



Board of Adjustment / Appeals - June 6, 2024 Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Gibson Room, Civic Center
3:00 PM

The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>.

The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.

Public participation is welcome in the following ways:

- Attend in person.
- Provide public comments in writing by 12:00 PM the day of the meeting: Mail to Planning & Community Development, PO Box 5021, Great Falls, MT 59403, or via email to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the Board Members and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

OPEN MEETING

1. Call to Order - 3:00 P.M.
2. Roll Call - Board Introductions
Joe McMillen - Chair
Aspen Northerner - Vice Chair
Antoinette Collins
Pete Fontana
Christian Stone
3. Recognition of Staff
4. Approval of Meeting Minutes - January 4, 2024

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Variance to Section 17.20.4 Exhibit 20-4 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced side yard setback for construction of a two car garage for the property located at 1417 1st Avenue North.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

COMMUNICATIONS

PUBLIC COMMENT

Public Comment on any matter and that is within the jurisdiction of the Board of Adjustment/Appeals. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

Board of Adjustment/Appeals meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meetings are re-aired on cable channel 190 the following Friday morning at 10 a.m.

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
January 4, 2024

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Joe McMillen at 3:05 p.m.

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Thursday, January 4, 2024 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Joe McMillen, Chair
Aspen Northerner, Vice Chair
Antoinette Collins
Pete Fontana

Great Falls Board of Adjustment/Appeals members absent:

Christian Stone

Planning Staff members present:

Thomas Micuda, Deputy Director Planning & Community Development
Rachel Campbell, Permit Technician
Kayla Kryzsko, Assistant Planner

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Others present:

Rachel Taylor, Deputy City Attorney

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

MINUTES

Chair McMillen asked if there was a motion to approve the meeting minutes as stated for July 20, 2023. Mr. Fontana moved to approve the minutes, seconded by Ms. Collins. All in favor, the minutes were approved.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

None.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

Reappointment to Board of Adjustment/Appeals for Antoinette Collins and Christian Stone

Mr. Micuda let the Board members know that there was an application from Michael Gorecki for the Board of Adjustment/Appeals, which was not included in the Agenda Packet. He gave some background on the applicant.

BOARD DISCUSSION AND ACTION

MOTION: That the Board of Adjustment reappoint Antoinette Collins and Christian Stone to the Board.

MADE BY: Mr. Fontana
SECOND BY: Ms. Northerner

VOTE: Motion Passed 4-0

Election of Officers for 2024

Mr. Micuda stated that it is required by code, that there is a meeting every January of the year to elect officers for the Board.

BOARD DISCUSSION AND ACTION

MOTION: That the Board of Adjustment reappoint Joe McMillen as the Chair and Aspen Northerner as the Vice Chair.

MADE BY: Mr. Fontana
SECOND BY: Ms. Collins

VOTE: Motion Passed 4-0

COMMUNICATIONS

Mr. Micuda stated that there will not be a February meeting. There may be a variance application coming in, but it most likely would not be presented until March.
Ms. Northerner asked about the Board having an alternate member. There was some Board discussion and it was agreed upon that it should be pursued.

PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business, Chair McMillen adjourned the meeting at 3:17 p.m.



Date: June 6, 2024
CITY OF GREAT FALLS
BOARD OF ADJUSTMENT AGENDA REPORT

- Item:** Variance to Section 17.20.4 Exhibit 20-4 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced side yard setback for construction of a two car garage for the property located at 1417 1st Avenue North.
- Applicant:** Abigail J Sullivan
- Presented By:** Sara Doermann, Associate Planner, Planning and Community Development
- Action Requested:** Consideration of a reduced side yard setback from the standard of “five (5) feet” contained in Title 17, Chapter 20, Article 4, Exhibit 20-4 of the OCCGF

Public Hearing:

1. Chairperson conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 6.
2. Chairperson closes public hearing and asks the will of the Board.

Suggested Motion:

1. Board Member moves:
 - I. “I move that the Board of Adjustment, based on the Findings for the Basis of Decision (approve/deny) the variance request from OCCGF Title 17, Chapter 20, Article 4, Exhibit 20-4, *minimum side yard setback of principle and accessory buildings.*”
2. Chairman calls for a second, discussion, and calls for the vote.

Synopsis:

The subject property, 1417 1st Avenue North, is located within the R-3 single-family High Density zoning district. The site is ±7,500 square feet with a single-family home. Adjacent property to the north, east, and west are zoned R-3 Single-family High Density. Property to the south, Paris Gibson Square Museum of Art, is zoned PLI Public Lands and Institutional.

The applicant is requesting a variance to the Zoning Code’s minimum side yard setback for accessory buildings requirements, reducing the minimum side setback of an accessory structure from five (5) feet to two (2) feet. This variance from the side setback requirement is requested for the east side of the property, bordering a single-family residence at 1421 1st Avenue North, and would allow the applicant to construct a two car garage for off-street parking spaces. This request arises due to unique physical constraints present on the site. The property is encumbered by a power pole situated in the center, significantly limiting available space for new structures. Additionally, a sanitary sewer service line runs along the

western side of the property, further restricting feasible building locations. These existing utilities create impediments that prevent compliance with the required side yard setback. The proposed location is a practical option for the garage, necessitating a variance to achieve reasonable and functional use of the property while adhering to structural and safety considerations.

