



Board of Adjustment / Appeals - April 21, 2022 Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
April 21, 2022
3:00 PM

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 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 Tuesday, April 21, 2022, 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.
 - Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties

OPEN MEETING

1. Call to Order - 3:00 P.M.
2. Roll Call - Board Introductions

Joe McMillen - Chair

Krista Smith - Vice Chair

Antoinette Collins

Aspen Northerner

Christian Stone

3. Recognition of Staff
4. Approval of Meeting Minutes - January 6, 2022

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

BOARD ACTIONS REQUIRING PUBLIC HEARING

- 5. 301 22nd Street NW- Variance to Section 17.20.6.130 (C) and 17.20.6.130 (D) of the Official Code of the City of Great Falls (OCCGF) that would allow the Mini-storage Facility to exist without fronting on or having direct access to a roadway classified as a collector or a higher classification and would not require all driveways, interior aisles, and walkways to be concrete or asphalt.**
- 6. 1111 Central Avenue - Variance to Section 17.20.4 Exhibit 20-4 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced front yard setback**

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 06, 2022

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Secretary Craig Raymond at 3:01 P.M. in the Commission Chambers at the Civic Center

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Antoinette Collins
Aspen Northerner
Christian Stone

Great Falls Board of Adjustment/Appeals members absent:

Joe McMillen, Chair
Krista Smith, Vice Chair

Planning Staff members present:

Craig Raymond, Director Planning & Community Development
Thomas Micuda, Deputy Director Planning & Community Development
Jamie Nygard, Sr. Admin Assistant

Others present:

Jeff Hindoien, City Attorney

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

MINUTES

Mr. Raymond asked if there was a motion to approve the meeting minutes as stated for August 5, 2021. Ms. Northerner moved to approve the minutes, seconded by Ms. Stone. All in favor, the minutes were approved.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

None.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

ELECTION OF OFFICERS FOR THE 2022 CALENDAR YEAR

Mr. Raymond explained that every January, election of new officers for the Board of Adjustments/Appeals is required for the upcoming calendar year.

MOTION: To re-elect Joe McMillen as Chair and Krista Smith as Vice Chair of the Board of Adjustment/Appeals

MADE BY: Ms. Northerner
SECOND BY: Ms. Collins

VOTE: All in favor, the motion passed 3 - 0

COMMUNICATIONS

Mr. Micuda let the Board know that there will be an application submitted for a Variance request to waive the distance requirements between casinos and churches at 1819 3rd Street Northwest. He stated that staff is still conferring with the applicant to see if the variance will be going forward for the February 3, 2022 Board of Adjustment meeting. Ms. Northerner asked if the Board would know prior to the meeting, who is the applicant, as she may need to recuse herself due to a conflict of interest. Mr. Micuda stated that Greg Smith, an attorney in Great Falls, will be representing the owner. Ms. Northerner asked if she should recuse herself at the current meeting or wait until the request is being presented. She said that there could possibly be a conflict. Mr. Raymond said that it would be discussed amongst staff and then made public at the time of the request being presented.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Secretary Craig Raymond adjourned the meeting at 3:06 p.m.



Date: April 21, 2022

**CITY OF GREAT FALLS
BOARD OF ADJUSTMENT AGENDA REPORT**

- Item:** 301 22nd Street NW- Variance to Section 17.20.6.130 (C) and 17.20.6.130 (D) of the Official Code of the City of Great Falls (OCCGF) that would allow the Mini-storage Facility to exist without fronting on or having direct access to a roadway classified as a collector or a higher classification and would not require all driveways, interior aisles, and walkways to be concrete or asphalt.
- Applicant:** Neil Johnson, Owner
- Presented By:** Brad Eatherly, Planner II, Planning and Community Development
- Action Requested:** Consideration of the applicant's request to allow a Mini-storage Facility to be constructed without fronting on or having direct access to a roadway classified as a collector or a higher classification and to not require all driveways, interior aisles, and walkways to be concrete or asphalt.

Public Hearing:

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

Suggested Motion:

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 6, Section 130 (C) to allow a Mini-storage Facility to be constructed without fronting or having direct access to a roadway classified as a collector or a higher classification."

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

And;

- II. "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 6, Section 130 (D) to not require all driveways, interior aisles, and walkways to be concrete or asphalt."

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

Synopsis:

The applicant, Neil Johnson, owns the property at 301 22nd Street NW. The property is a 3.572 acre lot

that is located within the city limits and is zoned I-1, Light Industrial. The subject property was annexed into the City and received a zoning classification of I-1 in 2007. At that time, the land was vacant and intended to be sold. Currently, the owner of the property also owns a water fill station for Prairie Water Company that allows trucks to be filled. This business has a land use classification of “General Services.” This use is expected to continue regardless of the outcome of the owner’s variance requests. The lot abuts Forde Nursery to the east and three residential lots to the south, all of which are zoned R-1, Single-family Suburban. Interstate 15 is to the north and two lots are to the west, all of which are outside the city limits. The two lots to the west include one large lot with several residences and Sunset Park, owned by Cascade County. The applicant is requesting to establish a business allowing the storage of recreational vehicles, 5th wheels, boats, and similar vehicles on his property. Title 17 of the OCCGF defines a land use of Mini-storage Facility as “a place and/or building, or portion thereof, that is divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. The term includes a tract of land used to store vehicles that are not for sale or trade.” While properties located in the I-1 zoning districts are permitted by right to Mini-storage Facilities, there are special standards associated with the construction and location of such facilities. The applicant is requesting a variance from two of the special standards.

Background Information:

Per the OCCGF, a Mini-storage Facility shall front on and have direct access to a roadway classified as a collector or a higher classification. Per the OCCGF, a collector street is defined as a “roadway that links access streets to the arterial roadway network (minor and principal arterials). Speeds are generally lower than on arterials and access to adjacent land uses has a high priority.” The roadways that border the property in question are unpaved, local streets, which are classified as lower than collector streets. The applicant is requesting a variance from this special standard. The applicant makes the argument that his development, which will provide for “25-30 RV, boat, and contractor storage,” will be a “minimal number that provides for little extra traffic on 21st Street NW.” The applicant also contends that, “A recreational vehicle owner generally store their property in a storage facility for the winter months and then take it out during the spring and summer. Therefore, there would be almost no additional traffic as a result of these customers.” The applicant claims that, “Without the variance,” they “will experience undue hardship.” The applicant states, “We need the extra income to make ownership of this property cost effective. We must be able to use this property in other ways to offset the property taxes and utilize this valuable interstate front property.”

