



**Stevensville Board of Adjustment Meeting
Agenda for
THURSDAY, SEPTEMBER 14, 2023
5:00 PM
206 Buck Street, Town Hall**

1. Call to Order and Roll Call
2. Discussion on the Following Items
 - a. a. Public Hearing/Discussion/Decision: Petition for Variance at 218 W 3rd St. Adjusting the Minimum Lot Area and Minimum Dwelling Size
3. Adjournment

Guidelines for Public Comment

Public Comment ensures an opportunity for citizens to meaningfully participate in the decisions of its elected officials. It is one of several ways your voice is heard by your local government. During public comment we ask that all participants respect the right of others to make their comment uninterrupted. The council's goal is to receive as much comment as time reasonably allows. All public comment should be directed to the chair (Mayor or designee). Comment made to the audience or individual council members may be ruled out of order. Public comment must remain on topic, and free from abusive language or unsupported allegations.

During any council meeting you have two opportunities to comment:

1. During the public comment period near the beginning of a meeting.
2. Before any decision-making vote of the council on an agenda item.

Comment made outside of these times may not be allowed.

Citizens wishing to speak during the official public comment period should come forward to the podium and state their name and address for the record. Comment during this time maybe time limited, as determined by the chair, to allow as many people as possible to comment. Citizens wishing to comment on a motion for decision before any vote can come forward or stand in place as they wish. Comment must remain on the motion before the council.

File Attachments for Item:

a. Public Hearing/Discussion/Decision: Petition for Variance at 218 W 3rd St. Adjusting the Minimum Lot Area and Minimum Dwelling Size

NOTICE OF PUBLIC HEARING

Thursday, September 14, 2023, 5:00 p.m.

NOTICE IS HEREBY GIVEN that the Town of Stevensville Board of Adjustments will hold a public hearing on Thursday, September 14, 2023, at 5:00 p.m. at Town Hall, 206 Buck Street, for the purpose of considering a Petition for Variance from Jim Cloud/Ridgeway Investments, owner of 218 W. 3rd Street.

The Petition for Variance requests the Board to approve a variance of the following local zoning regulations:

Developmental Code, Section 10-224-Dimensional Requirements Chart

a. The minimum lot area in square feet in an R-2 zone is 10,000 square feet. The applicant is requesting a variance to divide the current 11,760 square foot lot into 2 lots. One lot that currently has a home on it would measure 6,080 square feet and the new proposed lot would measure 5,700 square feet.

Developmental Code, Section 10-230-Residential Chart, and Section 10-231-Residential Chart Footnotes

a. R-2 Residential single-family dwelling (9) are permitted in an R-2 zone.

b. Footnote (9) minimum dwelling size is 1,000 square feet of habitable space. The applicant is requesting a variance to reduce the square feet of habitable space to 640 square feet.

Additional information, including the application for variance can be obtained by contacting Jenelle Berthoud, Town Clerk, 406-777-5271 ext. 102 or coming by Town Hall, 206 Buck Street, Stevensville, MT Monday-Friday's 8:00-5:00. Written comments may be mailed to the Town Clerk, Town of Stevensville, 206 Buck Street or PO Box 30, Stevensville, MT 59870 on or before 5:00 pm September 14, 2023, or emailed to jenelle@townofstevensville.com.





Town of Stevensville
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE
Community Development Department
Phone (406) 777-5271 Fax (406) 777-4284

Print Form

- 1) APPLICATION FOR VARIANCE MUST USE THIS FORM.
- 2) AN APPLICATION FEE OF \$750.00 MUST BE PAID TO THE TOWN CLERK BEFORE THE TOWN WILL PROCESS THE APPLICATION.

TOWN STAFF RESERVE THE RIGHT TO RETURN MATERIALS THAT ARE DEEMED INCOMPLETE OR LACK SUFFICIENT SUPPORTING DOCUMENTATION. THIS MAY ALSO DELAY THE SCHEDULING TO PRESENT A VARIANCE REQUEST.

(Part A) PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.

1. 1 copy of a scaled site plan and supporting data/documents. The site plan must clearly show the existing standard and the proposed variance to the standard.

2. **APPLICANT/REPRESENTATIVE:**

Name:	<u>Jim Cloud</u>	Cell Phone Number:	<u>406-531-6655</u>
Address:	<u>139 Juniper, Stevi, MT</u>	Other Phone Number:	<u>406-642-3633</u>
Email:	<u>jcloud@ridgewayrx.com</u>		

3. **PROPERTY OWNER** (If different from applicant):

Name:	<u>Ridgeway Investments</u>	Cell Phone Number:	<u>406+-531-6655</u>
Address:	<u>2824 US Hwy 93N, Victor, MT, 59875</u>	Other Phone Number:	<u>406-642-3633</u>
Email:	<u>jcloud@ridgewayrx.com</u>		

4. **ADDRESS OF PROPERTY:**

218 W. 3rd Street, Stevensville, MT, 59870

5. **LEGAL DESCRIPTION OF PROPERTY** (Block & Lots, Subdivision/Addition):

STEVENSVILLE ORIGINAL TOWNSITE, S27, T09 N, R20 W, 11760 SQUARE FEET, LOTS 11 & 12 BLK 17 20' ST REDUCED PF #7117 ALSO PT VACATED ALLEY #739708

6. **LOT OR PARCEL SIZE** (Square feet):

11,760

7. **CURRENT AND PROPOSED USE OF STRUCTURE OR PROPERTY:**

Currently one house on two combined city lots, Separate the two lots and put a 640 square foot house on 2nd lot.

