



**Special Meeting Board of Adjustment / Appeals
November 13, 2025 Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Commission Chambers, 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. Role Call - Board Introductions

Pete Fontana - Chair

Christian Stone - Vice Chair

Antoinette Collins

Joe McMillen

Aspen Northerner

3. Recognition of Staff
4. Approval of Meeting Minutes - April 10, 2025

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Variance request to allow a reduced side yard setback for the construction of a single-family residence located at 2716 Park Garden Lane.

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
April 10, 2025

CALL TO ORDER

Chair Pete Fontana called the meeting of the Great Falls Board of Adjustment/Appeals to order at 3:00 p.m.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

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

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Lonnie Hill, Deputy Director of Planning & Community Development
Amber Johanneck, Residential Plans Examiner
Jamie Nygard, Sr. Administrative Assistant

Others present:

Rachel Taylor, Deputy City Attorney

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

MINUTES

Chair Fontana asked if there was a motion to approve the meeting minutes as stated for January 23, 2025. Ms. Collins moved to approve the minutes, seconded by Mr. McMillen. All in favor, the minutes were approved 5-0.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

Mr. McMillen indicated that he was familiar with the applicant's representative, Mr. and Mrs. Bilbrey, who were present but asserted that there would be no conflict of interest.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Variance from Section 17.60.4.050 of the Official Code of the City of Great Falls (OCCGF) to allow an increase in height limit allowance for the relocation of a freestanding sign located at 3715 31st Street Southwest

Lonnie Hill, Deputy Director, presented to the Board. He stated that the applicant, Town Pump, Inc., located at 3715 31st Street Southwest, was on approximately 11.45 acres and zoned C-3, Highway Commercial.

Mr. Hill presented a location map, site photos, a proposed site plan, and a sign rendering.

Mr. Hill stated that the request was to relocate an existing 70-foot freestanding sign from the north corner of their property to the northwestern corner to enhance visibility for motorists on I-15. He noted that in OCCGF 17.60.4.050, the height limit is twenty-five feet above the finished grade of the lot. The applicant seeks approval to exceed the maximum freestanding sign height in commercial and industrial districts. Mr. Hill mentioned that a height variance was granted in 2004, but the City's water tower, constructed in 2019, obstructs the visibility of the sign from the north.

Mr. Hill presented the Basis of Decision:

1. Granting the variance would not be contrary to the public interest.
 - It supports safe, effective, and aesthetically appropriate signage. The sign's scale and character match the surrounding site and streetscape.
 - Clear and visible signage is required for the Interstate setting, high-speed traffic (65+mph), and proximity to an interchange.
 - Improves visibility for transient motorists, many of whom are first-time visitors.
 - Unique highway context distinguishes the request from typical city zoning areas.
2. A literal enforcement would result in unnecessary hardship owing to conditions unique to the property.
 - The City water tower was constructed post sign installation in 2019, blocking the existing sign when approaching from the north.
 - There is limited visibility, which reduces reaction time for motorists, especially truck drivers on I-15.
 - Strict sign code enforcement would disadvantage the applicant due to circumstances beyond their control.
3. The spirit of the Title would be observed, and substantial justice would be done by granting the variance.
 - The relocated sign is effective for the site and typical for interstate commercial businesses, promoting a positive business climate.
 - The signage aligns with the building and site. Similar signs that exceed city limits are nearby, ensuring consistency with the surrounding development.
 - Increased height improves visibility and reaction time for motorists, reducing the risk of distraction or last-minute maneuvers.

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Mr. Hill stated that no public comments were received at the time of the meeting.

Mr. Hill stated that based on the basis of decision findings, Staff recommended approval of the variance request, and the applicant would be required to go through the permitting process if approved by the Board.

APPLICANT PRESENTATION

Mr. Hill stated that the applicant and consultants were present to answer any questions.

PROPOSERS

None.

OPPOSERS

None.

PUBLIC COMMENT

None.

BOARD DISCUSSION AND ACTION

Mr. Fontana inquired about submitting a variance request before applying for a permit, and Mr. Hill responded that that is what Staff normally recommends to an applicant.