Again, per the OCCGF, a Mini-storage Facility requires all driveways, interior aisles, and walkways to be paved with concrete or asphalt. The applicant is again requesting a variance from this special standard. The applicant makes the argument that the property, which allows Prairie Water Company trucks to access the property to fill their tanks from the water fill station, is graveled. The applicant goes on to state, “21st and 22nd Street Northwest are graveled streets. Because this will only be a 25-30 unit RV, boat, and contractor’s storage facility, there will not be a high amount of traffic. The paving equipment would create an undue hardship because of the cost for real property taxes, and the cost of pavement would increase the overhead for this much needed facility. To make this project cost effective, the variance is required.”

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.

One of the purposes of having Mini-storage Facilities being required to locate on a collector street or higher is to mitigate traffic through a residential neighborhood. While the applicant's property is bordered by just a few residences, the RVs, boat trailers, etc. that would access the site would be traveling a couple of blocks from Central Avenue West (a little over 800 feet) to reach the property which would affect at least a few other residences as well. While the number of residences might be low, and the number of proposed mini-storage units is relatively low, if the variance is allowed, there is nothing that could stop the owner from increasing the number of storage units in the future. Regardless, an increase in traffic and noise will affect the neighboring residences, who already deal with trucks coming to access the property to fill water tanks and vehicles utilizing the Forde Nursery. The roads that access the applicant's property are gravel roads. Gravel roads are allowed in the R-1 zoning district because they are usually on the outskirts of town and were previously part of the county, typically abutting larger lots. A portion of 22nd Street NW remains in the county jurisdiction. The fact that the streets which access the property are dirt/gravel only increases the concern of dust to the neighbors that will be affected by vehicles accessing the site. As a result, staff determines the applicant's variance request to be contrary to the public interest because site traffic to the property would be using a locally designated street, passing by residential lots, and adding a dust/gravel impact that is not typically a concern with Mini-storage Facilities.

Mini-storage Facilities are required to have paving throughout the site so that neighbors are not disturbed by dust kicked up by vehicles accessing and utilizing the site. Additionally, the use of paved access and circulation is the City's typical standard used for non-residential construction projects. Although the owner is proposing a relatively small number of storage units for recreational vehicles, code does not make a concession for a smaller number of units. Additionally, there would be nothing stopping the owner from increasing the number of storage units in the future, which would only increase the amount of dust that could affect the neighbors. As a result, staff determines the applicant's request to be contrary to the public interest of City code, which requires paving to reduce off-site impacts due to air particulates.

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

Staff believes that a literal enforcement of OCCGF 17.20.6.130 (C) would not result in unnecessary hardship, owing to conditions that are unique to the property. While staff appreciates that the property is zoned I-1 and is not located off of a collector street or higher, there are other permitted uses that the applicant could utilize other than Mini-storage Facility. There is nothing regarding this particular property that would preclude the applicant from pursuing the other uses allowed in the I-1 zoning district. Regardless, the main argument by the applicant of financial hardship is specifically listed in the OCCGF as not being a justification for granting a variance.

Staff also believes that a literal enforcement of OCCGF 17.20.6.130 (D) would not result in unnecessary hardship, owing to conditions that are unique to the property. It is a normal occurrence for the City to require the paving of an existing gravel surface area when additional development is proposed. The owner's argument that the streets surrounding the property are not paved only serves to re-inforce the need for the special standard that Mini-storage Facilities should be located on a collector street or higher. This special standard is designed to keep dust and mud away from neighboring properties and roadways. The on-site paving requirement is designed to keep the interior of the site, including the storage units themselves, clean from dust and mud. Again, there is no other reason for not paving the interior of the site for the proposed Mini-storage Facility other than financial reasons. Financial hardship is specifically listed in City code as not being a justification for granting a variance.

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

The spirit of this Title would not be observed if the variance is granted. The special standards that are attached to any one of the land use classifications are designed to ensure that the general public is not aggrieved in some way. The particular special standards that are the subject of the applicant's request are meant to keep traffic and noise reduced in mainly residential areas. The fact that the residential density in this area is low and few lots are affected, does not mean the purpose of the code should be overlooked. The added fact of the owner's property being accessed by gravel roads adds another element of disturbance to neighboring residences already affected by water trucks accessing the property. Also, as noted in Finding #2 above, the main argument for both variance requests are for financial reasons, which are not hardships to be considered by the Board of Adjustments. Regardless, despite the property being zoned as I-1 and not being located on a roadway classified as a collector street or higher, a Mini-storage Facility is not the only land use that is available to the applicant.

Alternative:

The Board of Adjustment could approve the variances if sufficient Findings of Fact are developed to support approval. Each variance would require its own set of Findings of Fact.

