednesday, November 11, 2020 6:56 PM
To: staalandb@cityofcolumbiafalls.com
Subject: Zoning Variance for Nick and Hannah Miller

November 11, 2020
Theresa and Michael Steppe
12706 County Road 353
Sidney MT 59270

Re: Public hearing notice for a zoning variance to the minimum parcel width for Nick and Hannah Miller

To the Planning Staff for the Columbia Falls Planning Jurisdiction,

As the adjacent property owner, we are strongly opposed to the approval of a smaller lot size proposed and requested by Clara Croft, 949 Tamarack Lane. We are very concerned about where a drain field and water well would go on such a small property and how each would effect our own systems.

If the planning staff approves this subdivision, they have set precedence. The Croft family and heirs then have eight more acres to divide up. We see no reason for such a small subdivision when nine acres are available.

Sincerely,

Theresa and Michael Steppe
Owners of 985 Tamarack Lane

Sent from Mail for Windows 10



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Planning Department

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.2.

BOARD OF ADJUSTMENT REVIEW REPORT CV-20-02

Title: Chad Ross, CNS Property LLC
Subject: A request to reconstruct a legal non-conforming structure destroyed by fire
Date: November 9, 2020
Prepared By: Eric H. Mulcahy, AICP - City Planner

Location:

Property is located at 1711 4th Avenue West and is described as described as Lot 15, Block 1, of Lenonville in Section 17, Township 30 North, Range 20 West, P.M.M. Flathead County, Montana.

Background:

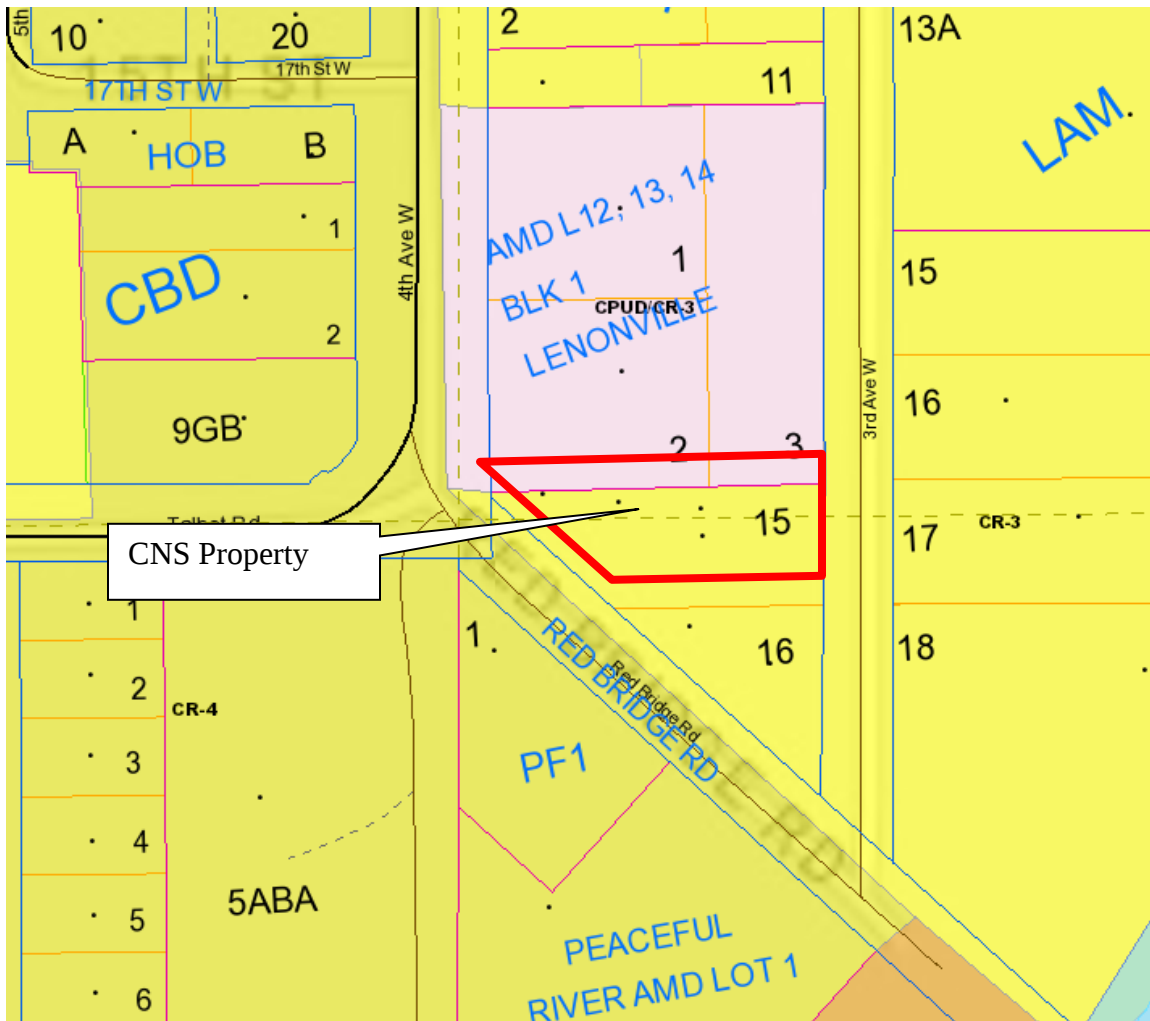
The subject property located at 1711 4th Ave West had nine apartment units on the property. In the summer of 2020 these apartment units were destroyed by a fire. The apartment building was constructed sometime between 1964 and 1969. Because there are few files regarding development from the 1960's we can only speculate that the apartments were built in what was unincorporated Flathead County at the time when there was no zoning restricting this type or density of development. We assume that the apartments were constructed legally at the time. Sometime later perhaps as late as the 1980's, Columbia Falls extended zoning into the neighborhood of 4th Ave West and Talbot Road. The City zoned the area CR-3 which is a One Family Residential zoning district. The zoning made the nine-unit apartment building a legal non-conforming use within the zoning jurisdiction. The property was annexed into the City limits in October, 1998.

The Columbia Falls Zoning Regulations recognize legal non-conforming uses allowing for their continued use and maintenance. There is even a provision in the Code that provides for expansion of a non-conforming use up to 50% if the applicant secures approval of a Conditional Use Permit from the Columbia Falls City Council. However, the Code also stipulates in Chapter 18.211.050 that should a, "nonconforming building be so damaged or destroyed to the extent of more than 50% of the real value thereof, excluding foundation," then from that date thereafter the property shall conform to the regulations. This means that the owners of the property at 1711 4th Ave West cannot rebuild the nine units of apartments and the residents of those nine apartments need to permanently find replacement housing.

Figure 1



Figure 2



Background:

The subject property located at 1711 4th Ave West had nine apartment units on the property. In the summer of 2020 these apartment units were destroyed by a fire. The apartment building was constructed sometime between 1964 and 1969. Because there are few files regarding development from the 1960s and we can only speculate that the apartments were built in what was unincorporated Flathead County at the time when there was no zoning restricting the type of density of development. We assume that the apartments were constructed legally at the time and there are no records to refute that assumption. Sometime later perhaps as late as the 1980's, Columbia Falls extended zoning into the neighborhood of 4th Ave West and Talbot Road. The City zoned the subject property CR-3 which is a One Family Residential zoning district. The zoning made the nine-unit apartment building a legal nonconforming use within the zoning jurisdiction. The property was annexed into the City Limits in October, 1998.

The Columbia Falls Zoning Regulations recognize legal nonconforming uses and allow for their continued use and maintenance. There is even a provision in the Code that

provides for expansion of a nonconforming use up to 50% if the applicant secures approval of a Conditional Use Permit from the Columbia Falls City Council. However, the Code also stipulates in Chapter 18.211.050 that should a nonconforming building be so damaged or destroyed to the extent of more than 50% of the real value thereof, excluding foundation, then from that date thereafter the property shall conform to the regulations. This means that the owners of the property at 1711 4th Ave West cannot rebuild the nine units of apartments as they were completely destroyed by the fire and the residents of those nine apartments need to permanently find replacement housing. The applicant/owner is requesting a variance to the zoning regulations in order to reconstruct the apartments in order to provide clean decent housing for the average working class or retired renter.

The requested variance is only for the nine units of apartments. Should the variance be approved by the Board of Adjustments, the nine units will need to comply with all other aspects of the Columbia Falls Code including architectural requirements, building code requirements, off-street parking, landscaping, drainage provisions, etc.

Application:

The property is zoned CR-3 (One Family Residential) in the Columbia Falls Zoning District. The proponent is requesting a variance to 18.211.050 Reconstruction of Damaged Nonconforming Buildings, and the chapter reads as follows:

Reconstruction of damaged nonconforming buildings.

