



**Board of Adjustment / Appeals - Special Meeting
July 20, 2023 Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
3:00 PM**

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 Board of Adjustments/Appeals 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, July 20, 2023, 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.

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 - March 2, 2023

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. 920 11th Street North - Variance to Section 17.44.3.030 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced landscape buffer where a non-residential use abuts a residential use

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
March 2, 2023

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Joe McMillen at 3:06 p.m.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Mr. Joe McMillen, Chair
Ms. Aspen Northerner, Vice Chair
Ms. Antoinette Collins
Mr. Pete Fontana

Great Falls Board of Adjustment/Appeals members absent:

Ms. Christian Stone

Planning Staff members present:

Mr. Craig Raymond, Director Planning and Community Development
Mr. Thomas Micuda, Deputy Director Planning & Community Development
Ms. Sara Doermann, Planner I
Mr. Lonnie Hill, Planner II
Ms. Jamie Nygard, Sr. Admin Assistant

Others present:

Ms. Rachel Taylor, Deputy City Attorney

Mr. Raymond 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 January 5, 2023. Ms. Northerner moved to approve the minutes, seconded by Mr. Fontana. All in favor, the minutes were approved.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

None.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Variance from Section 17.20.4.010 Exhibit 20-4 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced rear yard setback for construction of a loading bay addition to the building located at 1411 10th Avenue South

Mr. Hill presented to the Board. He stated that the applicant, 7 RE LLC, otherwise known as Town Pump, is requesting an addition of a loading bay at their location, 1411 10th Avenue South. He stated that the zoning is C-2 General Commercial on approximately 2.58 acres. The current use is fuel sales, convenience store, casino, and liquor store.

Mr. Hill presented an Aerial Map, Zoning Map, Site Photos, a proposed location of the loading bays photo, proposed Site Plan, and applicant photos of the operations.

Mr. Hill stated that the proposal for the loading bay addition will have a 1 foot 1 inch setback from the rear property line, along the north property line. The current rear setback is 32 feet.

Mr. Hill stated that the narrative from the applicant for the requested variance, explains that the loading bay is needed due to the business operations and traffic exceeding the original plans from 2016. Deliveries were designed to come through the customer service entrances. The current layout does not adequately serve the increase in the operations, nor is it safe for the employees and customers. The loading bay would provide dedicated areas for deliveries with less interruption to the store. The proposed layout would be designed to minimize negative impacts to the neighborhood to the north and 9th Avenue South. The bays would be accessed from the existing internal site circulation, so the proposed addition would have no impact on the existing public sidewalk, along 9th Avenue South.

Mr. Hill gave some background on the 2016 Variance Request. He stated that Town Pump requested a variance from the rear yard setback during the planning of the current store. The request was for the entire length of the store to extend 17 feet into the rear yard setback, reducing the setback to 15 feet. The request was denied by the Board of Adjustment (BOA). Staff and the BOA concluded that the rear setback created a healthy transition between residential and commercial land uses and determined that it was in the public's best interest and not unreasonable for the store to be the required 32 feet from the north property line, along 9th Avenue South. At that time, Staff stated that their property was a full City block, with ample room to comply with the development standards. Mr. Hill stated that the meeting information was provided as an attachment in the Agenda Report titled 2016 Variance Request.

Mr. Hill presented the Findings for the Basis of Decision - Staff Findings:

1. Granting the variance would be contrary to the public interest.
 - There is an existing landscape buffer and the current setback creates separation from the neighborhood and an intense use.
 - Although the request is different, codes are the same. The variance would move commercial activity 31 feet closer to the residences. The variance satisfies the

company's interest but maybe not the larger public or the surrounding neighborhood.

2. A literal enforcement does not create unnecessary hardship.
 - The site is 2.58 acres and has no unusual shape, even with the large rear setback of 32 feet.
 - There is not hardship related to the uniqueness of the property. There is a hardship to the business if the variance is not granted.

3. The spirit of the Title would not be observed and substantial justice done by granting the variance.
 - Minimum standards have been set and should be complied with to the greatest extent possible. A 30 foot deviation is a significant request, given the 2016 decision.
 - Staff acknowledges the applicant would receive substantial justice by separating the delivery area from the store.

Mr. Hill stated that based on the findings for the Basis of Decision, Staff recommends denial of the requested variance.

Mr. Hill stated that the BOA could choose to approve the variance request if the Board determines the request meets each of the basis of decision criteria. For such action, the Board must provide separate Basis of Decision findings to support the approval.