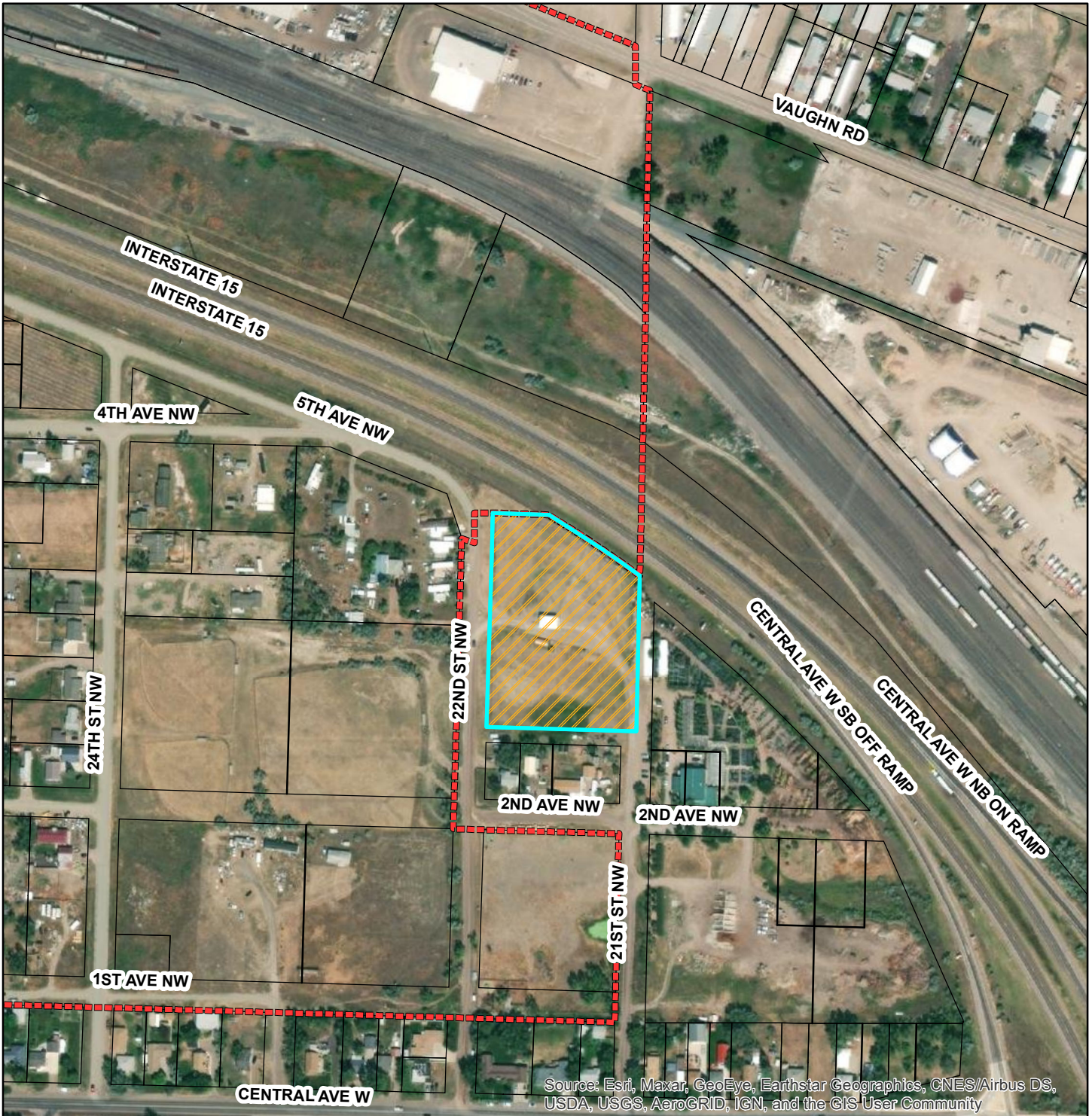
Recommendation:

Based on the findings for the basis of decision, Staff recommends denial of both variance requests.

Attachments:

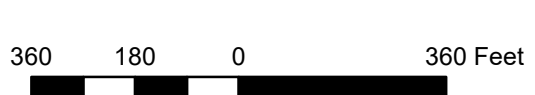
Aerial Map
Zoning Map
Applicant's Narrative
Site Plan
I-1 Land Use Table
Special Standards for Mini-Storage Facility