MOTION: That the Board of Adjustment, based on the Findings for the Basis of Decision, approve the height limit variance request from OCCGF Title 17, Chapter 60, Article 4, Subsection 50.

MADE BY: Mr. McMillen
SECOND BY: Ms. Stone

VOTE: Motion Passed 5-0

COMMUNICATIONS

Mr. Hill mentioned that lingering changes remain regarding the processing of variance requests under the 2023 Montana Land Use and Planning Act. He stated that the Board will be kept informed as City Staff adjusts to these changes. He also noted that part of the changes will involve processing variance requests, like the one presented at the meeting, which will be approved at an administrative level to enhance efficiency.

Mr. Fontana inquired about any applicants for new Board members. Mr. Hill replied that there were none and that Mr. McMillen and Ms. Northerner could serve until a decision was reached regarding the Board's direction.

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PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business, Chair Fontana adjourned the meeting at 3:13 p.m.



Date: November 13, 2025

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

Item: Variance request to allow a reduced side yard setback for the construction of a single-family residence located at 2716 Park Garden Lane.

Applicant: Zach and Jamiee Gregoire, Owners

Presented By: Lonnie Hill, Deputy Director, Planning and Community Development

Action Requested: Consideration of a reduced side yard setback

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 for a minimum side yard setback of six (6) feet along the north property line for the property addressed as 2716 Park Garden Lane."
 2. Chairperson calls for a second, discussion, and calls for the vote.
-

Background: The owners of 2716 Park Garden Lane have requested a variance for a reduced side yard setback along the north property line for the construction of a single-family residence. Within the Narrative, the applicants state that this request arises from the need for a one-level home to address accessibility needs and long-term use due to medical concerns.

The subject property, legally described as Lot 2A of Foxwood Estates, is within the Foxwood Estates Planned Unit Development (PUD) that was approved as part of Ordinance 3164 in August of 2017. The subject property is 37,126 square feet and is currently vacant. A Location and Zoning Map of the property is provided as an attachment to this report. Adjacent properties to the north and south are also within the Foxwood Estates PUD. The properties to the west are within Park Garden Estates, a County residential development. The right-of-way of Park Garden Lane is to the east of the subject property.

Variance Request: The applicants requests a variance to the minimum side yard setbacks for a principal building. The applicant has specifically requested reducing the minimum side yard setback along the north property line from fifteen (15) feet to six (6) feet, as shown on the *Site Plan*, which is provided as an attachment to this report. The variance request would allow the applicants to complete the construction of a single-family residence.

Within the narrative, the applicants state that the lot configuration and setback requirements limit the home's footprint. This limits the preferred layout of a one-level home to address accessibility needs and long-term use due to medical concerns. Specifically, the side yard setbacks limit the ability to design the home with a south-facing garage, which is proposed to address the needed layout to meet the medical needs of the owners.

The applicants state that their request is consistent with the neighborhood character, as it maintains the predominant residential use of the area, and that it won't diminish the enjoyment of any adjacent lots. The applicants provided a letter from the neighbor to the north, attached to this report, who would be the most impacted by the variance request. The letter states they have no objections, believe it will not negatively affect their property, and ask the Board to grant the variance.

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 the residence is based on the finding that such a variance is not contrary to the public interest. The determination for this request considers several factors: 1. The variance will not adversely affect the character of the neighborhood, which will remain residential. 2. The request will not compromise public health, safety, or welfare, as the construction will adhere to all other relevant building codes and safety regulations. 3. The variance will not negatively impact neighboring properties. The applicant has provided a letter from the affected neighbor to the north, stating that they have no objections, believe it will not negatively affect their property, and ask the Board to grant the variance. As a result, staff has determined that granting the variance is not contrary to the public interest.

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 building the single-story residence as proposed to address their practical needs for accessibility and long-term use due to medical concerns. Staff has determined that the medical needs of the owner present an unnecessary hardship. Granting the variance would allow the applicant to proceed with the project as proposed, without undermining the intent of the zoning code or the Foxwood Estates PUD.