A. Any nonconforming use or building so damaged or destroyed to the extent of more than fifty percent of the real value thereof, excluding foundation, then said nonconforming use of building and the land on which said use was located or maintained shall, from and after the date of such destruction, be subject to all of the regulations of the use district within which each land and/or building are located. The percentage of destruction shall be determined by the zoning administrator or his designee and shall be based on the estimated cost of repair or reconstruction to the original condition of the building.

B. Where any nonconforming building shall be destroyed to a degree less than fifty percent, as specified above, said building or structure may be reconstructed to its original size and use upon issuance of a building permit

Procedure for Consideration:

The Board must find that the following conditions have been met by the property owner: 18.209.030 Procedure for Consideration.

C. Findings are required to be made by the board for approval of a variance. No variance shall be granted unless the board finds all the following conditions are met or found to be not pertinent to the particular case:

- 1 Strict compliance with the provisions of this title will:
 - a. Limit the reasonable use of the property, and
 - b. Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

2. The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control.
3. The hardship is peculiar to the applicant property.
4. The hardship was not created by the applicant.
5. The hardship is not economic (when a reasonable or viable alternative exists).
6. Granting of the variance will not adversely affect the neighboring properties or the public.
7. The variance requested is the minimum variance which will alleviate the hardship.
8. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

Findings:

The staff considered the proponents arguments with respect to the following conditions:

1. *a. Strict compliance:* The subject property had, in addition to the nine units of apartments, a single-family house which survived the fire and is located on the 4th Ave West frontage. As the CR-3 zoning would only allow a single-family residence, the applicant could not build anything additional on the property as the existing single-family home would be in compliance with the zoning.
- b. Deprive the applicant of rights:* If the variance was to be denied the applicant would be deprived a right to reconstruct. Communities have nonconforming standards such as Chapter 18.211.050 in order to over a period of years eventually bring structures into compliance with the zoning. This is particularly true when we have incompatible uses in a neighborhood that create nuisances to the neighboring uses that comply with zoning. It is also written into the Code that a community can grant a variance to a section of the code if strict compliance deprives an applicant of reasonable use which could be interpreted as historic use in this instance.
2. *The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control:* In this instance the hardship is that the nine apartments were part of this Columbia Falls neighborhood for 50-plus years and an accidental fire was the cause for the loss of the units as opposed to one making a choice to abandon the nonconforming use and remove the structure. As with any accident, the applicant had no control of the event that destroyed the property.
3. *The hardship is peculiar to the applicant property:* The hardship is unique to this property. The City has approved a set of multi-family units with a Planned Unit Development (PUD) just north of the subject property and a second project was approved with a PUD just west of Red Bridge for 16

units called Grace Ann but it was never developed. In the case of the apartments just north of the Ross property, the applicant had more property allowing for the PUD to be used with the CR-3 zoning. With the Grace Ann project the applicant had CRA-1 zoning and CR-4 zoning which allow higher densities through the PUD. In this instance the PUD would only give the applicant a total of four units on the property. The variance is the only tool available to recover the density that previously existing on the lot.

4. *The hardship was not created by the applicant:* The apartments were constructed in the 1960's predating the single-family residential zoning and as such were considered legal nonconforming units. The applicant purchased the apartments in 2005 and maintained the units and their legal nonconforming status. A fire in the summer of 2020 destroyed the nine units of apartments and as a result lost the nonconforming status and cannot rebuild the apartments without the requested variance. The hardship was not created by the applicant.
5. *The hardship is not economic (when a reasonable or viable alternative exists):* The hardship is not economic. The applicant would like to rebuild the nine units that they purchased in 2005. The alternative to securing a variance is to leave the existing small house on the property and lose the additional apartments or apply for a PUD which would allow the owners to develop three more units, four units if they remove the existing house on the 0.59 acres.
6. *Granting of the variance will not adversely affect the neighboring properties or the public:* Granting of the variance should have have no impact on neighboring properties as the use stood on the property for more than 50 years. In addition, other multi-family projects were approved in the immediate neighborhood over the last twenty years. The nine apartment units provided a clean affordable place for residents of Columbia Falls to live. The applicant would like to continue providing a home for Columbia Falls' residents.
7. *The variance requested is the minimum variance which will alleviate the hardship:* The variance would allow the applicants to replace nine units of apartments lost in the fire and no more. It would appear that this is the minimum variance needed to secure what was lost.
8. *Granting the variance will not confer a special privilege that is denied other similar properties in the same district:* In almost 28 years of providing planning services of one sort or the other in Columbia Falls this is the first variance where nonconforming units were lost to a fire and could not be rebuilt. The BOA did approval a variance back in 2014 to replace a manufactured home that burned down but the variance was for

setbacks as opposed to replacing the use. Given the rare and unique situation of the use on this property, I would not consider granting this variance a special privilege that is denied others in the same circumstance.

Summary:

Staff concurs that the applicant has property that does qualify for a variance under each of the eight prescriptions required in 18.209.030.

Specifically, the applicant requests a variance to reconstruct nine apartment units on the subject property.

RECOMMENDATION:

Staff recommends that the Board find that the applicant has met the variance criteria and grant said variance for the nine apartment units to be constructed on the property at 1711 4th Avenue West; and is described as described as Lot 15, Block 1, of Lenonville in Section 17, Township 30 North, Range 20 West, P.M.M. Flathead County, Montana. The variance only approves the nine units and the construction of the apartments will have to comply with all other parts of the Columbia Falls Zoning and Building Codes.



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

RECEIVED

Item No.2.

OCT 28 2020

CITY OF COLUMBIA FALLS
PHONE (406) 892-4391

FAX (406) 892-4413

PAID

OCT 28 2020

CITY OF COLUMBIA FALLS

**COLUMBIA FALLS BOARD OF ADJUSTMENT
APPLICATION FOR A VARIANCE**

Before completing this application please read instructions on page 3.

1. APPLICANT: (Please print or type)
NAME: Chad Ross
ADDRESS: 45 Scholar Blvd Phone: (406)250-7111
CITY/STATE/ZIP: Whitefish, MT 59937
INTEREST IN PROPERTY: Owner
2. OWNER: (If different from above)
NAME: CNS Property, LLC
ADDRESS: _____
CITY/STATE/ZIP: _____
3. LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:
Street Address 1711 4th Ave. W
4. ZONING DISTRICT: CR-3 ZONING CLASSIFICATION: Res
5. DATE PROPERTY ACQUIRED: 2013
6. LEGAL DESCRIPTION: (Subdivision, Lot and Block Number, or Tract Number; and Section, Township and Range): LENONVILLE, S17, T30 N, R20 W, BLOCK 001, Lot 015, LENONVILLE LOT 15
7. REQUEST FOR A VARIANCE FROM THE PROVISIONS OF; (State Section, Part and Paragraph of the Zoning Regulations): Chapter 18.326.020 and 18.211.050 of Columbia Falls Zoning Regulations
8. THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE:
Area _____ Yard _____ Height _____
Coverage _____ Parking _____ or _____ Allowable Use _____
provisions of the regulations.
9. STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY (use additional sheet if necessary):
A recent fire has destroyed the 9 unit apartment complex built on this property. We are proposing replacing said units with similar affordable units. The original construction existed prior to the current zoning regulations, the neighborhood developed around the previous construction and the property was grandfathered into the current zoning.

10. EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS (be complete, use additional sheet if necessary):

A. That the variance(s) requested will not amount to a change in the use of the property to a use which is not permitted within the zoning district.

____ This property was developed prior to zoning restrictions and the current neighborhood developed around the apartments.

B. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location. If such conditions apply to other parcels in the same district explain how literal interpretation of the provision of these regulations would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of these regulations.

Other properties in the immediate vicinity have been granted special consideration for multi family use. _____

C. That the special conditions and circumstances do not result from the actions of the applicant.

____ The fire was investigated and it was determined to be a no-fault fire. _____

D. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

____ There are multiple properties in the immediate vicinity with multi-family residential zoning. _____

E. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

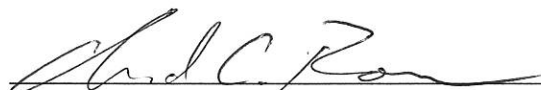
____ As the original apartments existed prior to many of the neighborhoods' structures, replacing the destroyed properties with similar units will improve the property. The original units will be replaced with upgraded materials and be aesthetically improved and actually increase the neighborhood's appeal.