EXHIBIT A

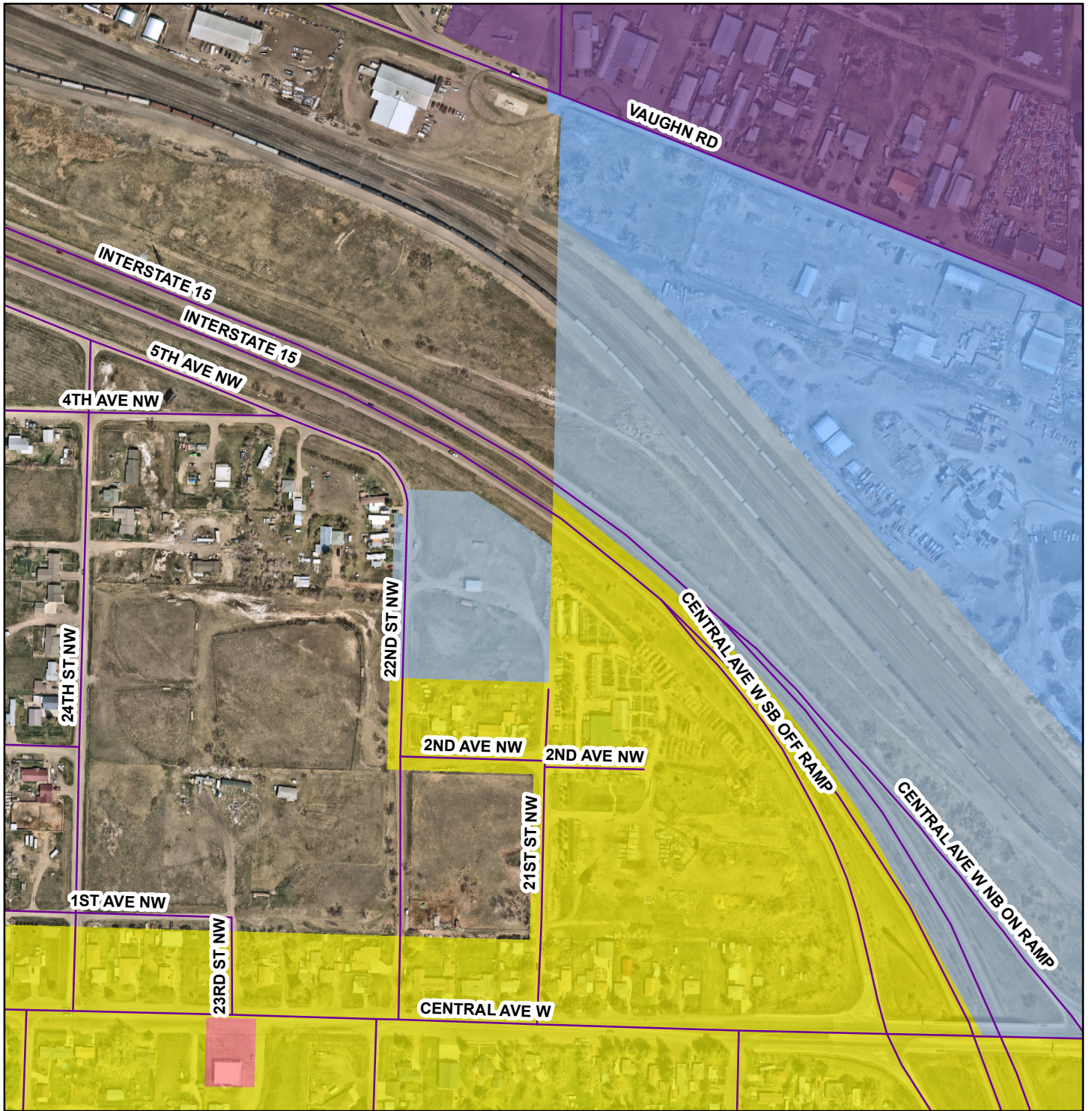


 Subject Property






 City Limits



ZONING MAP



Legend

-  R-1 Single-family Suburban
-  C-1 Neighborhood Commercial
-  M-2 Mixed-use Transitional
-  I-1 Light Industrial
-  I-2 Heavy Industrial

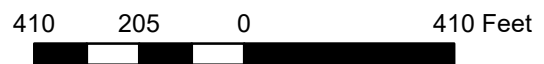


Exhibit A

We respectfully request a variance from Division C entitled "Access." A proposed storage facility sits roughly two (2) blocks to the north of Central Avenue off 21st Street Northwest. There exists only three (3) residences that would be directly impacted by the storage facility. Currently, the lot has a water fill station that is used and owned by Prairie Water Co. I propose a small storage unit consisting of 25 to 30 RV, boat and contractor storage. This minimal number of storage units will provide for very little extra traffic on 21st Street. A recreational vehicle owner generally store their property in a storage facility for the winter months and then take it out during the spring and summer. Therefore, there would be almost no additional traffic as a result of these customers. Contractors usually store larger equipment and supplies at contractor storage. This is not a daily event for any contractor. As a result, the additional traffic will be minimal. Without the variance, we will experience undue hardship. We need the extra income to make ownership of this property cost effective. Real property taxes are \$4330.46 per year. We must be able to use this property in other ways to offset the property taxes and utilize this valuable interstate front property.

The second variance is Provision D of the Great Falls Code of Ordinances, specifically the paving requirement. Currently, the water fill station which services Prairie Water Company's trucks is graveled. 21st and 22nd Street Northwest are graveled streets. Because this will only be a 25 – 30 unit RV, boat and contractor's storage facility, again there will not be a high amount of traffic. The paving requirement would create an undue hardship because of the cost for real property taxes, and the cost of pavement would increase the overhead for this much needed facility. In addition, the paving is not required because there exist no paved streets/lots in or around this real property which will house the storage facility. To make this project cost effective, the variance is required.

LOT 1 BLOCK 1 FAIR GUYS ADDITION 301 22ND STREET NW
ACRES - 3.570

STEEL BUILDING
CEMENT FLOOR
CHAIN LINK FENCE AROUND COMPLEX
CHAIN LINK CONTRACTOR AREAS & OUTSIDE STORAGE
GRAVEL LOT

OPTION #1

BUILDING A
252' X 40'
12' WIDE X 14' TALL GARAGE DOORS
18 UNITS (40' X 14)
ROOF SQ. FEET - 10,080

OPTION #2

BUILDING A
240' X 30'
10' WIDE X 10' TALL GARAGE DOORS
19 UNITS (30' X 12')
ROOF SQ. FEET - 7,200



17.20.3.060 Certain land uses shown as permitted may be a conditional use.

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

Exhibit 20-1. Principal Uses by District

Use	I-1	Special Standards
Agriculture, horticulture, nursery	P	17.20.6.005
Micro-brewery	P	17.20.6.080
Restaurant	P	17.20.6.080
Tavern	P	17.20.6.080
Agriculture sales	P	
Auction sales	P	
Construction materials sales	P	
Convenience sales	P	
General sales	P	
Manufactured housing sales	P	
Off-site liquor sales	P	
Secondhand sales	P	
Shopping center	P	
Commercial kennel	P	17.20.6.090
General services	P	
Sexually-oriented business	P	17.20.6.100
Veterinary clinic, large animal	P	
Veterinary clinic, small animal	P	17.20.6.110
Large equipment rental	P	
Small equipment rental	P	
General repair	P	
Vehicle fuel sales	P	
Vehicle repair	P	17.20.6.120
Vehicle sales and rental	P	
Vehicle services	P	

Agricultural commodity storage facility	P	
Climate controlled indoor storage	P	
Mini-storage facility	P	17.20.6.130
Freight terminal	P	
Warehouse	P	
Casino, type I	P	17.20.6.140
Casino, type II	P	17.20.6.150
Indoor sports and recreation	P	
Miniature golf	C	
Outdoor entertainment	C	
Park	P	
Recreational trail	P	
Animal shelter	P	17.20.6.160
Community garden	C	17.20.6.175
Public safety facility	P	
Commercial education facility	P	
Instructional facility	P	
Composting facility	C	17.20.6.210
Recycling center	C	17.20.6.220
Solid waste transfer station	C	17.20.6.230
Concealed facility	P	
Unconcealed facility	P	
Co-located facility	P	
Utility installation	C	
Bus transit terminal	P	
Heli-pad	P	17.20.6.260
Parking lot, principal use	P	
Parking structure	P	
Railroad yard	P	
Taxi cab dispatch terminal	P	
Contractor yard, type I	P	17.20.6.270
Contractor yard, type II	P	17.20.6.280
Artisan shop	P	

Industrial, light	P	
Industrial park	P	
Junkyard	C	17.20.6.290
Light manufacturing and assembly	P	17.20.6.300