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 the proposed residence is not in conflict with the spirit of the Land Development Code. The subject property is within the Foxwood Estates PUD, which established setbacks as part of Ordinance 3164. The PUD is intended to promote orderly development upon large lots and to allow large square footage of accessory structures. By allowing the variance, the property owner can construct the residence, addressing practical needs for accessibility and long-term use due to medical concerns of the owners without disrupting the overall character of the neighborhood or the intent of the PUD. Additionally, substantial justice is served as the variance allows the applicant to continue their project, ensuring they are not burdened by the rigid application of the code.

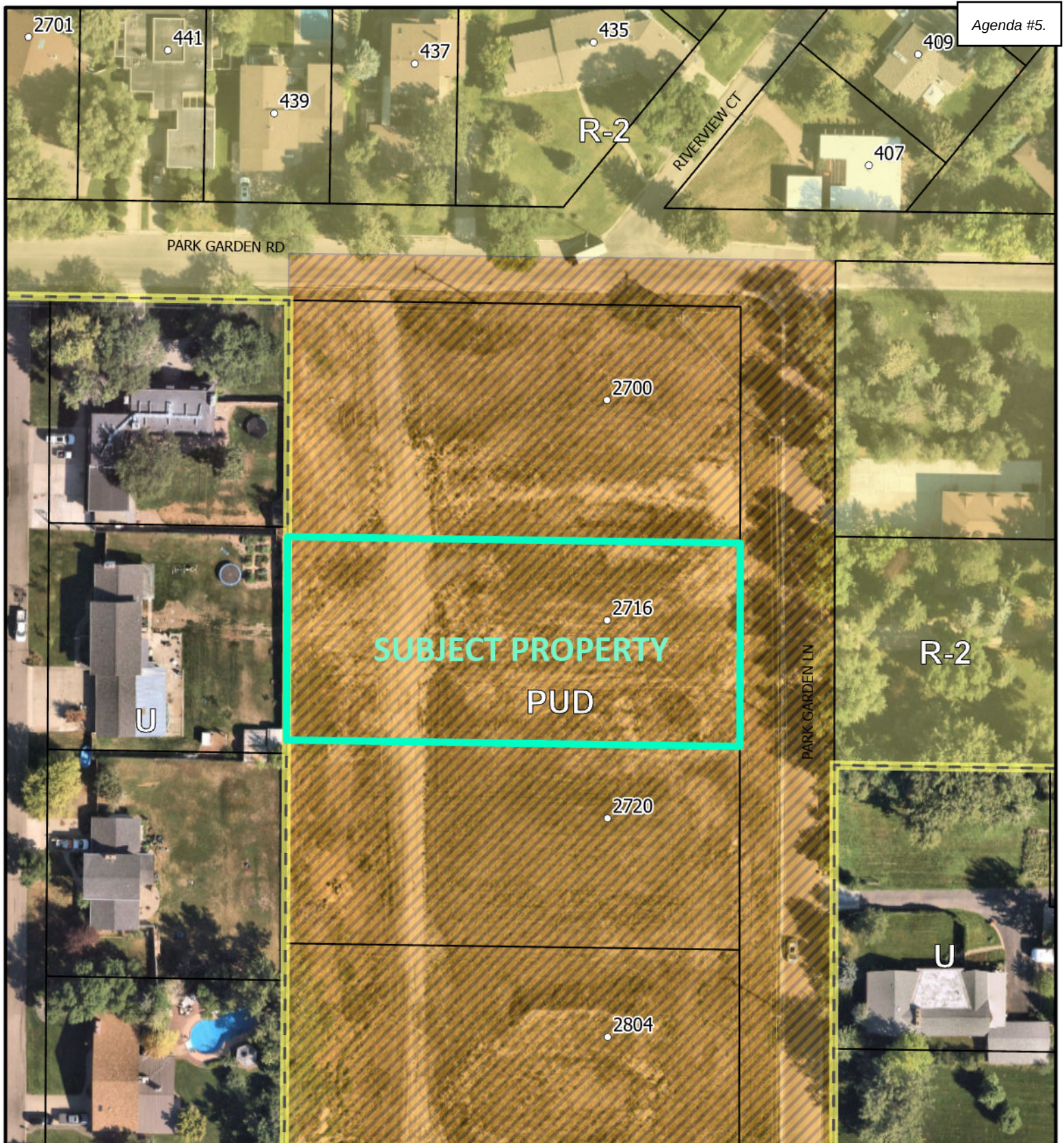
Permit Requirements: Should the requested variance be granted, the applicant will proceed with submitting a complete building permit application to the City of Great Falls Building Department. The permit submittal will include all required documentation to demonstrate compliance with applicable codes and standards for the proposed development.