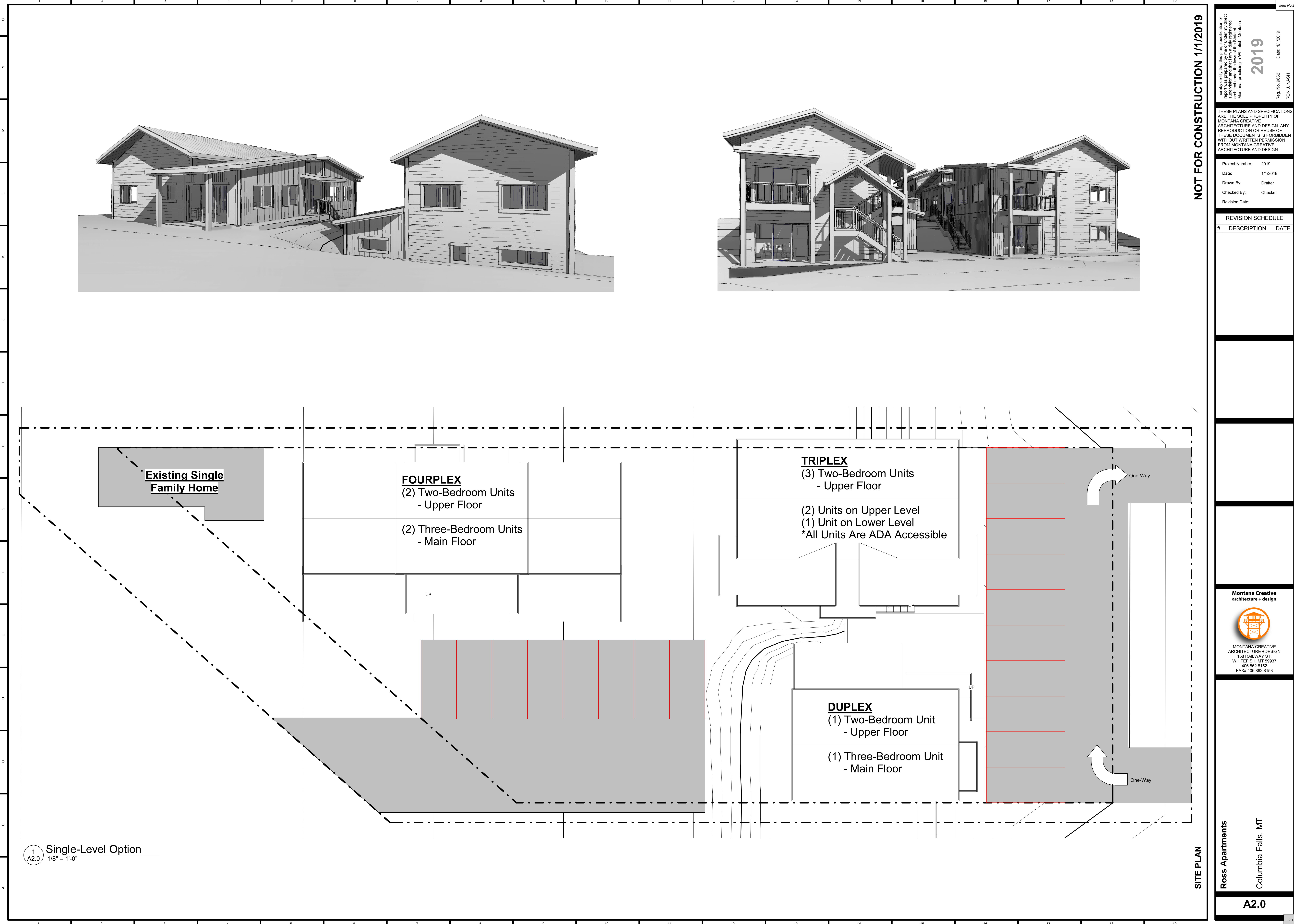
11. ATTACH A PLOT PLAN OR DRAWING.

Date

10/28/2020

Signature of Applicant(s)





I hereby certify that this plan, specification or other document was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