Mr. Hill stated that the applicant provided letters of support from three vendors and all of them mentioned safety and efficiency.

Staff received two inquiries for information related to the request with no further comment.

Staff received public comment from a surrounding neighbor in opposition to the request and stated that it was provided to the Board members and posted on the City website.

PETITIONER'S PRESENTATION

Mary Staigmilller, District Manager with Town Pump for 24 years, stated that the delivery times will be sped up with the loading area, as trucks will not need to be there as long. They are willing to work with the surrounding neighborhood and provide whatever landscaping that they are wanting, to separate the operation from the neighborhood. They want a safer environment for their customers and more efficiency for their vendors.

BOARD QUESTIONS

Mr. McMillen asked what distance would be left between the edge of the sidewalk and the addition of the bays. Mr. Hill responded that it would be approximately 15 feet.

Mr. McMillen asked what the setbacks were for residential houses. Mr. Hill responded 20 feet from the front property line, in an R-3 zoning district.

Mr. McMillen asked if there are any utilities in the area that would be affected. Mr. Hill responded that all of the utilities are in the City right-of-way.

Mr. Fontana asked Staff how much of the public safety aspect was used when coming to their recommendation of denial of the variance. Mr. Hill responded that Town Pump has an operational hardship. When the store was designed in 2016, they did not foresee how busy it would be and the sales have far surpassed their expectations. Now there is a conflict with deliveries and customers. Staff is sympathetic to the conflict and the safety factor, but hardship is interpreted by property dimensions and unique site hardship. Mr. Fontana stated that the Site is one of the most attractive on 10th Avenue South and that it is good that they have surpassed their expectations with how busy they are. He stated that all of the truck traffic should be pushed to the back of the store and not where customers are walking back and forth. Mr. Micuda responded that staff does not disagree with him and stated that staff is looking at any unintended consequences to the public that is nearby.

Ms. Northerner asked if the variance was granted, how it would affect the landscaping requirements, as there is a casino on the premises. Mr. Hill stated that the casino landscaping requirements were recently changed and no longer required the special plantings.

Ms. Collins stated that a lot of times when there are large trucks on the property, it is a deterrent for customers to go somewhere else, so it would be a financial gain to Town Pump to have the variance granted.

PUBLIC QUESTIONS

None.

PROPONENTS

Len Watkins, President of Gusto Distributing, stated that the current time it takes for deliveries 2-3 times per week is about 3 hours per stop, and the proposed variance would eliminate about 2 hours of the delivery every time. The drivers put down pallets when they deliver and hand wheel it through the same doors that customers are going in and out of. There is a greater possibility for theft, because the pallets are left unattended while the driver is going in and out of the store.

Shawn Hill, Sales Manager of Pepsi Cola, stated that he has worked with Town Pump for over 20 years and that no other business that he has worked with has invested in the community like them. Drivers going in and out delivering stacks of products, can cause more of a hazard, especially when the weather is bad. The loading dock could save them a minimum of \$10,000.00.

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There was another store in Browning that had the same situation, and they did install a loading dock and it helped significantly.

Brent Zorner, 2126 Central Avenue, has been in the beverage business for over 30 years, and stated that the trucks that have the power lifts on them, are a huge issue as the lifts are going up and down and protrude where customers walk. Pallets being left unattended are a hazard as minors look for them, to be able to obtain alcohol.

Josh Armstrong, 4432 6th Avenue South, Sales Representative for Eagle Beverage, stated that there are safety issues and theft issues. When the weather is below zero, the product has the potential to freeze.

OPPONENTS

None.

BOARD DISCUSSION AND ACTION

Ms. Northerner asked what the business hours were for deliveries. Ms. Staigmilller stated 8:00 a.m. to 5:00 P.M. She also stated that there were a few vendors that come earlier like the milk man and the Frito delivery. Mr. Fontana made a motion to approve the variance based on the findings of fact. Ms. Northerner seconded.

Mr. Micuda indicated that the Board needed to develop alternative findings and presented the alternative Findings of Fact to Mr. Fontana. Mr. Fontana indicated that the following alternative findings were acceptable.

1. Granting the variance would not be contrary to the public interest.
 - The request is different than 2016 and still maintains 75 feet of separation.
2. A literal enforcement would result unnecessary hardship.
 - The site is unique with a large rear setback and unanticipated traffic have created unique conditions.
3. The spirit of the Title would be observed and substantial justice done by granting the variance.
 - No additional access to 9th Avenue South mitigates the impacts to the north and will be at least 75 feet from any residence, providing adequate separation.