Staff 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 alternative Basis of Decision findings to support the denial.

Attachments:

- Location and Zoning Map
- Narrative
- Site Plan
- Letter from the Neighbor
- Ordinance 3164 – Foxwood Estates PUD



Location and Zoning Map



2716 Park Garden Ln
Lot 2A, Foxwood
Estates

--- City Limit
□ Parcels



0 37.5 75 150 10
Fe

Property Address: 2716 Park Garden Lane

Variance Requested: Reduction of the north side yard setback from 15 feet to 6 feet

The applicant respectfully requests a variance to reduce the required side yard setback on the north property line (adjacent to Lot 1) from 15 feet to 6 feet. This modification is necessary to accommodate a one-level residential design and to ensure safe vehicular circulation when entering and exiting the garage and driveway.

The property at 2716 Park Garden Lane presents unique conditions that create a hardship under the existing ordinance:

1. Lot Configuration: The parcel's current configuration and setback requirements combine to limit the buildable width of the lot. With both side yard setbacks fixed at 15 feet, the home's footprint is significantly restricted compared to comparable developments, which undermines the feasibility of constructing a one-level residence.
2. Driveway Functionality and Safety: Due to the placement of the garage and driveway in relation to the property lines, the 15-foot north setback restricts maneuverability for vehicles on the south side. Without relief, vehicles backing out of the garage would face an excessively tight turning radius, creating a high risk of encroaching upon or damaging the neighboring fence line. This creates a daily safety and property damage concern that constitutes a legitimate hardship beyond mere convenience.
3. One-Level Home Design: The applicant's intent to build a one-level home reflects practical needs for accessibility and long-term use due to medical concerns. Without the variance, achieving a functional one-level design on this lot is not possible under the current setback constraints, thereby depriving the property owner of reasonable use in line with surrounding residential development.

Granting this variance will not negatively affect surrounding properties or the community at large:

- **Consistency with Neighborhood Character:** The requested reduction maintains residential use and appearance consistent with neighboring homes. The reduced setback will not cause crowding, obstruct sightlines, or diminish the enjoyment of adjacent lots. The only neighbor affected by this request is agreeable to said change and has written a letter stating so.
- **Protection of Neighboring Property:** By allowing adequate space for safe vehicle turning, the variance actively protects the neighboring property from potential fence damage.

The spirit of the setback ordinance is to provide adequate separation between structures, promote safety, preserve neighborhood aesthetics, and prevent encroachment on neighboring properties. This variance request aligns with and upholds that spirit:

- Adequate separation of 6 feet will remain between the proposed structure and the property line, ensuring privacy and visual continuity.
- Safety is enhanced, not diminished, by permitting a safe and functional driveway turnaround.
- Substantial justice is served by allowing the property owner reasonable use of their land in a manner that is harmonious with surrounding development.

Denying the variance would impose unnecessary hardship and limit the property to an impractical use, whereas granting it achieves balance between individual property rights and community interest.