- The use is not permitted in the district

C The use is allowed through the conditional use process

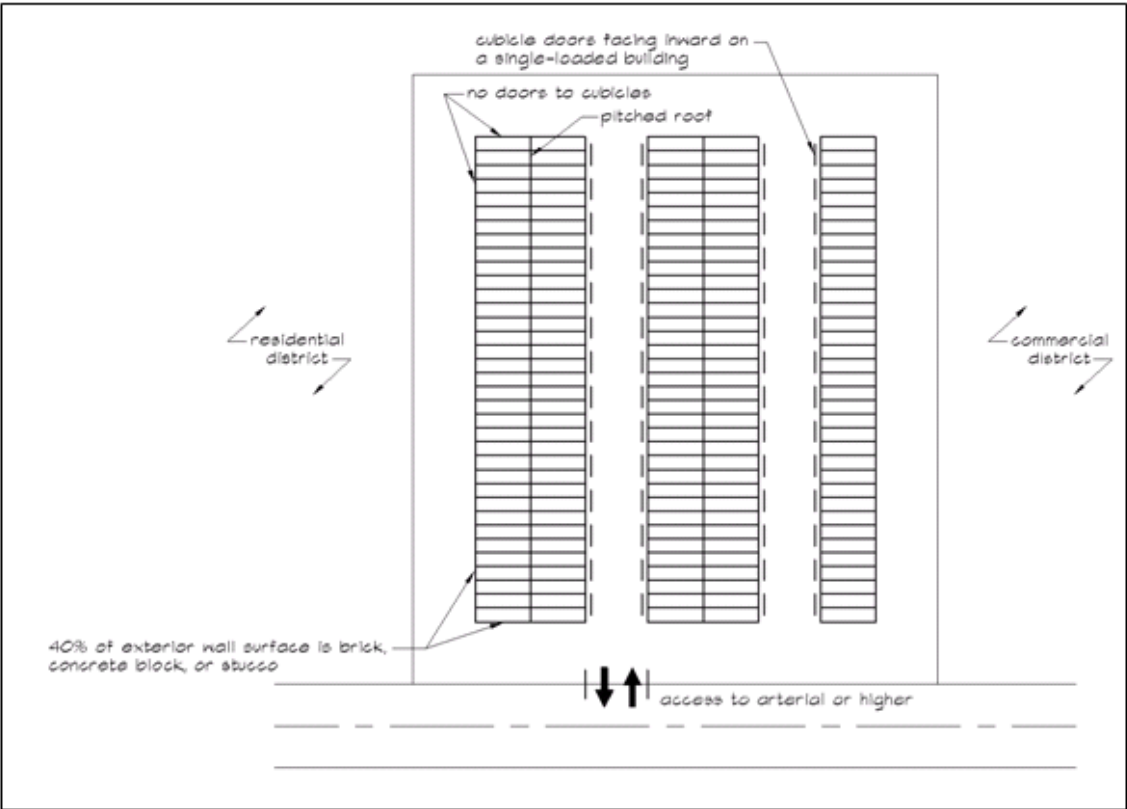
P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

(Ord. No. 3056, § 1, 8-17-2010; Ord. No. 3068, § 2, 4-5-2011; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012; Ord. 3166, 2017; Ord. 3221 , 2020)

17.20.6.130 Mini-storage facility.

- A. **Minimum lot size.** The lot on which a mini-storage facility is located shall be at least one (1) acre in size.
- B. **Access.** The access to a cubicle shall not open directly onto a public street or alley.
- C. **Access.** A mini-storage facility shall front on and have direct access to a roadway classified as a collector or a higher classification.
- D. **Paving required.** All driveways, interior aisles, and walkways shall be concrete or asphalt.
- E. **Storage of prohibited substances.** No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.
- F. **Uses.** Only uses which are specific to storage shall occur. No portion of the site may be used for fabrication or any similar use.
- G. **Special standards and guidelines for mini-storage facilities in a commercial zoning district.** When a mini-storage facility is allowed in a commercial zoning district it shall meet the following architectural design standards and guidelines (See Exhibit 20-6):
 - 1. **Roof.** The roof shall have a minimum pitch of 4 and 12 and be covered with sculptured asphalt, wood, or tile shingles.
 - 2. **Door adjacent to a residential district.** No door providing access to a rental cubicle shall be located on the outer perimeter of the building when abutting a residential district.
 - 3. **Placement of doors on a single-loaded building.** When a mini-storage facility is single-loaded (i.e., cubicle doors only on one (1) side), the cubicle doors shall not face the outer perimeter of the site.
 - 4. **Exterior material.** At least forty (40) percent of the wall surface facing toward the outer perimeter of the site shall be brick, decorative concrete block (e.g., ground face or split face), stucco, or a combination thereof.
 - 5. **Fencing.** Fences shall be placed on the interior of buffer areas, if required. Fences should be decorative, but at a minimum shall be vinyl coated chain link fence material with support posts three (3) inches or greater in diameter. Vinyl banding shall not be inserted into a chain link fence.

Exhibit 20-6. Key design features of a mini-storage facility project





Date: April, 21, 2022

**CITY OF GREAT FALLS
BOARD OF ADJUSTMENT AGENDA REPORT**

- Item:** 1111 Central Avenue - Variance to Section 17.20.4 Exhibit 20-4 of the Official Code of the City of Great Falls (OCCGF) to allow a reduced front yard setback
- Applicant:** GMF Properties, LLC
- Representative:** Anthony Houtz, Cushing Terrell
- Presented By:** Lonnie Hill, Planner I, Planning and Community Development
- Action Requested:** Consideration of a reduced front yard setback from the standard of 15 feet contained in Title 17, Chapter 20, Article 4, Exhibit 20-4 of the Official Code of the City of Great Falls (OCCGF), *Development Standards for other zoning districts, Minimum front yard setback of principal and accessory buildings*

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 front yard setback of principal and accessory buildings*, subject to the conditions of approval."
2. Chairman calls for a second, discussion, and calls for the vote.

Synopsis:

GMF Properties, LLC is proposing to develop a one story 1,880 square foot office building upon 1111 Central Avenue, which was previously occupied by Zandy's Hamburgers. The subject property is within the C-5, Central Business Periphery zoning district. The proposed site plan is provided as an attachment to this report and shows the proposed location of the building. The proposed footprint encroaches within the front yard setback of fifteen (15) feet for the C-5 district. The current site is comprised of three lots. The applicant will be required to submit an amended plat to aggregate these three lots to create either one or two lots to meet all other setback requirements of the C-5 district.