Ms. Northerner stated that the positives outweigh the negatives.

Mr. McMillen stated that the property, the use, and the residences across the street are unique, but 10th Avenue South and two one-ways are there, so residents knew when purchasing their

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property that it would be busy. He stated that the problems that Town Pump are facing are self-inflicted and no negligence by the City of Great Falls. There is a hardship due to public safety and getting the trucks in and out as quickly as possible is in the best interest of the public.

Ms. Northerner noted that the public comment, from the proposal in 2016, was from Jay Russell, who owned the apartment building across the street, and revolved completely around the casino and does not address anything about vehicles, public safety, landscaping, or traffic. She also noted that the comment from Donita Bistodeau that was emailed to Staff on February 27, 2023, only noted the concern with traffic and parking on 9th Avenue South.

MOTION: That the Board of Adjustment, based on the Alternative Findings for the Basis of Decision approve the variance request from OCCGF Title 17, Chapter 20, Article 4, Exhibit 20-4, minimum rear yard setback of principal and accessory buildings.

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

VOTE: All in favor, the motion passed 4-0

COMMUNICATIONS

Mr. Raymond stated that there were no upcoming items pending.

Mr. Raymond stated that he gave his resignation with the City effective March 7, 2023, so the meeting was going to be his last. He thanked the Board for their time and service to the community.

Mr. Fontana stated that it was a pleasure to work with Mr. Raymond and was sorry to see him go.

Ms. Northerner also thanked Mr. Raymond.

Mr. McMillen stated that he has worked with Planning and Community Development for over 27 years and stated that the last 10 years, have been the best that he has seen and thanked Mr. Raymond for that.

Mr. Raymond stated that everyone will be in good hands with the City Team.

PUBLIC COMMENT

None.

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ADJOURNMENT

There being no further business, Chair McMillen adjourned the meeting at 3:56 p.m.



Date: July 20, 2023
CITY OF GREAT FALLS
BOARD OF ADJUSTMENT AGENDA REPORT

Item:	920 11 th Street North - Variance to Section 17.44.3.030 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced landscape buffer where a non-residential use abuts a residential use
Applicant:	Joshua Gosney, Great Falls Investments LLC
Representative:	Tyson Kraft, Nelson Architects
Presented By:	Sara Doermann, Planner I, Planning and Community Development
Action Requested:	Consideration of a reduced landscape buffer where a non-residential use abuts a residential use from the standard of “a minimum fifteen-foot landscape buffer” contained in Title 17, Chapter 44, Article 3 of the OCCGF, <i>Landscaping requirements; Buffer between uses.</i>

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 44, Article 3, *Landscaping requirements; Buffer between uses.*”
2. Chairperson calls for a second, discussion, and calls for the vote.

Synopsis:

The applicant, Great Falls Investments LLC, is proposing to develop a 5,626 square foot vacant lot located at 920 11th Street North, on the southwest corner of 11th Street North and 10th Avenue North. The project proposal includes a 1,600 square foot building footprint for a marijuana dispensary with a parking area comprised of seven (7) off-street parking spaces. The property as well as the lots surrounding the property are zoned I-1, Light Industrial. The lot to the west contains a multi-family residential home, to the south is a single-family home, and lots to the north and east contain commercial businesses. The applicant is requesting a variance to the Zoning Code’s landscape buffer requirement, reducing the minimum landscape buffer between the non-residential use and residential use from fifteen (15) feet to five (5) feet. This variance from the landscape buffer is requested for the west side of the property, bordering the multi-family residence, and would allow the applicant to retain a larger building footprint and provide more than

the required number of off-street parking spaces.

Background Information:

Requested Variance: Chapter 44 – Landscaping §17.44.3.030, Landscaping Requirements, Buffer between uses.

The minimum code required landscape buffer between non-residential and residential uses is fifteen (15) feet along the full length of the shared property line. For the subject property a landscape buffer is required on the west and south property lines, abutting the multi-family home and single-family home. The applicant requests a reduced landscape buffer, five (5) feet total, on the west property line between the rear of the proposed building and the multi-family residence. The applicant is complying with the code's fifteen (15) foot landscape buffer requirement on the south property line.