2019

Reg. No. 9932
RON J. NASH

Date: 1/1/2019

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Checked By: Checker

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FAX# 406.862.8153

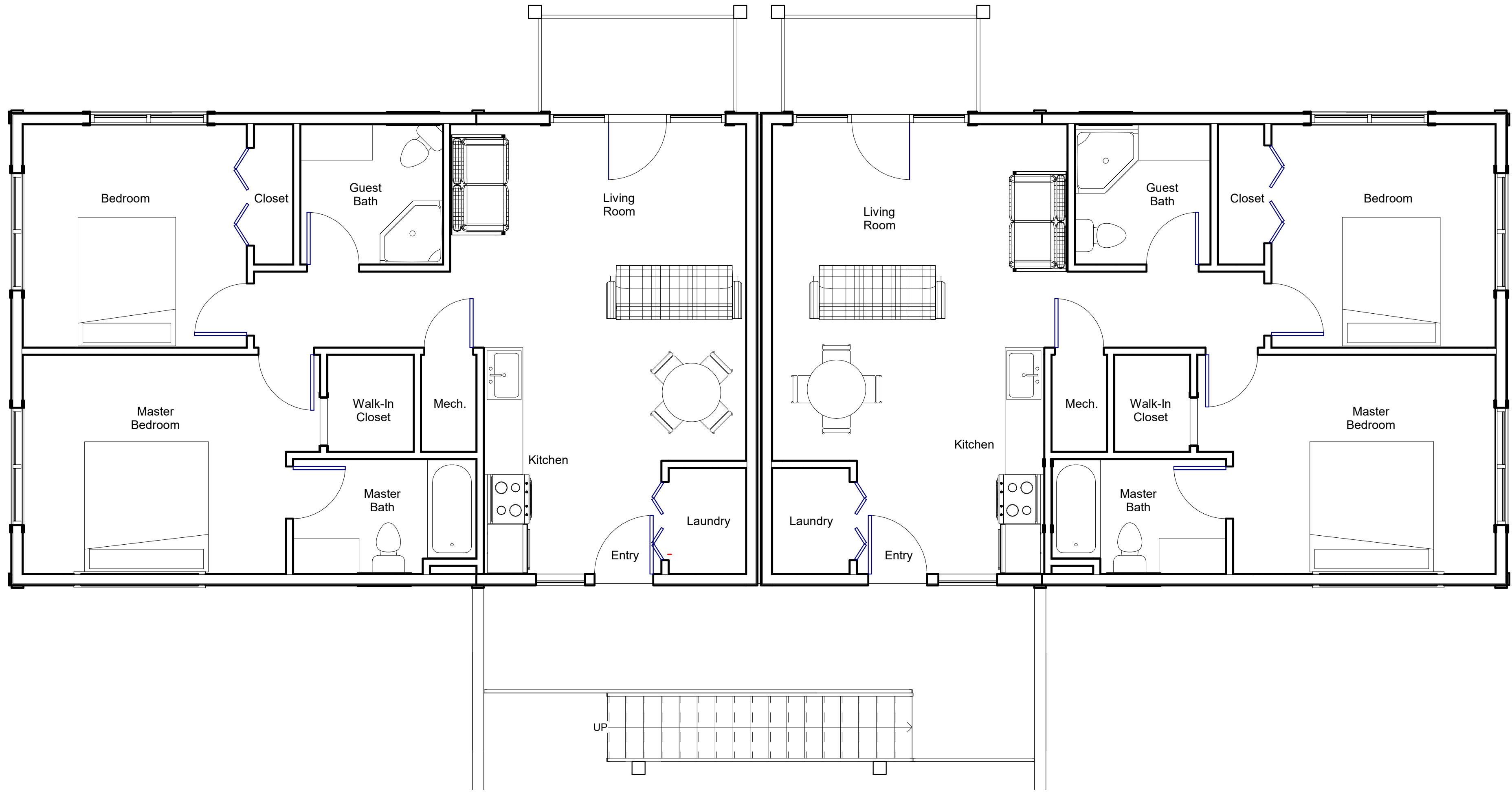
Ross Apartments

Columbia Falls, MT

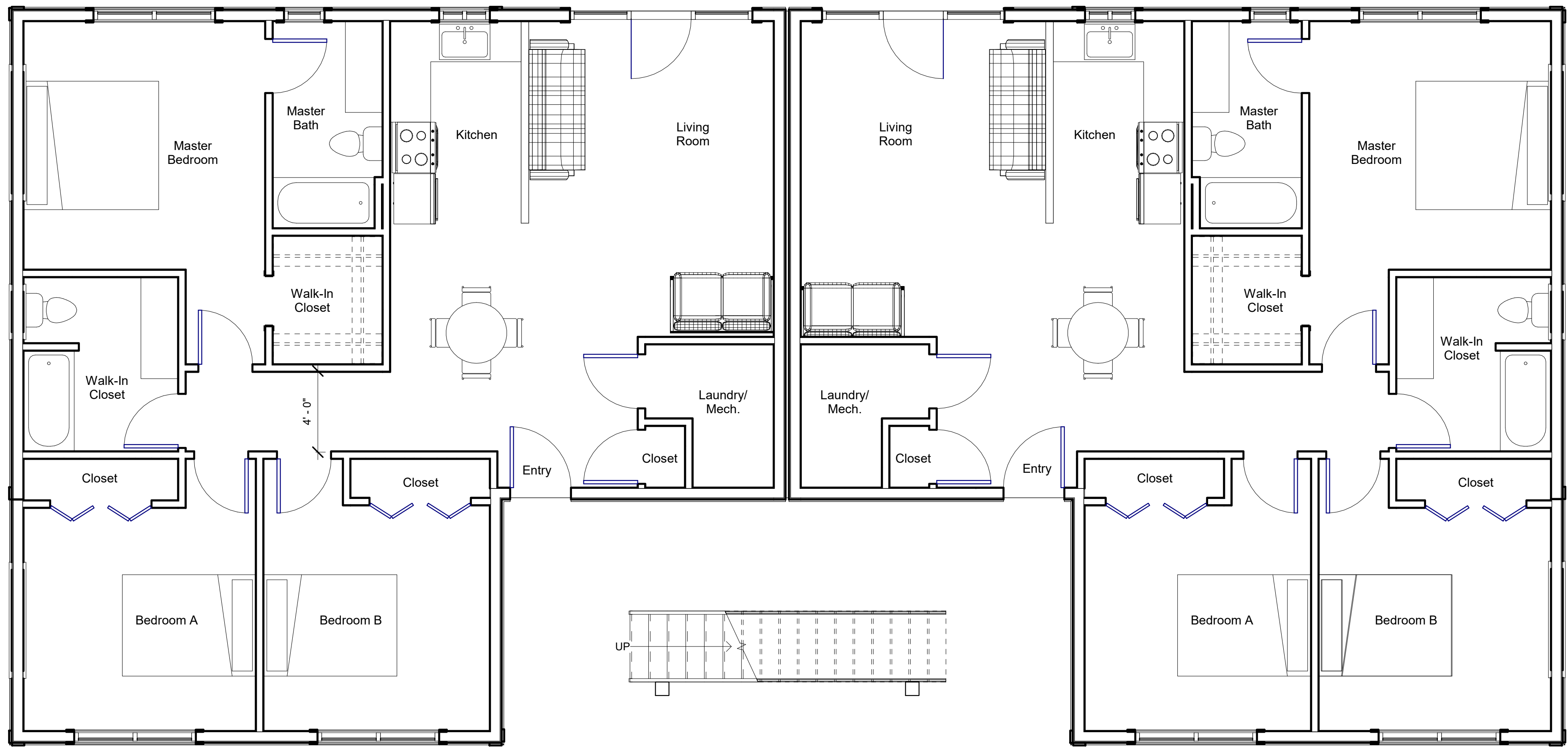
A2.0

31

2
A2.1
Fourplex - 2nd Floor Plan
1/4" = 1'-0"



1
A2.1
Fourplex - 1st Floor Plan
1/4" = 1'-0"



Bldg 1 2nd Floor Plan
110' - 1 3/4"

Fourplex - 1st Floor Plan
100' - 0"

3
A2.1
Fourplex - East Elev
1/4" = 1'-0"



Bldg 1 2nd Floor Plan
110' - 1 3/4"

Fourplex - 1st Floor Plan
100' - 0"

4
A2.1
Fourplex - West Elev
1/4" = 1'-0"



FOURPLEX - FLOOR PLANS

NOT FOR CONSTRUCTION 1/1/2019

Ross Apartments

Columbia Falls, MT

A2.1

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FAX# 406.862.8153

I hereby certify that this plan, specification or
other document was prepared by me or under
my direct supervision and that I am a duly registered
architect under the laws of the State of
Montana, practicing in Whitefish, Montana.

2019

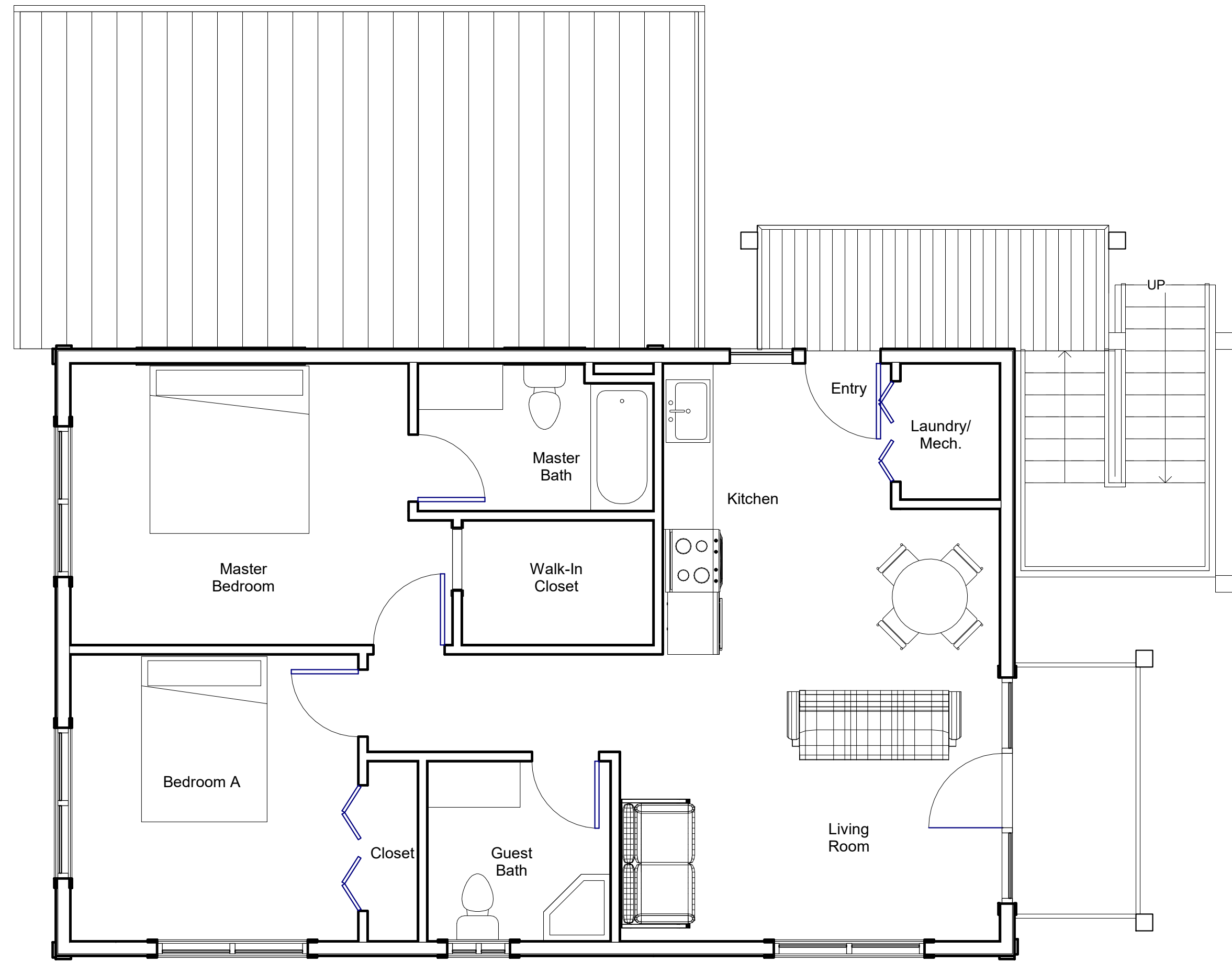
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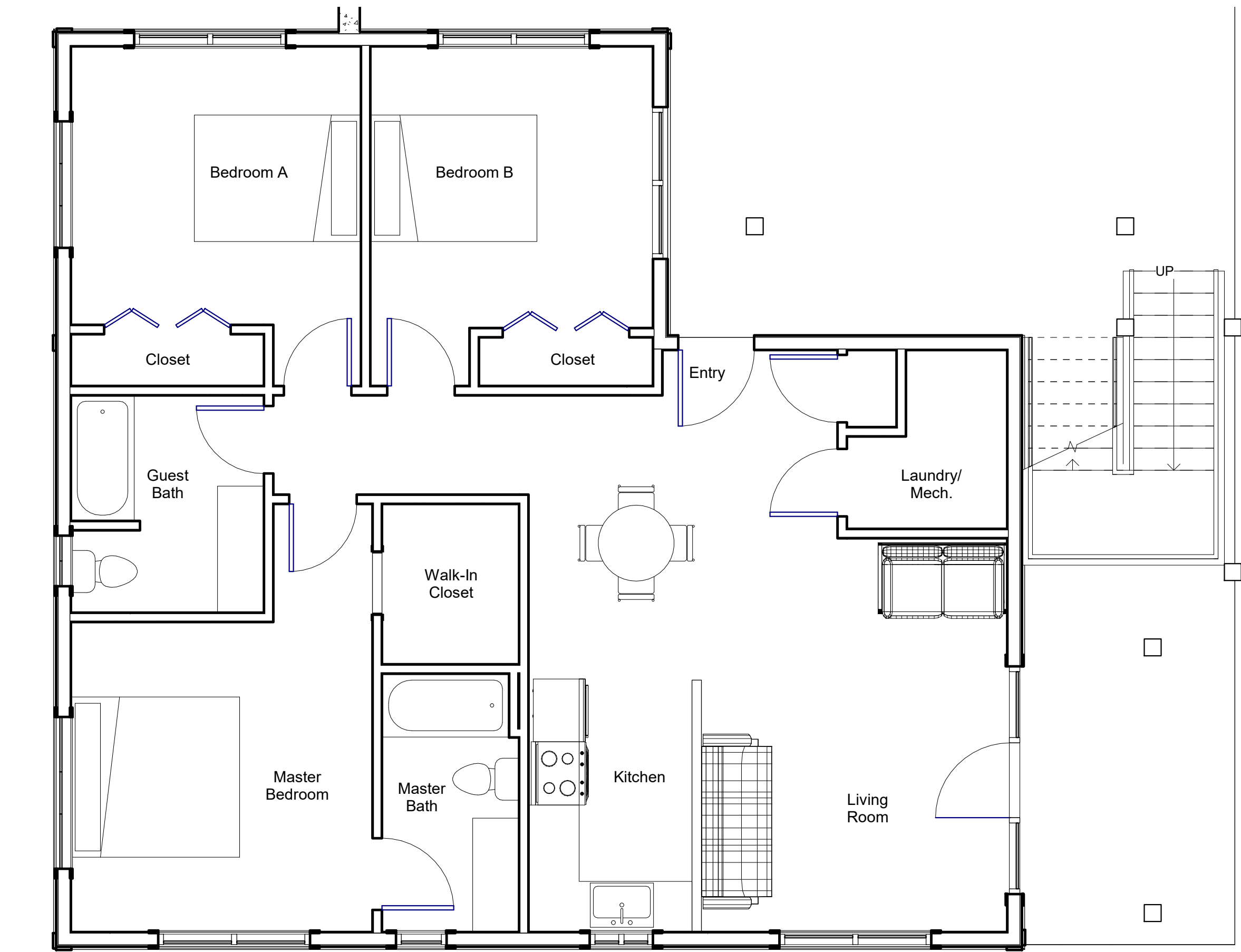
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Drawn By: Drafter
Checked By: Checker
Revision Date:

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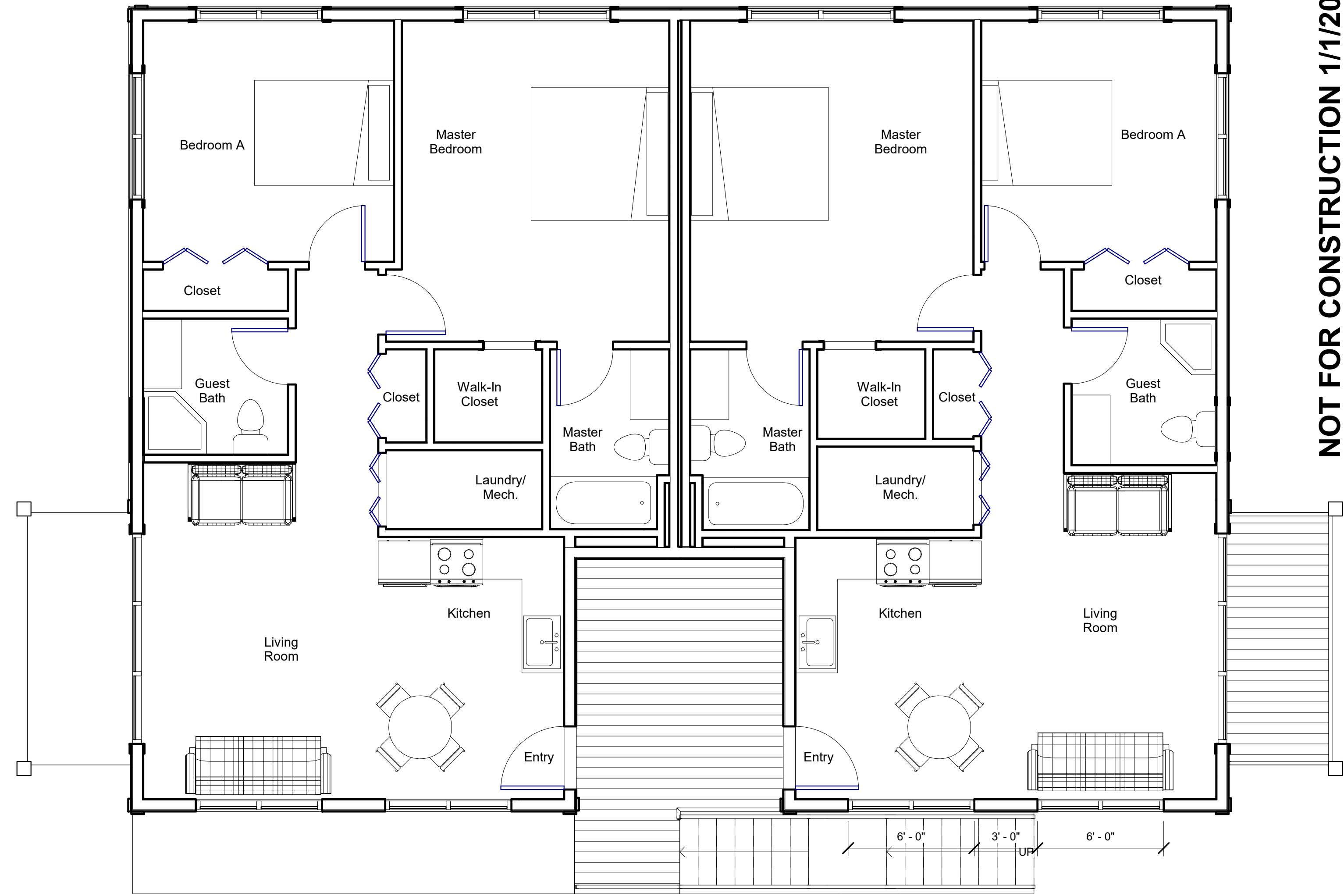
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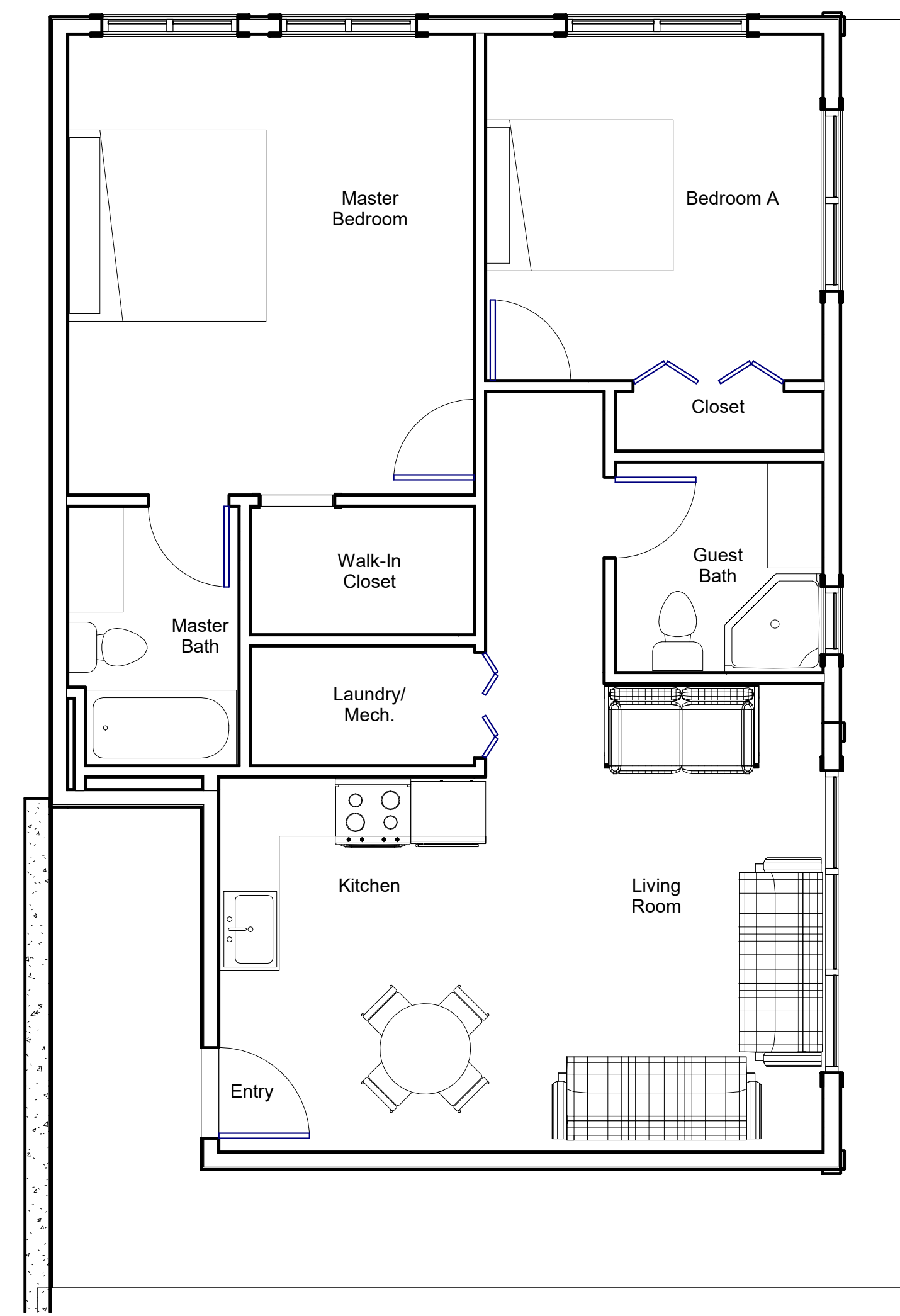
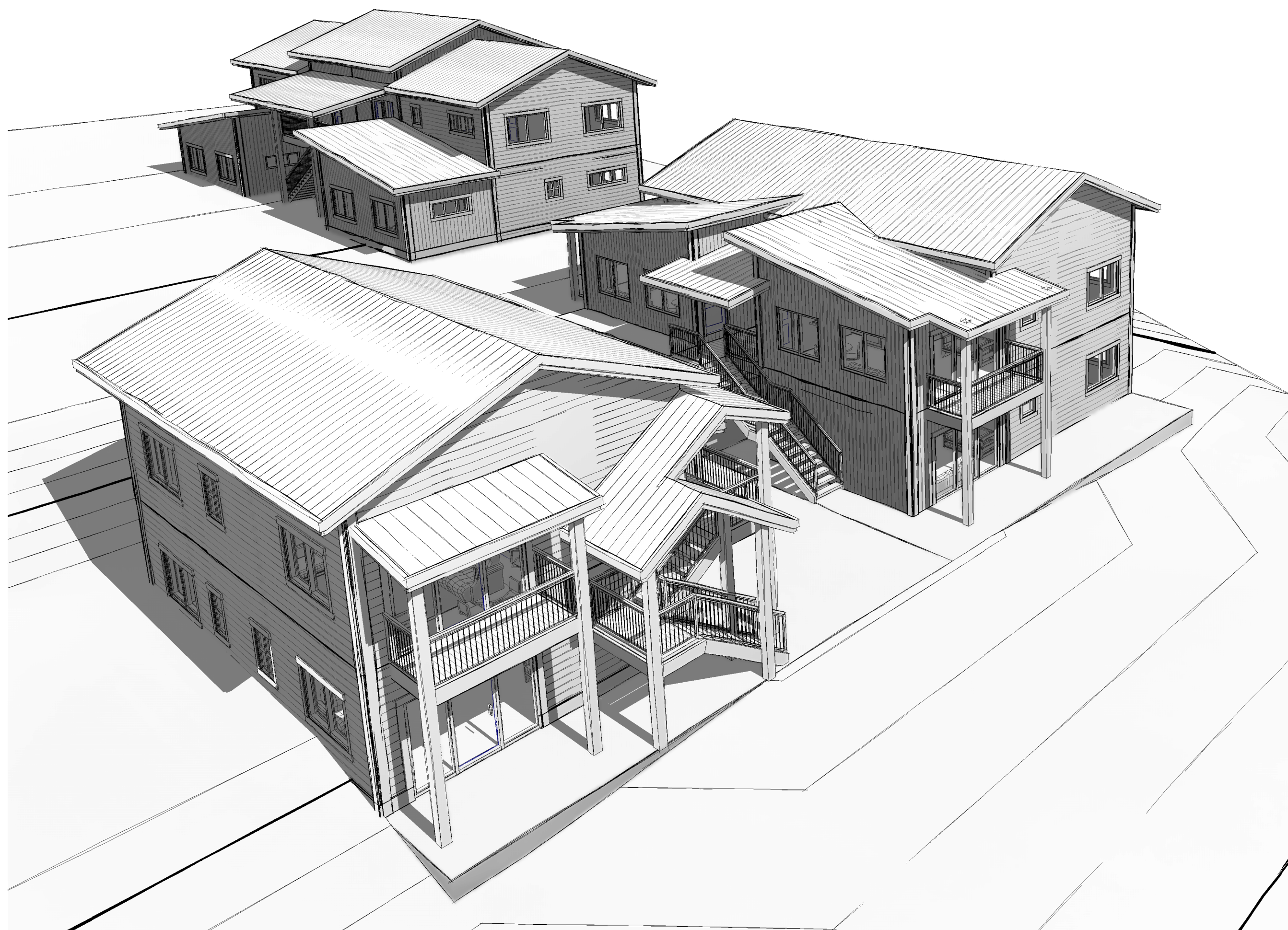
4 Duplex - 2nd Floor Plan
A2.3 1/4" = 1'-0"