Background Information:

Requested Variance: Chapter 20 - Land Use §17.20.4.010 Development standards for other zoning districts, Exhibit 20-4.

The minimum front yard setback of principal and accessory buildings in the Central Business Periphery (C-5) zoning district is 15 feet. The applicant requests that the proposed building has a zero (0) foot front yard setback along Central Avenue.

Notice of the Board of Adjustment hearing was published in the Great Falls Tribune on Sunday, April 3, 2022. Additionally, notices were sent to adjoining property owners 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 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 front setbacks in the City's Land Development Code is to ensure that there is a sound development pattern with uniformly applicable development standards. In the C-5 Central Business Periphery district the intention of the setbacks are to allow smaller building footprints than the intensely developed downtown area. In this case, the subject property is located on Central Avenue within a block that has many existing buildings built upon the front property line similar to how much of the C-4 zoning district was developed. Because of the context of this block of Central Avenue, applying a zero (0) foot front setback is not contrary to the public interest.

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

A literal enforcement of the front yard setback would result in an interruption of the urban core streetscape, in which many of the surrounding properties contain buildings that are built to the front property line. This would limit visibility of the proposed building and unnecessarily reduces the buildable area of the site for a setback that does not fit the context of the location. While the property is not unique in terms of shape and size, the existing location of buildings on nearby properties is completely different than the zoning district's front setback standard. These unique conditions justify granting a variance to reduce the front yard setback.

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

The spirit of this Title would be observed and substantial justice done by granting the variance. The purpose of having setback standards is to create a uniform look to the built environment. In this instance, the zero foot setback better achieves the purpose the code's intent. This is a more just outcome for the property owner because it will allow the proposed building to be much more visible. Other than the reduced front yard setback, the proposed development of the property is consistent with the C-5 district in terms of other dimensional standards and land use.

Recommendation:

City staff has concluded that the proposed front yard setback variance is appropriate, and staff recommends approval with the following conditions:

Conditions of Approval:

1. **Building Permits.** The applicant shall submit the required building permit application to the City of Great Falls for review and approval.
2. **Code Compliance.** The applicant shall comply with all applicable building and fire codes pursuant to the project.
3. **Amended Plat.** The applicant shall provide a revised amended plat of the subject property, showing the proposed aggregation referenced in this report.

Alternative:

The Board of Adjustment could choose to deny the variance request and strictly enforce the fifteen (15) foot front yard setback for the C-5 district. For such action, the Board of Adjustment must provide separate Basis of Decision findings to support the denial.

Attachments:

Location Map

Zoning Map

Exhibit 20-4. Development Standards for Residential Zoning Districts

Project Narrative

Site Plan

Location Map

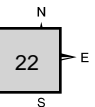


Subject Property - 1111 Central Ave

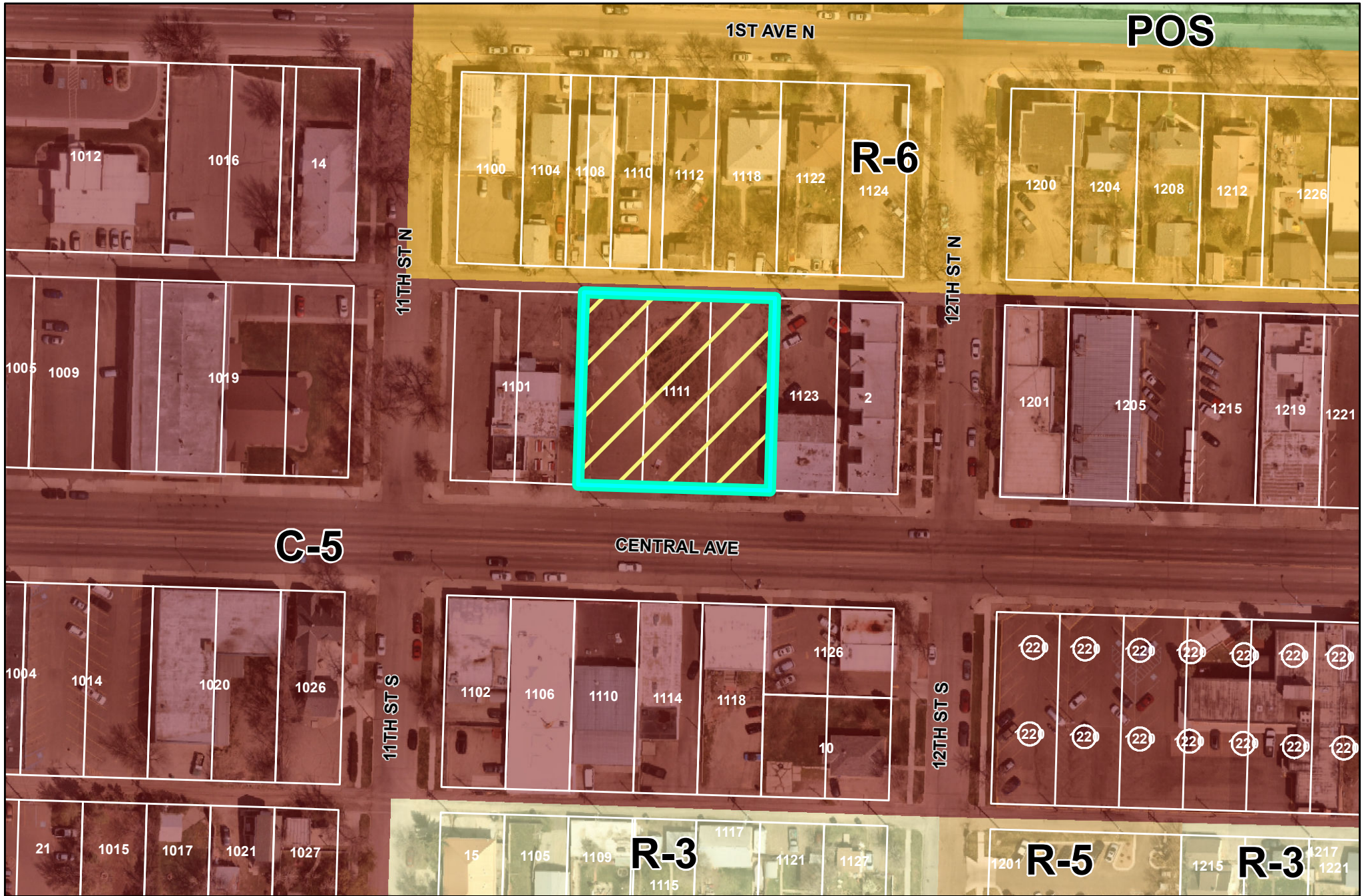
0 25 50 100 Feet



Date: 4/4/2022



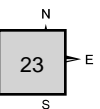
Zoning Map



Subject Property - 1111 Central Ave

0 55 110 220 Feet

Date: 4/13/2022



Article 4 - LOT AREA AND DIMENSIONAL STANDARDS

Sections:

17.20.4.010 - Generally.