Notice of the Board of Adjustment hearing was published in the Great Falls Tribune on Sunday, July 2, 2023. 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. The applicant attended Neighborhood Council #7 on July 10th, 2023 to present a short narrative of the proposed project and the variance request. The Council is in favor of the applicant's request because it will provide slightly more parking than the minimum requirement for the retail use. 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 purpose of the fifteen (15) foot landscape buffer between residential and non-residential uses in the City's Landscaping code is to ensure that land uses of different intensity have sufficient buffering to minimize negative effects. Appropriate screening and landscaping can lessen associated negative impacts to the adjacent residential properties from the proposed commercial use that will generate more foot and vehicle traffic. In addition, the landscape buffer can lessen the impact from business related noise and light from the commercial activity. A reduction in buffer width from fifteen (15) feet to five (5) feet would reduce the ability to mitigate these potential negative effects. While the applicant meets the buffer requirement along the south property line, staff finds that the variance to reduce the buffer to only 5 feet along the west property line is contrary to the public interest achieved by enforcing this code requirement. In considering this criterion, the Board should consider erring on the side of caution. Variances run with property in perpetuity, and even if the Board believes that a reduced buffer is acceptable in the present, the proposed building can change uses many times. This includes using the building for many permitted light industrial activities that could impact a nearby residential lot.

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

The property in question is currently undeveloped with no limiting factors other than the small lot size of 5,619 square feet. Staff acknowledges that the small lot size and 15 foot buffer requirement on two sides of the property create a challenge for new construction. However, the applicant's development proposal, including the footprint of the building and desired off-street parking spaces above the required

amount, create the need for a reduced landscape buffer. These conditions are self-imposed, and therefore are not conditions unique to the property. There are no identified extraordinary circumstances that have been applied to this property or intended use that would not also be applied to other properties in the same vicinity or zoning district. Staff has worked with an applicant on one other proposed marijuana dispensary that is being proposed for another lot in the I-1, Light Industrial zoning district, that has a similar lot size constraint, parking, and landscape buffering requirement. At this time, the preliminary site plan meets the landscape buffer requirement and the developer of that site has not requested relief from the fifteen (15) foot requirement. Additionally, there is no code requirement for minimum building footprint, thus providing a path for the applicant to reduce the proposed building footprint and increase provided parking stalls while still satisfying the required fifteen (15) foot landscape buffer. In fact, small retail square footage is often associated with dispensaries, including the applicant's existing dispensary in the County.

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

The intent of the landscape buffer between uses is to safeguard adjoining residential properties from negative effects resulting from an abutting non-residential use. As the degree of incompatibility between uses increases, the amount of buffering between properties should increase, not decrease, to atone for negative effects resulting from higher foot and vehicle traffic, increased lighting, and increased noise. The applicant argues that reducing the landscape buffer to increase the amount of off-street parking provided onsite would have a greater positive effect on the adjoining residential property. However, there are no restrictions in code preventing the applicant from reducing the building footprint to provide additional off-street parking for customers while still satisfying the required landscape buffer code. Again, staff notes that the Board should consider that variances run with real estate regardless of usage in the building. If the building is converted to a permitted industrial use, having a 5 foot setback does not provide much protection for the adjoining residential property. Therefore, staff finds that the spirit of Title 17 – the Land Development Code - would not be served if a variance was granted.

Recommendation:

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

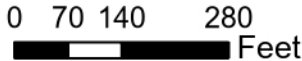
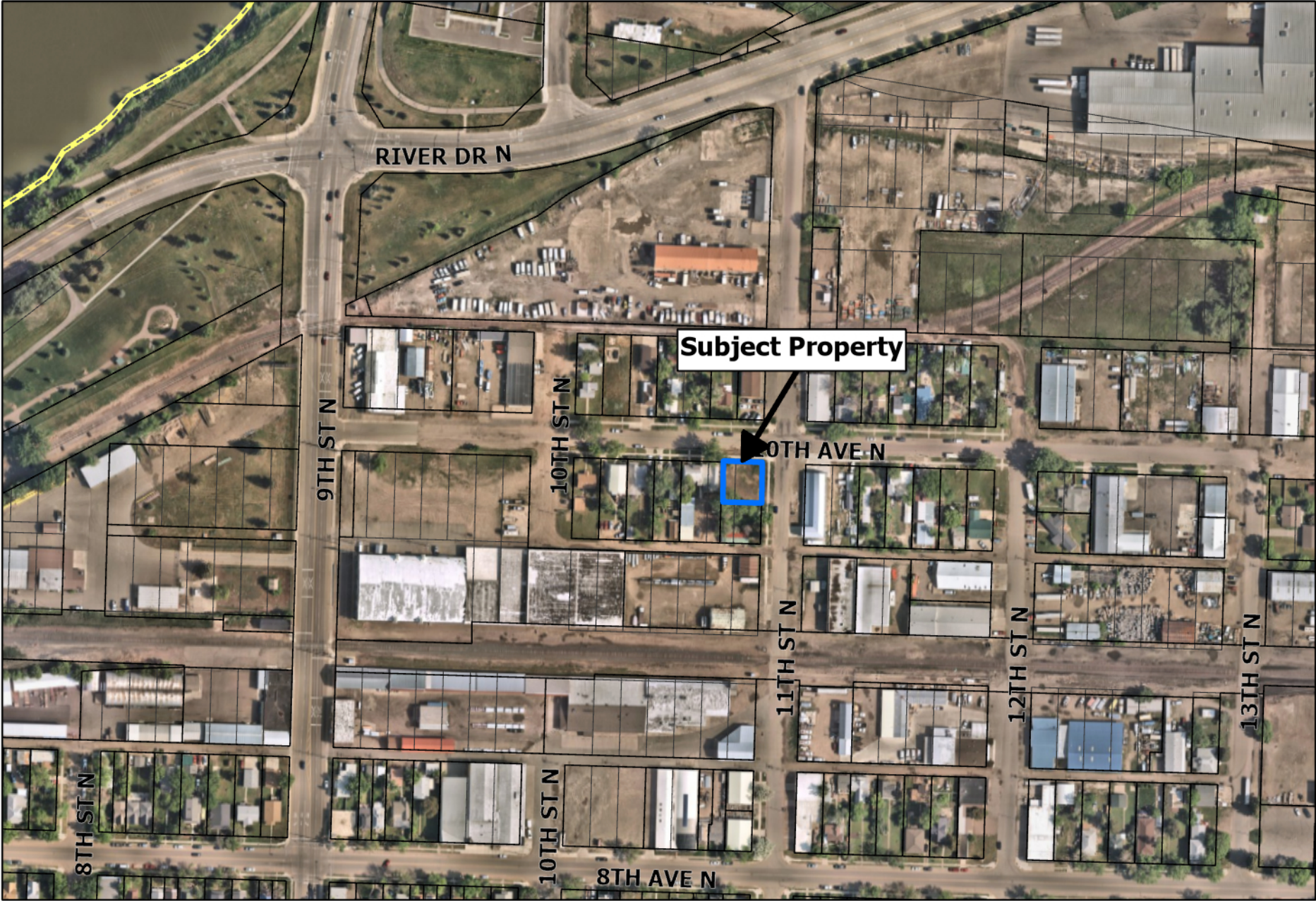
Alternative:

The Board of Adjustment could choose to approve the variance request if the Board determines the request meets each of the basis of decision criteria. For such action, the Board must provide separate Basis of Decision findings to support the approval.

Attachments:

- Aerial Map
- Zoning Map
- Application
- Project Narrative
- Site Plan

Aerial Map



Zoning Map



Zoning

M-2 Mixed-use Transitional

I-1 Light Industrial



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

Gosney Shop

920 11th ST N, Great Falls, MT 59401

Name of Project (if applicable):

Project Address:

Great Falls Investments LLC / Joshua Gosney

Applicant/Owner Name:

2225 Holly Court Great Falls, MT 59404

Mailing Address:

406-600-1266

joshgosney@gmail.com

Phone:

Email:

Nelson Architects - Tyson Kraft

Representative Name:

406-727-3286

tyson@nelsonarchitects.com

Phone:

Email:

LEGAL DESCRIPTION:

Lot 006 Block 075 Great Falls First Edition

Lot/Block/Subdivision:

S01 / T20 N / R03 E

Section/Township/Range:

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

Existing Zoning:

Existing/Proposed Land Use:

VARIANCE REQUEST:

See Exhibit A: Variance Request

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

Joshua Gosney

Digitally signed by Joshua Gosney
Date: 2023.06.12 16:02:14 -06'00'

06-12-2023

Applicant/Owner's Signature:

Date:

Digitally signed by Tyson Kraft, AIA
Date: 2023.06.07 07:37:13-06'00'

06-07-23

Representative's Signature:

Date:

Variance Application Checklist

All applicants are required to complete and submit the Variance Application, \$1250 fee, checklist, and required material per the checklist for the proposed development. This fee is non-refundable whether the request is approved or not. No processing will be performed until this fee has been paid. The applicant will also be responsible for the costs associated with publishing the legal ad.. Per the Official Code of the City of Great Falls (OCCGF) Title 17 - Land Development Code, applicants requesting a variance is required to have a pre-submittal meeting with City Staff.