Background Information:

Requested Variance: Chapter 20 – Land Use §17.20.4 Development standards for residential zoning districts, Exhibit 20-4.

The applicant seeks a variance to deviate from the zoning code's side yard setback requirement, specifically requesting a reduction from the mandated five (5) feet to two (2) feet. This adjustment is necessary to facilitate the construction of a two-car garage on the eastern side of the property. The need for this variance is driven by the presence of a power pole centrally located on the property and a sewer line running along the western boundary, both of which significantly constrain potential building sites. By reducing the side yard setback to two (2) feet, the garage can be situated in a manner that avoids these utilities, ensuring safe and practical placement. This variance is needed for the applicant to construct a functional and compliant structure under these unique site conditions.

Notice of the Board of Adjustment hearing was published in the Great Falls Tribune on Sunday, May 19, 2024. Additionally, notices were sent to adjoining property owners within 150 feet of the subject property and a sign was placed upon the premise per code requirements. Staff has not received inquiries or comment from the public at the time of writing this report.

Findings for the Basis of Decision:

The basis for decision for a variance request is listed in §17.16.32.040 of the OCCGF Land Development Code. The decision of the Board of Adjustment shall consider the three Basis of Decision criteria. Staff provides the following Basis of Decision for consideration by the Board:

1. The variance is not contrary to the public interest.

The decision to grant a side yard setback variance for a two-car garage is based on the finding that such a variance is not contrary to the public interest. This determination considers several factors: the variance will not adversely affect the character of the neighborhood, as it ensures the garage's placement is consistent with the existing spatial and aesthetic context. Adjacent properties to the west and east have existing accessory structures that are located closer than the required five (5) foot side setback to their property lines. Furthermore, it promotes efficient land use without compromising public health, safety, or welfare, as the construction will adhere to all other relevant building codes and safety regulations. The variance facilitates the property owner's reasonable use of their land, addressing specific site constraints while preserving the intent of the zoning ordinance.

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

Enforcing a literal interpretation of the zoning code would prevent the applicant from constructing a two-car garage due to significant physical impediments on the property, specifically a power pole and a sanitary sewer service line. These existing utilities severely limit the available space for construction, making it difficult to comply with standard setback requirements. The presence of these utilities creates a unique hardship that is not self-imposed. Granting the variance would allow the applicant to use their unencumbered section of their rear property without undermining the intent of the zoning code, ensuring that the development is consistent with the character of the neighborhood while addressing the practical

difficulties posed by the existing encumbrances.

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

The decision to grant a side yard setback variance for a two-car garage is founded on the principle that this action does not contravene the spirit of the zoning ordinance. The zoning ordinance is intended to promote orderly development, ensure reasonable use of properties, and maintain neighborhood aesthetics and safety. By allowing the variance, the property owner can construct a functional garage, addressing unique site constraints without disrupting the overall character of the community. This decision honors the ordinance's underlying purpose by enabling property improvements that enhance usability and value while adhering to essential safety and aesthetic standards. Additionally, substantial justice is served as the variance provides a fair and equitable solution to the property owner's predicament, ensuring they are not unduly burdened by the rigid application of the code in light of their property's unique challenges.

Recommendation:

Based on the findings for the basis of decision, staff recommends approval of the variance request.

Alternative:

The Board of Adjustment could choose to deny the variance request if the Board determines the request does not meet each of the basis of decision criteria. For such action, the Board must provide separate Basis of Decision findings to support the denial.

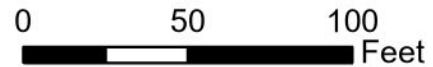
Attachments:

- Aerial Map
- Application
- Project Narrative
- Site Plan

Aerial Map



- ▭ Parcels
- ▭ Subject Property 1417 1st Ave N



CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
406.455.8430 • WWW.GREATFALLSMT.NET

VARIANCE APPLICATION

Variance Fee: \$2,500

Proposed Garage

1417 1st Ave. No.

Name of Project (if applicable):

Project Address:

Abigail J Sullivan

Applicant/Owner Name:

1417 1st Ave. No.

Mailing Address:

908-500-8580

sullivanaj73@gmail.com

Phone:

Email:

Abigail Sullivan

Representative Name:

908-500-8580

sullivanaj73@gmail.com

Phone:

Email:

LEGAL DESCRIPTION:

10/298/(GF1) Great Falls 1st

Lot/Block/Subdivision:

S07, T20 N, R04 E

Section/Township/Range:

ZONING AND LAND USE (TO BE COMPLETED BY STAFF):

Existing Zoning:

Existing/Proposed Land Use:

VARIANCE REQUEST:

Change the east side of the property from five (5) feet to two (2) feet.

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


Applicant/Owner's Signature:

4/22/2024

Date:

Representative's Signature:

Date:

VARIANCE REQUEST DESCRIPTION

PROPOSED GARAGE
1417 1ST AVENUE NORTH
GREAT FALLS, MT 59401

This request is to change the setback from the property line from five (5) feet to two (2) feet on the east side of the property. This is to facilitate construction of a proposed twenty-four (24) by thirty (30) foot two (2) car garage. This is due to the existing power pole located in the center of the 50-foot-wide lot. The sewer line would also be affected under the current five-foot requirement. (Refer to attached sewer line record.) The proposed garage would also be consistent with existing garages in the neighborhood.

Attachments:

- Aerial view of location
- Diagram of proposed garage
- City of Great Falls Sewer line record