3 Duplex - 1st Floor Plan
A2.3 1/4" = 1'-0"



2 Triplex - 2nd Floor Plan
A2.3 1/4" = 1'-0"



1 Triplex - 1st Floor Plan
A2.3 1/4" = 1'-0"

NOT FOR CONSTRUCTION 1/1/2019

I hereby certify that this plan, specification or other document was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

2019

Reg. No. 9932 Date: 1/1/2019
RON J. NASH

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FAX# 406.862.8153

Ross Apartments
Columbia Falls, MT

A2.3



NOT FOR CONSTRUCTION 1/1/2019

DUPLEX - ELEVATIONS

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect in the State of Montana, practicing in Whitefish, Montana.

2019

Reg. No. 12001 Date: 1/1/2019
MATTHEW J. LAWRENCE

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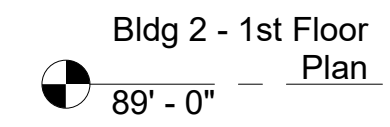


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Ross Apartments

Columbia Falls, MT

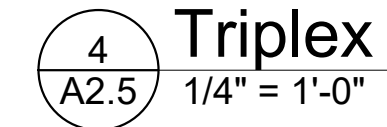
A2.4



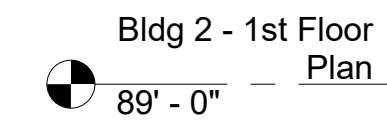
1
A2.5

Triplex - East Elev

$1/4" = 1'-0"$



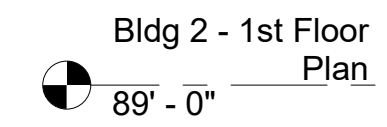
4 Triplex - West Elev
A2.5 1/4" = 1'-0"



2
A2.5

Triplex - North Elev

1/4" = 1'-0"



3
A2.5

Triplex - South Elev

1/4" = 1'-0"

TRIPLEX - ELEVATIONS

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

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Date:	1/1/2019
Drawn By:	Author
Checked By:	Checker
Revision Date:	11/10/20

REVISION SCHEDULE		
#	DESCRIPTION	DATE

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406.862.8152
FAX# 406.862.8153

Ross Apartments

Columbia Falls, MT

A2.5



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Planning Department

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.2.

October 28, 2020

Re: Public hearing notice for a zoning variance to reconstruct the nine-unit apartment building for CNS Property, LLC and Chad Ross.