APPLICANT SHALL SUBMIT ALL INFORMATION THAT IS MARKED REQUIRED BY STAFF FOR A COMPLETE SUBMITTAL

ADDITIONAL INFORMATION MAY BE REQUESTED IF APPLICABLE

Variance Application Requirements		Req.	App.	Staff
Variance Description	Please attach a narrative that addresses the following criteria in detail and provides a full explanation of the project. <ul style="list-style-type: none"> ▪ 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 this Title would be observed and substantial justice done by granting the variance 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site Plan Requirements	Site Plan shall include all applicable items per Title 17 - Appendix A : <ul style="list-style-type: none"> ▪ Title Block containing project name, developer and landowner name, north arrow, graphic scale, property boundaries, and acreage of subject property ▪ Land Use/Development Standards tables with applicable information ▪ Existing buildings and site amenities as applicable including; contours, wetlands, existing vegetation, water resources, floodplains ▪ All proposed buildings and site features including, access drives, pedestrian facilities, parking, landscaping, and lighting per Title 17 requirements ▪ All proposed utilities and stormwater facilities 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Processing the Application

Determination of completeness. Within ten (10) days of submittal, the Planning and Community Development shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has six (6) months to resubmit the application or forfeit the application fee. Planning Staff shall take no further steps to process the application until the deficiencies are remedied.

Notice. Prior to the Board of Adjustment hearing, staff shall provide for public notice, property owner notification, and agency notification. A legal ad is published in the newspaper and property owners within 150’ of the subject variance are notified by mail of the request and the date and time of the hearing.

Public hearing. Allowing for proper notice, the Board of Adjustment shall hold a public hearing to review the application. Citizens or neighbors may address any comments, questions or concerns at the hearing or send written material to the Planning & Community Development Department.

Decision. Within thirty (30) days of the determination of completeness, the Board of Adjustment shall approve the variance request, approve it with conditions, or deny it. Such decision shall be in writing and shall include the findings in support of its decision and if approved, any conditions as may be imposed.

Applicant notification. Within five (5) days following the decision, the director shall mail the applicant the original (signed) copy of the decision and retain a copy for the public record.

Appealing a Board of Adjustment Decision

Under Montana State Law, you have the option of appealing any ruling made by the Board of Adjustment. The applicant an/or aggrieved person may appeal a final decision, made by the Board of Adjustment, by filing an appeal with a court of competent jurisdiction within 30 days of the final decision. (See: 76-2-327(1), MCA)

Great Falls Investments LLC

Variance Application:

Title 17 – Land Development Code

Chapter 44 – Landscaping

17.44.3.030 - Landscaping requirements.

F. Buffer between uses. Where a non-residential use abuts a residential use, a minimum fifteen-foot landscape buffer shall be provided along the full length of the shared property line. The landscape buffer shall contain sod, trees, and shrubs. The plantings required for the landscape buffer may be counted towards the interior rate of plantings requirement.

We are looking to develop the site for a small new retail shop. We are requesting a variance to the setback requirement listed above on the west end of the property of 15' to 5'. A 15' setback forces a shift in the planned structure placement and causes hardship as it inhibits adequate parking and sidewalks for any commercial use. The planned site for new construction is unique as it is on one half the size of a standard lot, approximately 75' x 75'. It is also unique as it is zoned light industrial and borders residential lots on the west and south end of the property. Current planned use of the property would regularly require 8-12 parking spots and more on busier days. Due to the size of the lot, the current setback requirement would reduce the available number of off-street parking spots from 6 to 4 and would require the building to be smaller to provide adequate walkway in front of the building. This would cause an undue hardship for both the applicant and the residents in the area, while providing no benefit to the residents. The west end of the proposed property interfaces the back of the building that has no windows or doors and will not disturb the neighbors in any way. In summary, a 15' setback will cause:

- Inadequate parking will lead to parking overflow onto the residential on-street parking.
- Uncontrolled Traffic patterns around the residences nearby.
- Inadequate off-street parking and storage space will prohibit other future commercial uses of the property, such as a vehicle maintenance shop, or anything other use which requires 5 or more spaces and is permitted in light industrial zones.