8. **ZONING DISTRICT:** R-2 Residential



Town of Stevensville
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(Part B) INDICATE WHICH VARIANCE(S) IS (ARE) BEING REQUESTED AND THE EXTENT OF THE VARIANCE.

EXAMPLE: [X] Reduce Front Lot Line Setback: *From the required 10 feet to 3 feet.*

Dimensional Criteria:

- Reduce front lot line setback: _____
- Front lot line setback #2 (corner lot): _____
- Reduce garage entrance setback: _____
- Reduce side lot line setback: _____
- Reduce rear lot line setback: _____
- Exceed building height limitation: _____

Lot Coverage/Area Criteria:

- Lot coverage percentage: 10.66%
- Front porch lot coverage percentage: _____
- Lot area per dwelling unit: _____

Landscaping Criteria:

- Reduce or eliminate landscaping area: _____
- Reduce or eliminate screening area: _____

Parking Criteria:

- Exceed the maximum parking spaces allowed: _____
- Reduce the amount of required on-site parking spaces: _____
- Reduce or eliminate loading berths: _____
- Reduce or eliminate required bicycle spaces: _____

Sign Criteria:

- Sign area (square footage): _____
- Sign height: _____
- Sign location: _____
- Number of signs: _____



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(Part C) BOARD OF ADJUSTMENTS VARIANCE REVIEW CRITERIA. To approve a requested variance for a new building or portion thereof, the Board of Adjustment shall consider the following standards in section 11-114 of the Stevensville Town Code and find as follows:

1. The variance will not create a significant risk to the public health, safety, or general welfare;
2. The variance will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located; and
3. Excluding monetary hardship, strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.

It is the applicant's burden of proof to show that a variance should be granted. As part of your application, you are required to provide information for each of the following factors including all alternatives considered. Failure to provide adequate responses or requested documentation may result in a returned application.

1. Are there special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property? If so, state the specific factors and provide supporting documentation. For example, if the variance request is due to an abnormal lot configuration, provide a survey of the lot that specifically demonstrates the issue.

The site was originally two separate lots, at some undetermined time in the past, it was combined into one lot. The alley was also abandoned.

2. How is the proposed variance compatible with the other structures located on the site or in the vicinity of the site? Provide a site plan that accurately and to scale represents the height, location, and dimensions of existing structures.

We are only seeking a variance that is actually more conservative than the one granted to the property next door, the setbacks this property will be much larger, and the lot will actually be larger.

3. Describe whether there is a prevalence of nonconformities in the vicinity of the applicant's site that are similar to the variance requested. If so, what are those nonconformities and provide supporting documentation.

The lot directly next door to the North does not conform to the town size requirements.

4. Is the need for a variance request a result of government action? For example, the front yard setbacks were increased after construction of the structure, there fore creating the non-conformity. Explain.

No

5. Would a literal interpretation of the provisions in this title deprive the property owner of rights commonly enjoyed by other similar properties in the same zoning district? For example, would the denial of the variance deny the property owner the right to safe placement of a garage where garages are typical. If so, explain.

Yes, the property next door was granted a variance.



Town of Stevensville
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

(Part C Continued...)

6. Explain the extent of the circumstances that are creating hardship or difficulty in compliance with the Town Code and list alternatives and options considered by the applicant. Provide supporting documentation.

The minimum lot size requirement. The minimum home size.

7. Describe whether or not granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other similar properties located in the same zoning district and provide supporting documentation.

No

8. Do you think a rebuttable presumption, should apply to your property, yes or no? For example, do you have an existing non-conforming structure that you wish to rebuild in the same location? If yes, show the original footprint of the building. Provide documentation that proves the existence of the prior nonconformity. Document that the nonconformity can be in compliance with building and fire codes.


No

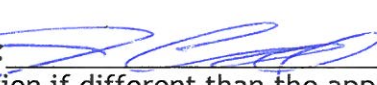
9. Provide any additional information you would like the Board to consider.

No

IT IS THE POLICY OF THE TOWN OF STEVENSVILLE'S BOARD OF ADJUSTMENT TO NOT ACT ON A PROPOSAL IF THE APPLICANT/PROPERTY OWNER OR REPRESENTATIVE IS NOT PRESENT AT THE BOARD OF ADJUSTMENTS HEARING. TOWN STAFF REPRESENT THE TOWN AND CANNOT ANSWER QUESTIONS ON BEHALF OF THE APPLICANT AT THE BOARD OF ADJUSTMENT HEARINGS.

I HEREBY CERTIFY THE ABOVE STATEMENTS AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT.

APPLICANT'S SIGNATURE:  **DATE:** 7/6/23

PROPERTY OWNER'S SIGNATURE:  **DATE:** 7/6/23

(Property owner must sign application if different than the applicant)