Lots and buildings shall conform to the dimensional standards specified in Exhibit 20-4.

17.20.4.020 - Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

Exhibit 20-4. Development standards for residential zoning districts

(See footnotes below for additional standards)

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	n/a

Minimum side yard setback [3]	Principal building: 15 feet each side	Principal building: 8 feet each side	Principal building: 6 feet each side	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side	n/a
Minimum rear yard setback	20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over	15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	n/a
Maximum lot coverage of principal and accessory structures	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none
Detached Garages and other Accessory Structures							
Maximum building height	24 feet	24 feet	24 feet	24 feet	24 feet	24 feet	16 feet
Minimum front yard setback [5]	30 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	15 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	n/a
Minimum side yard setback	5 feet	5 feet	5 feet	4 feet; 8 feet if adjoining an R-1, R-2, R-3 district	5 feet; 10 feet if adjoining an R-1, R-2, R-3 district	5 feet	n/a
Minimum rear yard setback	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060. (Ord. 3232, 2021)

[2] See Section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces. (Ord. 3232, 2021; Ord. 2950, 2007)

[3] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location. (Ord. 3232, 2021)

[4] For townhomes, see Section 17.20.6.050 for additional and superseding requirements. (Ord. 3232, 2021)

[5] If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback. (Ord. 3232, 2021)

	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1
Residential density	500 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum lot size for newly created lots	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet
Minimum lot width for newly created lots	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Lot proportion for newly created lots (maximum depth to width)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3:1
Maximum building height of principal building	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	35 feet	65 feet	50 feet	100 feet by right; 101 feet to 160 feet as conditional use	55 feet	100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan area, 160 feet by right	65 feet	45 feet

Maximum building height of accessory building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	n/a	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	35 feet
Minimum front yard setback of principal and accessory buildings	none	Existing Industrial: 20 feet	15 feet	none	25 feet	none	15 feet	25 feet	25 feet	20 feet
Minimum side yard setback of principal and accessory buildings	Commercial: none Residential: 5 feet each side	Commercial: none Residential: 5 feet each side Existing Industrial: 15 feet each side	10 feet each side	10 feet each side	15 feet each side	none	10 feet each side	10 feet each side	none	10 feet each side
Minimum rear yard setback of principal and accessory buildings	10 feet	10 feet	15 feet	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	5 feet
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%

March 21, 2022

Cushing Terrell®

RE: GMF Properties Building

To Whom it May Concern :

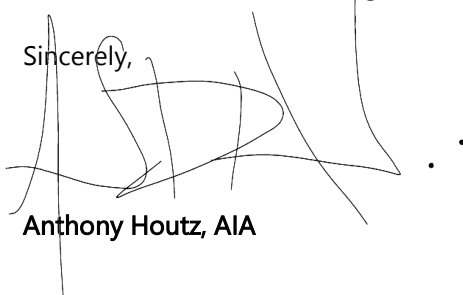
Pursuant to Title 17.16.32.040, the owner of the property at 1111 Central Avenue is requesting a variance for the front setback on the property. The property is currently Zone C-5, Central Business Periphery, and his intention is to develop a one-story office building on the property. The current front yard setback requirement in C-5 is fifteen (15) feet.

It is our understanding that a dimensional variance must meet three requirements outlined in the Municipal Code in order to be considered for a variance. These are as follows :

1. The variance is not contrary to the public interest.
 - a. The property directly to the west and east of the subject property, as well as all the properties across the street from the subject property, are all similarly zoned C-5 and are all zero-lot-line setbacks in the front and are all directly on the sidewalk. Due to the nature of Central Avenue, its desired public sidewalk areas, and the neighboring properties, this variance would very much be in keeping with the public interest.
2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
 - a. The condition unique to the property is the front yard setback. Because of the street-front nature of the adjacent properties along Central Avenue, adhering to the 15' setback forces the building front of the proposed building back from the street and hides it behind the adjacent Opportunities building and also breaks the continuity of the streetfront.
3. The spirit of this Title would be observed and substantial justice done by granting the variance.
 - a. The spirit of C-5 zoning is to establish a zone around the central business core that begins to transition into more neighborhood commercial and residential neighborhoods while allowing some flexibility for parking and density, but that transition doesn't happen moving east until further down Central. Along Central Avenue, the fabric of the area and the atmosphere for our public is better served by having more continuity at the sidewalk frontage. While we certainly can set the building back on the lot, we feel the intent of the code is better served by having the building up closer to the sidewalk.