The proposed variance and landscaping plan will still include more than the minimum required shrubs, trees, and sod, and exceed the interior plantings requirement and landscaping area requirements. This will provide for more than enough ecological access for wildlife and environmental benefit for the lot as the neighboring trees are on the south end of the lot. It will also provide a better aesthetic view and more symmetry to the property.

Hence, we propose to maintain 15-foot landscaping setback on the south end, and a variance for a 5-foot setback on the west end of the property. This provides the best compromise for placating the hardship on the development and the neighboring residences by maintaining parking availability, sensory relief of business activities, providing the best environmental benefit, and is consistent with the spirit of the title as well as the stated economic goals, principles, and policies of The City of Great Falls Growth Plan.

Other Notes:

The additional off-street parking would provide the opportunity for the property to have two handicap parking spaces as opposed to one. The current operation serves a large body of disabled people who would also benefit from the additional building access.

Additional setbacks in the back may lead to uses, storage, and traffic on the back of the property that would have a negative impact on the residents next door. The proposed variance would ensure that simple and pleasant landscaping will be the only thing occurring on the back of the building.

The current minimum lot subdivision is 7500 feet squared. This lot is 5625 feet squared, and is the basis issue. Current landscaping provisions would not pose this type of challenge to a lot that was 7500 feet squared for this kind of development.

LEGEND

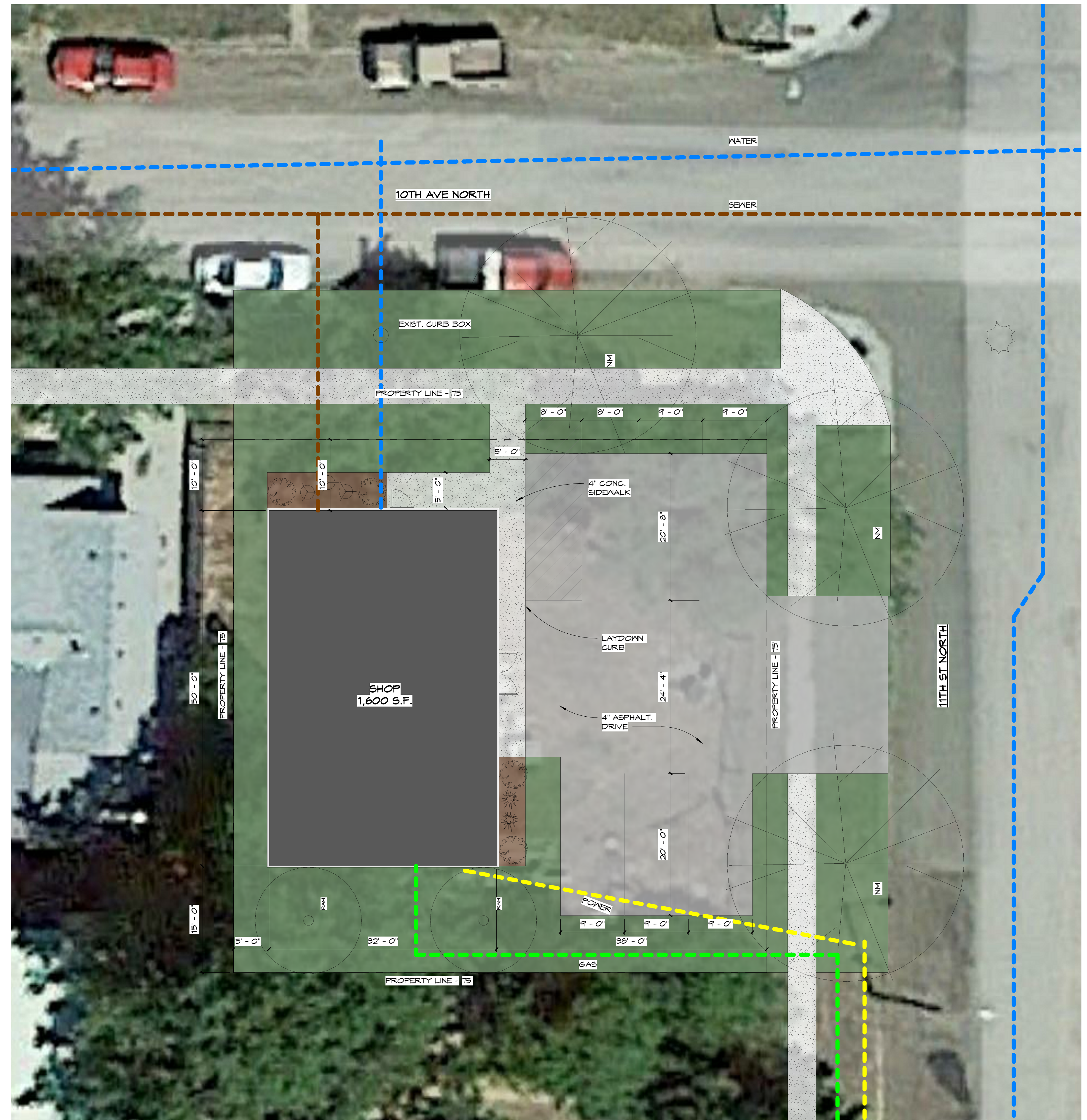
	PROPERTY LINE		CONCRETE SIDEWALK
	BUILDING FOOTPRINT		ASPHALT DRIVE
	GRASS/LANDSCAPING		MULTCH PLANTING BED