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing for a Variance from the Columbia Falls Zoning Regulations. CNS Property, LLC owns the property at 1711 4th Avenue West which was also the site of a nine-unit apartment building. The apartments predated zoning on the property and were considered legal non-conforming uses in what is now an area zoned for single family uses. The Columbia Falls Zoning Regulations prohibit the reconstruction of a non-conforming use when it was damaged by more than 50% unless a variance is granted. CNS Property, LLC and Chad Ross are requesting a variance to reconstruct nine units of apartments on the subject property. The property is described as Lot 15, Block 1, of Lenonville in Section 17, Township 30 North, Range 20 West, P.M.M. Flathead County.

If you have questions or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday November 12, 2020 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment may be provided up to 5:00 pm on the day of the hearing; it will be passed out at the hearing.

Sincerely,

Eric H. Mulcahy, City Planner

CITY OF COLUMBIA FALLS NOTICE OF PUBLIC HEARING

The COLUMBIA FALLS BOARD OF ADJUSTMENT will hold public hearings on the following items Tuesday, November 17, 2020 at 6:00 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls. The hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

VARIANCE REQUEST - Minimum Lot Width. This variance would allow the owners of 949 Tamarack Lane, Nick and Hannah Miller, to divide their nine-acre parcel into two tracks, one being 135-feet wide. The property is zoned CR-1 which has a one acre minimum lots size but also requires a minimum lot width of 150-feet. The applicant's stated reason for the variance request is that the drainfield for the existing house and an existing fence create an obstacle and hardship to compliance with the required setback. The property is described as Tract 1 of COS 18119 in Section 5, Township 30 North, Range 20 West, P.M.M. Flathead County.

VARIANCE REQUEST – Reconstruction of a Damaged Non-Conforming Building. This variance would allow CNS Property, LLC and Chad Ross of 1711 4th Avenue West to rebuild the nine-unit apartments lost to a fire earlier this year. The property is zoned CR-3 (One-Family Residential), which only allows single family structures on the property. The apartments were constructed in the 1960's and most likely predated zoning by the City of Columbia Falls and were therefore legal non-conforming uses. Section 18.211.050 of the Columbia Falls Zoning Regulations state that a non-conforming use damaged by more than 50% excluding foundation must be rebuilt in conformance with these regulations; meaning that applicants cannot replace the apartments without a variance. The property is described as Lot 15, Block 1, of Lenonville in Section 17, Township 30 North, Range 20 West, P.M.M. Flathead County.

Persons are allowed to attend the hearing(s), subject to the most recent public gathering restrictions enacted by County and State agencies at or prior to the time of the hearing. Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 130 6th Street West, Room A, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed conditional use, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

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Dated this 28th day of October, 2020

Susan Nicosia, City Manager/Zoning and Planning Administrator

COLUMBIA FALLS BOARD OF ADJUSTMENT

PUBLISH: Daily Interlake – Sunday, November 1, 2020

Barb Staalnd

From: Sandy Zielke <sandy@glacierpeaks.net>
Sent: Thursday, November 12, 2020 4:29 PM
To: staalndb@cityofcolumbiafalls.com
Subject: RE: CNS Property, LLC / Chad Ross

Dear Mr. Mulcahy:

My name is Sandy Zielke. I am the owner of the Ponderosa Pines apartments adjacent to the proposed nine apartment project proposed by Chad Ross. My primary concern about the project is that it eclipses the land use density allowed for a one -family residential area and zone and also eclipses the density that we were allowed for the Ponderosa Pines PUD apartment project which was approved by the City of Columbia Falls back in 2002-2003. The proposed apartment project requests a density of 9 units on .6 acres of land. The resultant proposed density is 15 units per acre. Ponderosa Pines includes 14 units on 3 acres which represents a resultant density of 4.6 units per acre. I feel very strongly that the proposed project density is excessive and out of character with the existing neighborhood.

Please consider this objection goes counter to the number of units per acre plus that the zoning allows for single family homes.

Thanks very much,

Sincerely,

Sandy Zielke, Owner
1605 Investments LLC
1605 & 1629 4th Avenue West, CFalls
sandy@glacierpeaks.net
406-250-3350

Barb Staaland

From: mc59912@gmail.com
Sent: Monday, November 16, 2020 1:56 PM
To: vissotzkya@cityofcolumbiafalls.com
Cc: nicosias@cityofcolumbiafalls.com; Barb Staaland
Subject: Nov. 17 BOA
Attachments: 3rd Ave W..pdf; Aug_2,_2020_Apt[308].pdf; D. Swiss Apt's & Proposed U. OL.pdf; Existing House & P.P. Apt's.pdf; growth-policy-2019 70.pdf; NE Exit of 3rd Ave W..pdf; NE Property Corner.pdf; Neighbors.pdf; P.P. Apt's Green Belt.pdf; SE Entry off 3rd Ave W..pdf; Swiss Apts Arial.pdf; Swiss Apt's Plot Arial Overlay.pdf; Swiss Apt's Reconstruction pro forma.xls

Good Afternoon,

Inge and I will be attending the BOA hearing, via Zoom Tuesday evening, to voice our opposition to the proposed zoning variance.

Please review and distribute the attached files to the BOA members as the information will be referenced during our oral argument.

Please advise us of any protocol that may prevent our request from being fulfilled.

Thank you,
Inge & Mark Cahill
1725 3rd Ave W. C. Falls
406.253.8093





Proposed Units

Duplex -	1745
Triplex -	2582
4 Plex -	3325
	7652

Existing - 694

Parking - 7434

Concrete - 700

Total - 16,480
sq.ft.