For the reasons stated above, the requested variance is justified under the hardship criteria, does not contradict public interest, and supports the spirit of the ordinance. Approval will allow for a safe, functional, and aesthetically

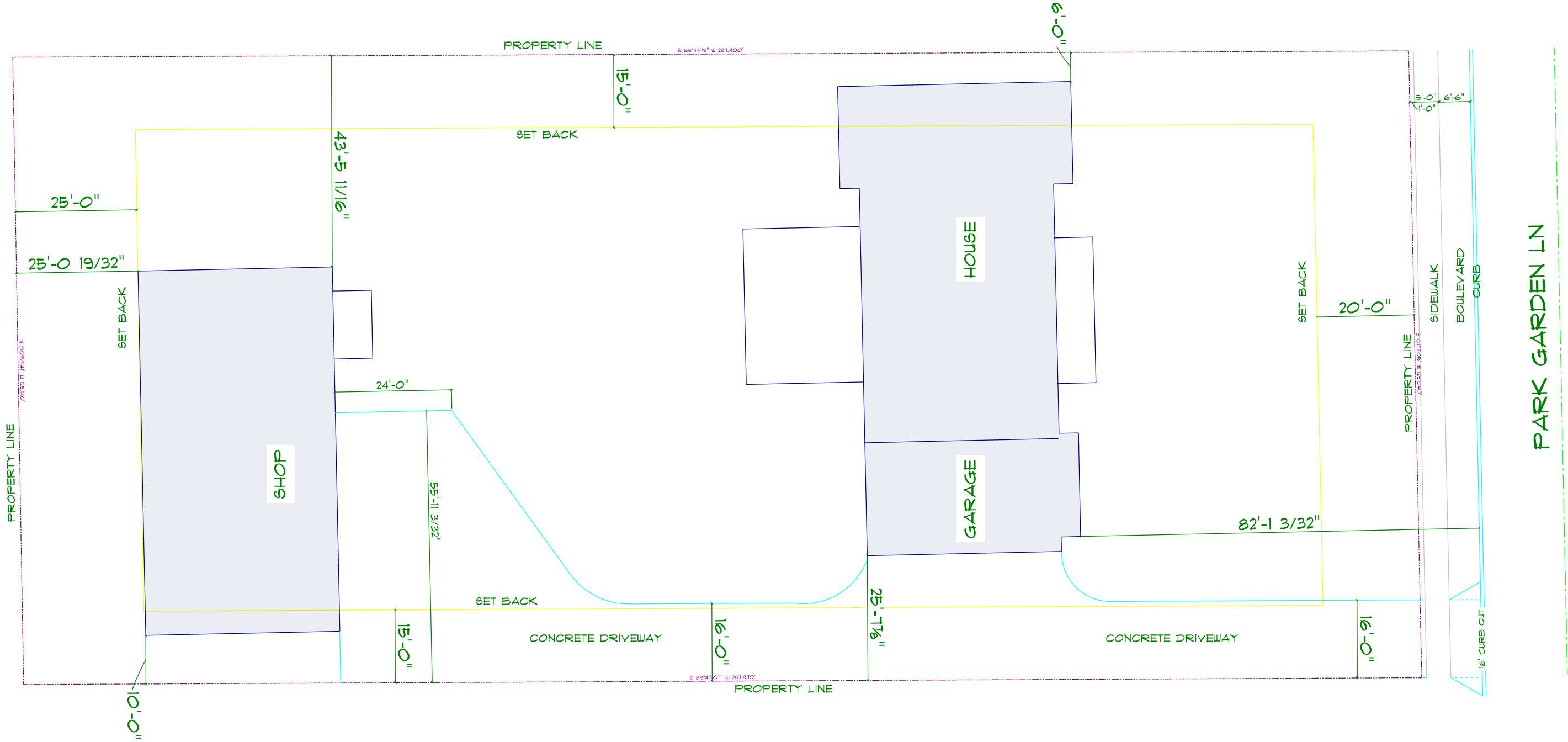
appropriate one-level residence at 2716 Park Garden Lane while protecting neighboring property and upholding community standards.

The applicant respectfully asks the Board of Adjustment to grant the variance to reduce the north side setback from 15 feet to 6 feet.