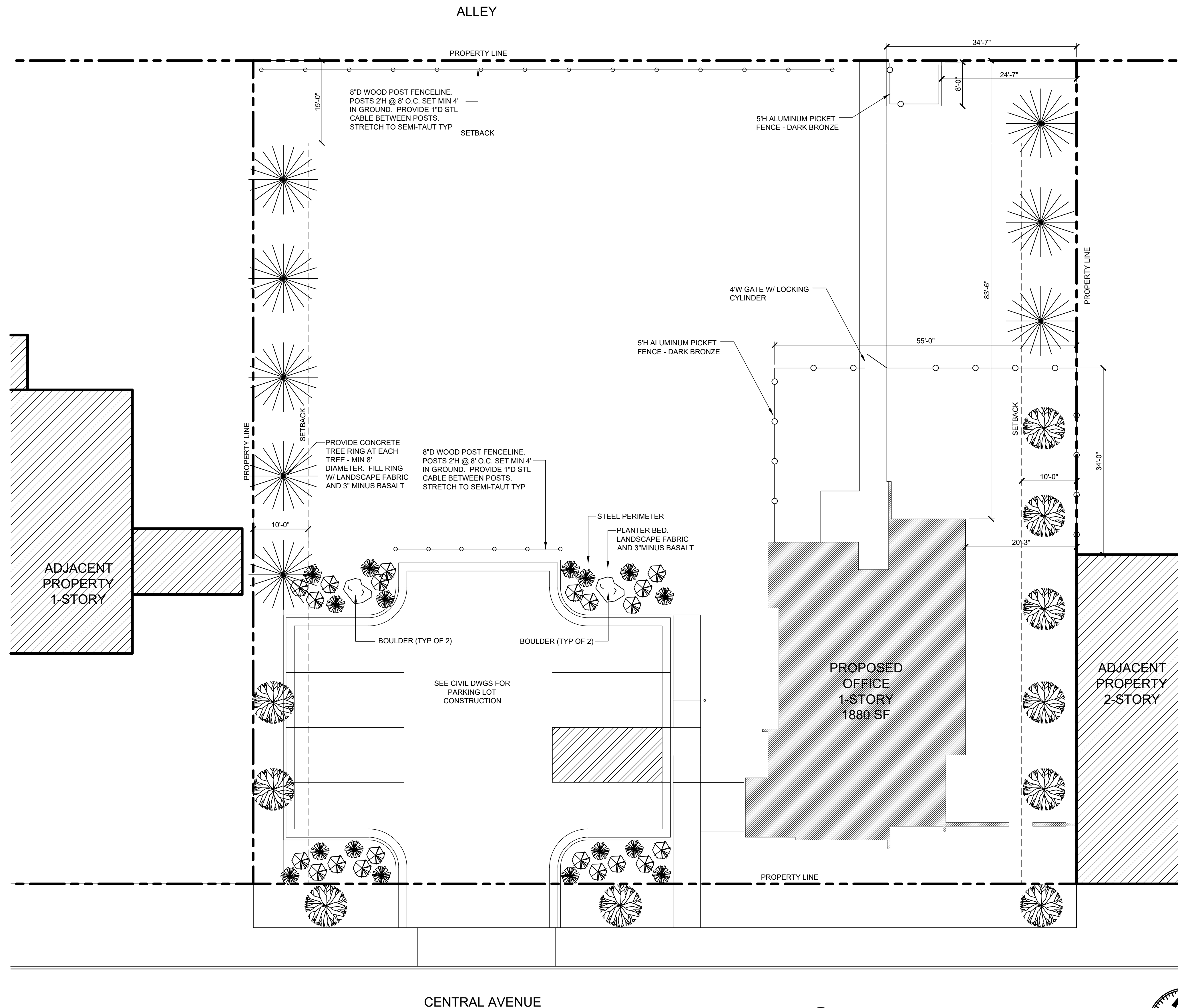
Thank you for your consideration of this variance. We believe that the three criteria for variance are strongly supported in the particulars of this property and its current zoning, and that a variance will help this project to better work within the existing fabric of the community and streetscape.

Sincerely,



Anthony Houtz, AIA

cushingterrell.com



ZONING REQUIREMENTS:

ZONE (EXISTING) : C-5 CENTRAL BUSINESS PERIPHERY

ADDRESS : 1111 CENTRAL AVENUE
GREAT FALLS, MT 59405

LEGAL DESCRIPTION :
GEOCODE : 02-3015-12-1-26-05-0000
GREAT FALLS FIRST ADDITION, S12, T20 N, R03 E,
BLOCK 322, Lot 010, LTS 10-12

LOT ACREAGE :
22,521 SQ. FT. OR .517 ACRES

BUILDING SQ. FT. :
MAIN FLOOR 1,880 SQ. FT.

BUILDING COVERAGE:
BUILDINGS MAY COVER 60% OF LOT
COVERAGE : 1,880 DIVIDED BY 22,521 = .083
.083 OR 8.3% COVERAGE

SETBACKS:
REAR, SIDE, AND FRONT YARDS ARE ESTABLISHED PER CITY OF GREAT FALLS
FRONT YARD SETBACK (PLAN SOUTH) : 15' REQ'D 8' PROVIDED
SIDE YARD SETBACK : 10' REQ'D 8'-8" AND 20'-3" PROVIDED
REAR YARD SETBACK (PLAN NORTH) : 15' REQ'D 83'-11" PROVIDED

PARKING REQUIREMENTS:
BASED ON CITY OF GREAT FALLS PARKING REQUIREMENTS.
REQUIRED : OFFICE : 1 PER 300 SQ. FT. 6 STALLS REQ'D
STALL COUNTS CAN BE REDUCED PER 17.36.2.050
PROVIDED : 6 STALLS & 1 HC STALL

LANDSCAPING COVERAGE:
REQUIRED : 10% OF VEHICULAR USE AREAS 4,225 x .10 = 422.5 SF REQ'D
15% OF GROSS LOT AREA 22,521 x .15 = 3,378 SF REQ'D
PROVIDED : 800 SF IN VEHICULAR USE AREAS
6,500 SF ON EAST HALF OF LOT
TREE AND SHRUBS REQUIRED : 1 TREE AND 4 SHRUBS PER 400 REQ'D SF OF LANDSCAPING
9 TREES AND 34 SHRUBS REQ'D
TREE AND SHRUBS PROVIDED : 18 TREES AND 36 SHRUBS

PLANT SCHEDULE

QTY.	KEY	TYPE	BOTANICAL NAME
0	⊙	DECIDUOUS TREE	GREENSPIRE LINDEN
10	⊙	DECIDUOUS TREE	NON-FRUITING CRABAPPLE
8	⊙	CONIFER	COLORADO BONNY BLUE SPRUCE
16	⊙	SHRUB	SPIREA
20	⊙	SHRUB	PERENNIAL FLOWERING SHRUB

1111 Central Avenue
GMF PROPERTIES OFFICE BUILDING

1 SITE PLAN
A001

1" = 30'-0"

