



**Stevensville Board of Adjustment Meeting  
Agenda for  
THURSDAY, MAY 21, 2020  
7:00 PM**

1. Call to Order and Roll Call

Roll Call: Mayor Dewey, Councilmembers Devlin, Michalson, Holcomb and Vick were all present on the Virtual meeting via Zoom. Mayor Dewey and Clerk, Monica Hoffman, Schrock Construction representatives, Mr. & Mrs. Laursen, Kent Means, Dr. Moore (School District) and Ryan Salisbury were also present.

2. New Business

- a. Public Hearing/Discussion/Decision: Petition for Variance at 106 E. 4th Street, adjusting the off-street parking requirement

Mr. Laursen explained his intent for the building use, including for personal space and expanding the building for an increased square footage. He is selling his farm, relocating some equipment and files to that location for his own hobby purposes.

Councilmember Vick asked Mayor Dewey if a business license would be required for this personal use, currently zoned as C-1. Mayor Dewey explained that personal storage does not fit under a C-1 zone, therefore that use would not be compatible with that zone today.

Schrock Construction, Mr. Laursen would like to improve the quality of the building, and if he were to sell the building at a later time, those owners would be able to open a business under the zoning in which it is zoned at that time; I felt as the builder, to improve the building, and have that variance for parking, would be good for the community.

Councilmember Devlin, asked about the timeframe; Initial use for storage and the intention of use long term, a year down the road, as C-1 is not permitted for personal storage.

Mr. Laursen explained his definition of storage, as he would be using it for a welder, shop/farm equipment, and he would like to build a playhouse. It is "personal use space" but not used as a storage for household goods.

Councilmember Vick asked about the storage as permanent.

Mayor Dewey, as the code reads, it is not worded a certain type of storage, the zone is c-1, so that a business can operate in that zone. The latitude is not there to allow this type of use as described.

Councilmember Michalson, he has walked through the building; He also received a phone call from the town's attorney, about some emails from his personal email address to

Councilmember Holcomb, and in those, states he would be requesting from the Mayor, Mr. Laursen be refunded his \$450 and has been treated unfairly in this whole process, and did send this to Mrs. Holcomb's town email; There were no decisions made Mr. Owens wanted me to make that known to keep the town from litigations. He had received correspondence to this. Mr. Michalson read off letters from business owners, Brian Potton, Valarie Hixon, Sue Justus, and Jon Vercruyssen; (Please see the attached correspondence). The main issue is the non-

compliance of the off-street parking of 10 required spaces. Mr. Michalson stated that this has been a loosely enforced rule and would like to see everyone support this.

Mayor Dewey explained the enforcement of the off-street parking requirement and building square-footage. No variance has been declined, as the variance request is before the BOA tonight.

Mr. Laursen has been in that building for the last 2 years, if the use is not compatible for that code specifications and as of right now, the use for the building does not meet the code for that neighborhood.

Mr. Michalson stated that because we are our own municipality, we can vote this in, even though code does not permit the use for the zone.

Ms. Devlin inquired why some exceptions are made, and others not. When a use is not compliant with zoning use, a conditional use permit is then applied for, goes to PZ, then to Council. A variance appeals a hardship for the property owner, then goes in front of the BOA. A variance does not grant new uses for an incompatible zone.

Mr. Michalson asked why we are doing this now, when the permit has already been issued.

Ms. Holcomb asked why we cannot just re-zone the property, so that he can use it the way he wants to.

Mayor, responded the C-3 zone and spot-zoning is not recommended and the hardship is not clearly defined.

Mr. Schrock would like to see an answer for Mr. Larsen and his property tonight.

The conversation continued about the process Mr. Laursen has gone through. Schrock

Construction asked if an auto body repair shop would be allowed under the current zoning;

Mayor Dewey replied with, No, "vehicle repair" is not under a C-1 zone, as it falls under C-3.

That property falls under non-conforming use, and since that business has stopped for more than 12 months, that business is not grandfathered in.

Councilmember Michalson made a motion to approve the Variance for 106 E 4<sup>th</sup> St., modifying parking. The Motion was seconded by Council member Holcomb.

Mr. Vick stated that he has no problem with the parking, more-so the use of the property, in order for him to lawfully use the property for his intended use.

Mayor Dewey called for the vote: Michalson "Aye," Holcomb "Aye," Vick "No," Devlin "Abstain."

Ms. Devlin explained that she is abstaining from voting tonight because MT Municipal Official Handbook, *ex parte communication*. Ms. Devlin continued to read off emails between Mr. Laursen and Council members Holcomb and Michalson, consisting from *ex parte* communications prior to the meeting.

Ms. Holcomb Rescinds her vote. Mr. Michalson Rescinds his vote as well.

Mayor Dewey supports businesses in the community, although votes "No" to follow the rules of city code. The final vote on the motion includes, 2-Rescinds, 2-No, 1-Abstain. With the vote, the Variance for 106 E 4<sup>th</sup> St., modifying parking fails.

- b. Public Hearing: Agency Exemption for Stevensville Public Schools of 300 Park Avenue; off-street parking requirements and Phillips Street design standards

The board does not have a decision on this item this evening. Mr. Means explained the project at the school, including new additions to existing structures, new parking lots, a bus drop off area, and pedestrian facilities. This request would provide safer areas for students.

Councilmember Vick asked about the map, in relations to the baseball and softball fields.

Councilmember Michalson asked about the traffic for the housing developments east of that area.

Mayor Dewey, the Town has scheduled the next Council Meeting for June 4<sup>th</sup>, starting at 5pm, including the vacate and reestablishment of Phillips St. on the agenda.

3. Adjournment

The meeting adjourned at 8:38p.m.

**APPROVE:**

**ATTEST:**

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Brandon Dewey, Mayor

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Monica Hoffman, Town Clerk