Sincerely,

Zach and Jaimee Gregoire

Jaimee Gregoire for
Zach Gregoire



Re: Variance Request for 2716 Park Garden Lane

Dear Members of the Board,

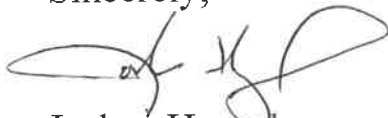
As the owners of the property located at Lot 1, adjacent to 2716 Park Garden Lane, we are writing to state our support for the variance request submitted by our neighbors at 2716 Park Garden Lane.

We understand that the variance seeks to reduce the north side setback on their property from the required 15 feet to 6 feet, while maintaining the existing 15-foot setback on our side. This results in a combined 21 feet of separation between the two homes.

We have reviewed this request and have no objection to the proposed setback adjustment. We believe that the variance will not negatively affect our property, will preserve adequate space and separation between our homes, and will be consistent with the character of the neighborhood.

Accordingly, we are in full agreement with the request and respectfully ask that the Board grant the variance.

Sincerely,



Joshua Henzel

11/10/2025

NOTARIAL CERTIFICATE

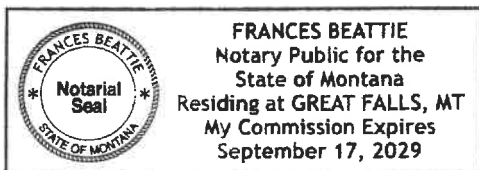
Signature Witnessing

State of Montana

County of Cascade

The attached record was signed before me on 11/10/2025 by
(Date)

Joshua Henzel
(Name of signer(s).)



Frances Beattie
(Notary Signature)

[Affix stamp above]

This certificate has been attached to the Variance Request
(Type of record or document)

consisting of 1 page(s), dated 11/10/2025.

Any evidence that this certificate has been detached or removed from the above described document may render the notarization invalid or unacceptable.

ORDINANCE 3164

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS: FOXWOOD ESTATES SUBDIVISION LOCATED IN THE GOVERNMENT LOT 2 OF SECTION 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA, FROM R-1 SINGLE-FAMILY SUBURBAN TO PUD PLANNED UNIT DEVELOPMENT DISTRICT.

* * * * *

WHEREAS, the subject properties, located on the southwest corner of Park Garden Road and Park Garden Lane are presently zoned R-1 Single-family suburban; and,

WHEREAS, the property owner, Brett Haverlandt, has petitioned the City of Great Falls to rezone said properties to PUD Planned Unit Development district; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 15th day of August 2017, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said rezoning designation be made; and,

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.40.030; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 27, 2017, to consider said rezoning from R-1 Single-family suburban residential district to PUD Planned Unit Development district and at the conclusion of said hearing passed a motion recommending the City Commission rezone the property legally described as Foxwood Estates Subdivision, located in the Government Lot 2 of Section 23, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. It is determined that the herein requested rezoning will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Land Development Code of the City of Great Falls.

Section 2. That the property legally described as: Foxwood Estates Subdivision, located in the Government Lot 2 of Section 23, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, Montana, be rezoned to PUD Planned Unit Development district, subject to the setbacks, and other development standards attached hereto as Attachment A, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Section 3. Where the Official Code of the City of Great Falls regulations apply to a specific zoning district, the R-1 Single-family Suburban district regulations shall apply to the properties within the PUD.

Section 4. All uses listed in Article 17.20.3, Exhibits 20-1, 20-2, and 20-3 of the Official Code of the City of Great Falls (OCCGF) as permitted or conditionally permitted in the R-1 zoning district are allowable uses within the PUD, with the exception of the following uses which are prohibited:

1. Agriculture, horticulture, nursery;
2. Convenience sales;
3. Contractor yard type I;
4. Agriculture, livestock;
5. Private stable/barn; and
6. Roadside farmer's market.

Section 5. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading July 18, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading August 15, 2017.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

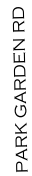
State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3164 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

[illegible]

FOXWOOD ESTATES SUBDIVISION
GREAT FALLS, MT

PUD SUBMITTAL