PROJECT & SURVEY INFORMATION

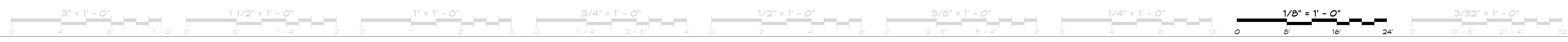
PROJECT NAME:	GOSNEY SHOP
OWNER NAME:	JOSH GOSNEY
LEGAL DESCRIPTION:	GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 075, LOT 006, N/2 OF E/2 LT 6, N/2 LT 7
ZONING:	I-1 LIGHT INDUSTRIAL
ALLOWABLE USE:	SHOP USE PERMITTED
AREA OF PROPERTY:	5,625 SQUARE FEET

SITE REQUIREMENTS

EXIST. CONDITIONS	REQUIRED	ACTUAL
MIN. LOT SIZE:	7500 SF	5,625 SF
MIN. LOT WIDTH:	50 FEET	75 FEET
MAX BUILDING HEIGHT:	45 FEET	10 FEET
MIN FRONT YARD SETBACK:	20 FEET	37.5' FEET
MIN SIDE YARD SETBACK:	10 FEET	10 & 15 FEET
MIN REAR YARD SETBACK:	5 FEET	5 FEET
MAX LOT COVERAGE:	95% CORNER LOT	20 PERCENT
PARKING REQUIREMENTS		
PARKING STALLS		
1 PER 300 GROSS BUILDING	5 STALLS	6 STALLS
ADA PARKING STALLS		
ADA PARKING STALLS	1 STALL	1 STALL
ADA VAN PARKING STALLS	1 STALL	1 STALL
DIMENSION STANDARDS		
PARKING ANGLE:		
	90 DEGREE	90 DEGREE
PARKING TYPE:		
	STANDARD	STANDARD
STALL WIDTH:		
	9-10 FEET	9 FEET
2-WAY AISLE WIDTH:		
	24-26 FEET	24+ FEET
STALL DEPTH:		
	18-20 FEET	20 FEET
LANDSCAPING REQUIREMENTS		
LANDSCAPING AREA		
15% OF GROSS PROPERTY AREA	843 SQFT	1,171 SQFT (703 SQFT SITE INTERIOR + 472 SQFT FROM BLVD)
BOULEVARD CREDIT		
25% BOULEVARD AREA		
PLANTING REQUIREMENTS		
	1 TREE AND 4 SHRUB PER 400 SQFT OF REQ LANDSCAPE	
TREES		
	3 TREES	2 BLVD TREES + 2 INTERIOR TREES
SHRUBS		
	8 SHRUBS	8 SHRUBS (0 BOULDIERS + 3 GRASSES + 2 PERENNIALS (HALF CREDIT) + 4 SHRUBS



1 SITE PLAN
 1/8" = 1'-0"



GOSNEY SHOP
 920 11TH STREET NORTH
 GREAT FALLS, MONTANA

REVISION SCHEDULE

#	DESCRIPTION	DATE

ARCHITECTURAL SITE PLAN
 ISSUED FOR: CONSTRUCTION
 NOT FOR CONSTRUCTION

Project	23-017
Date	5.25.23
Drawn by	TCK
Checked by	DEN

SP1.1