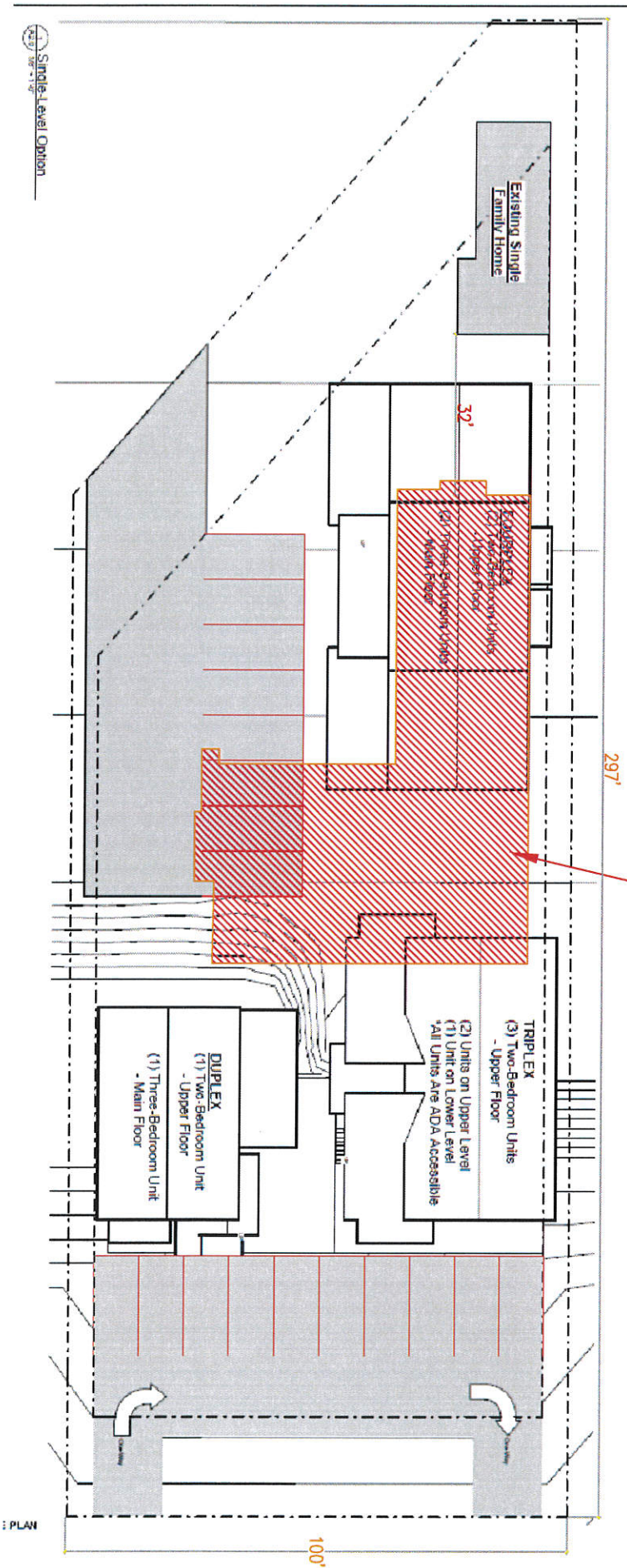
.6 Acres = 26,136
16,480 / 26,136 =
63%

Destroyed Apt's

Existing House - 694

Destroyed Apt. - 4031

Total - 4725







APPENDIX B: GROWTH POLICY MAP LEGEND

Land Use Map Legend		
	Commercial	General, highway and neighborhood retail sales, services or mixed office use.
	ResortRes Com	Within the confines of an overall development plan, provides recreation opportunities (principally to residents and guests), commercial uses (associated directly with recreation), and a mixture of housing types and densities.
	Heavy Industrial	Manufacturing, processing, storage and assembly of goods, where noise, odor, dust and associated impacts extend beyond the confines of a building or screened area.
	Light Industrial	Wholesale and industrial uses where noise, odor, dust and associated impacts are confined to a building or screened area.
	MultiFamily	8 or more units/acre. High density residential including townhouses and apartment units. Served by urban services. May be a buffer or transitional area between low density residential and non-residential uses.
	Urban Residential	Between 2 and 8 units/acre. Primarily single family residential with limited quantities of multifamily units. Fully served by urban services.
	Suburban Residential	2 units/acre or less. Primarily single family residential in a quasi-rural setting. Some urban services available.
	Rural Preserve	A rural area, predominately used for corporate and public lands, estate housing, and protective buffer for industry. Outside the immediate needs of urban development and having limited urban services. Residential use closely associated with highly developed access and low fire hazards.
	Public/Semipub	Schools, government offices or facilities, and cemeteries.
	Park/Open space	City and County parks, homeowner parks and green space areas, recreation access points.

Aug 2, 2020 4th Ave W. view



3rd Ave W. view



Neighbors





4th Ave Apt's Arial
Overlay





vissotzkya@cityofcolumbiafalls.com

From: Eric Mulcahy <eric@sandssurveying.com>
Sent: Monday, November 16, 2020 8:59 AM
To: vissotzkya@cityofcolumbiafalls.com; 'Susan Nicosia'
Subject: FW: Investment Recovery
Attachments: Columbia Falls - Apartment v2.xls

Comment for the Ross Variance.

Eric H. Mulcahy, AICP
Sands Surveying, Inc
(406) 755-6481
eric@sandssurveying.com

2 Village Loop
Kalispell, MT 59901

From: A <mc59912@gmail.com>
Sent: Friday, November 13, 2020 3:59 PM
To: Eric@sandssurveying.com
Subject: Investment Recovery

Eric,

Pursuant to our conversation and the premise of recovering from a loss....

Building a replica would not provide net income until long after a smaller structure with less occupancy would.

The attached spreadsheet illustrates my point.

A larger unit investment is disproportionately & negatively effected as construction costs increase especially if rents are sticky, (do not escalate in proportion to the costs).

Have a safe weekend!

Mark Cahill
406.253.8093

Scenario 1 - Rebuild Apartment Building - 9 Units**Building Assumptions:**

Units	9		
approx sqft/unit	850	Monthly Rent	
Mo. Rent/sqft	\$ 1.00	\$ 850	
Build Cost/sqft	\$ 120.00		

Commercial Loan/Investment:

Loan to Value	75%		
Land Value	\$ 75,000		
Loan Options:	Years	Interest Rate	
Ammortizing - Comm	15	4.40%	
Interest Only (Balloon)	10	5.00%	

Annual Operating Costs:

Property Taxes	\$ 6,653.10
Insurance	\$ 6,000.00
Maintenance	\$ 5,400.00
Total Operating Costs	\$ 18,053.10

Investment/Loan:

Total Construction Cost	\$ 918,000
Land Value	\$ 75,000
Total Value of Project	\$ 993,000

Commercial Loan (LTV)	\$ 744,750
Cash Investment	\$ 173,250

Monthly Loan Payment:

15-yr Ammo	\$5,659.30
10-yr Balloon	\$ 3,103.13

Monthly Costs:

Property Taxes	\$ 554.43
Insurance	\$ 500.00
Maintenance	\$ 450.00
\$	\$ 1,504.43

15yr Ammo Loan: Monthly Cashflow

Monthly Rents	\$ 7,650
15-yr Ammo Loan	\$ (5,659)
Operating Costs	\$ (1,504)
Monthly Net Cashflow	\$ 486

Annual Return on Invested Cash:

Annual Cashflow	\$ 5,835
Cash Invested	\$ 173,250
Annual Return %	3.37%
Payout Years	29.690

NOTE: Commercial Property is typically a 15 year payout

10yr Balloon Loan: Monthly Cashflow

Monthly Rents	\$ 7,650
10-yr Balloon	\$ (3,103)
Operating Costs	\$ (1,504)
Monthly Net Cashflow	\$ 3,042

Annual Return on Invested Cash:

Annual Cashflow	\$ 36,509
Cash Invested	\$ 173,250
Annual Return %	21.07%
Payout Years	4.745

Assumes Balloon is refinanced in year 10

NOTE: Commercial Property is typically a 15 year payout

Scenario 2 - New Apartment Building - 4 Larger Units

Item No.2.

Building Assumptions:

Units	4		
approx sqft/unit	1,100	Monthly Rent	
Mo. Rent/sqft	\$ 1.10	\$ 1,210	
Build Cost/sqft	\$ 120.00		

Commercial Loan/Investment:

Loan to Value	75%		
Land Value	\$ 75,000		
Loan Options:	Years	Interest Rate	
Ammortizing - Comm	15	4.40%	
Interest Only (Balloon)	10	5.00%	

Annual Operating Costs:

Property Taxes	\$ 4,040.10
Insurance	\$ 6,000.00
Maintenance	\$ 2,400.00
Total Operating Costs	\$ 12,440.10

Investment/Loan:

Total Construction Cost	\$ 528,000
Land Value	\$ 75,000
Total Value of Project	\$ 603,000

Commercial Loan (LTV)	\$ 452,250
Cash Investment	\$ 75,750

Monthly Loan Payment:

15-yr Ammo	\$3,436.61
10-yr Balloon	\$ 1,884.38

Monthly Costs:

Property Taxes	\$ 336.68
Insurance	\$ 500.00
Maintenance	\$ 200.00
\$	\$ 1,036.68

15yr Ammo Loan: Monthly Cashflow

Monthly Rents	\$ 4,840
15-yr Ammo Loan	\$ (3,437)
Operating Costs	\$ (1,037)
Monthly Net Cashflow	\$ 367

Annual Return on Invested Cash:

Annual Cashflow	\$ 4,401
Cash Invested	\$ 75,750
Annual Return %	5.81%
Payout Years	17.214

NOTE: Commercial Property is typically a 15 year payout

10yr Balloon Loan: Monthly Cashflow

Monthly Rents	\$ 4,840
10-yr Balloon	\$ (1,884)
Operating Costs	\$ (1,037)
Monthly Net Cashflow	\$ 1,919

Annual Return on Invested Cash:

Annual Cashflow	\$ 23,027
Cash Invested	\$ 75,750
Annual Return %	30.40%
Payout Years	3.290

Assumes Balloon is refinanced in year 10

NOTE: Commercial Property is typically a 15 year payout

Barb Staaland

From: Randy Gayner <randygayner@gmail.com>
Sent: Monday, November 16, 2020 12:48 PM
To: staalandb@cityofcolumbiafalls.com
Subject: 1711 4th Ave West Variance - Against

Columbia Falls Board of Adjustments,

My name is Randy Gayner and I am the owner of 315 Red Bridge Road, the property adjacent to 1711 4th Ave West. I am writing to voice my opposition to a variance requested. The property is zoned CR-3 and although the apartments were constructed in the 1960's and thus were legal non-conforming use, rebuilding does not fall within Section 18.211.050 of the Columbia Falls Zoning Regs. What is the point of setting zoning regulations if you are just going to grant variances to those regulations. The proposed nine-unit apartments do not conform to CR-3 zoning and more than 50% of the old structure was damaged so to abide by Section 18.211.050, it must be rebuilt in conformance with the current zoning regs.

Additionally it appears as though the new (3) separate buildings would have a larger footprint and accommodate more residents than the old (1) apartment building. Counting the bedrooms from the submitted drawings there are 24 proposed, which would accommodate conservatively 36 residents. So what is zoned for (One-Family Residential) CR-3 would have at least 36 people and 18 vehicles parked on .6 acres of land. That is in addition to the existing single family home on the property. The increase in occupancy would also have additional impact on the road ways.

Why doesn't the Board suggest that the owner sell this parcel of land and purchase a lot in an area that is zoned for multiplex units. Shouldn't the Board of Adjustments be encouraging building structures in the areas they are zoned for?

Randy Gayner
Kerin Gayner
randygayner@gmail.com