



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

***** PLEASE SEE THE CITIZEN GUIDE FOR PARTICIPATION IN VIRTUAL PUBLIC MEETINGS POSTED ON THE POSTING BOARD AND ON THE TOWN'S WEBSITE FOR INFORMATION REGARDING PUBLIC COMMENT & HOW TO OBSERVE MEETINGS*****

The Town of Stevensville live streams Town Council and board meetings on our website at www.townofstevensville.com/meetings.

1. Call to Order and Roll Call
2. New Business
 - a. [Public](#) Hearing/Discussion/Decision: Petition for Variance at 106 E. 4th Street, adjusting the off-street parking requirement
 - b. Public Hearing: Agency Exemption for Stevensville Public Schools of 300 Park Avenue; off-street parking requirements and Phillips Street design standards
3. Adjournment

Citizens can comment at any time by emailing clerk@townofstevensville.com, or by mail.

A half hour prior to the start of a virtual public meeting, we'll place a drop box outside the front door at 206 Buck Street where citizens can drop off written comments. Comments will be read during the relevant agenda item's public comment period.

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.

**NOTICE OF
PUBLIC HEARING
Thursday, May 21, 2020
7:00 p.m.**

NOTICE IS HEREBY GIVEN that the Town of Stevensville Board of Adjustments will hold a public hearing on Thursday, May 21, 2020 at 7:00 p.m. via electronic meeting for the purpose of considering a Petition for Variance from David Laursen, owner of 106 E. 4th Street.

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

Development Code, Section 10-176 (j) – Off-Street Parking

- a. The required number of off-street parking spaces is a total of ten (10) spaces. The petition requests that the number of required off-street parking spaces be adjusted to three (3) spaces. The remaining required spaces would be available as on-street parking spaces.

The public hearing will be held by electronic means and live-streamed on the Town's website and Facebook page. Written comments may be mailed to the Clerk of the Town of Stevensville, 206 Buck Street, P.O. Box 30, Stevensville, MT 59870, on or before 5:00 p.m. May 21, 2020 or may be emailed to publiccomment@townofstevensville.com. **Citizens should consult the Citizen Guide for Town of Stevensville Virtual Public Meetings and Citizen Participation on the Town's website for information about how to participate in virtual public meetings.** Questions may be asked or more information may be obtained by contacting Town Hall at 406-777-5271.



Schrock Construction Inc.

1353 US Hwy 93 N, Victor, MT 59875 406-961-6808

April 7, 2020

Town of Stevensville
206 Buck Street
Stevensville, MT 59870

RE: Parking Variance Request

We are writing with the request of acquiring a parking variance for the proposed building addition to the property located at 106 E 4th Street.

We would ask that the Town of Stevensville allow 7 of the required 10 off street parking spaces be granted to Church Street for this proposed building addition project.

The allotment of 10 parking spaces would be as follows: 3 off street spaces on E 4th Street and 6 regular plus 1 handicap space on Church Street.

The parking on Church Street would be upgraded by the addition of striping and a handicap space. This proposed project will also help clean up the area and bring in new business, revenue and added value to the Town of Stevensville.

It is our hope that the Town of Stevensville will support our client's decision to build and add to the value of this area.

Thank you for considering our request.

Respectfully,



Schrock Construction, Inc





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

- 1) APPLICATION FOR VARIANCE MUST USE THIS FORM.
- 2) AN APPLICATION FEE OF \$450.00 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>Schrock Construction, Inc</u>	Cell Phone Number:	<u>406-360-2621</u>
Address:	<u>1353 Hwy 93 N</u>	Other Phone Number:	<u>406-961-6808</u>
Email:	<u>ed@schrockinc.com</u>		

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

Name:	<u>Dave Laursen</u>	Cell Phone Number:	<u>406-544-5784</u>
Address:	<u>711 Middle Burnt Fork Rd</u>	Other Phone Number:	<u></u>
Email:	<u>drlaursen@yahoo.com</u>		

4. **ADDRESS OF PROPERTY:**

106 E 4th Street

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

STEVENSVILLE ORIGINAL TOWNSITE, S27, T09 N, R20 W, 8367 SQUARE FEET, LOTS 9 & 10 BLK 22 RETRACED BY CS#714423-TR

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

8367 square feet

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

Unknown

8. **ZONING DISTRICT:** C1 Commercial



Town of Stevensville
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

(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: _____
- 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: to 3 off street spaces on E 4th St with remaining 7 on street spaces on Church St. be considered "off street" parking. _____
- Reduce or eliminate loading berths: _____
- Reduce or eliminate required bicycle spaces: _____

Sign Criteria:

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



Town of Stevensville
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

(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 Space available does not allow for the zoning required 10 off street spaces

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.

The proposed 3 off street parking spaces on E 4th would allow adequate parking for the building addition's business usage and the additional 6 + 1 handicap space on Church St. side would comply with C-1 zoning requirements

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.

Yes, there are other businesses in the immediate vicinity that appear to be nonconforming with regards to off street parking. Examples of nonconforming businesses include: Payne West Insurance, Morningstar Cafe and The Messy Apron.

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.

This is not a result of government action

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.

The denial of this variance would deprive the property owner of the right to build an adequate building addition on his property. Scaling back the size of the proposed permitted building would not be financially cost effective.



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.

To scale back the size of the proposed permitted building to be in compliance with the current parking requirements would result in the build to not be financially feasible and as a result the owner would not proceed with the project.

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.

There is no evidence that other property owners in the area would have the same circumstances and therefore granting this variance would not be providing special privilege to this property owner.

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.

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

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: William S DATE: Apr 7-2020

PROPERTY OWNER'S SIGNATURE: Gene Kaman DATE: 4-7-2020
(Property owner must sign application if different than the applicant)



NEW 400 AMP SERVICE PER NORTHWEST ENERGY

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



SCHROCK CONSTRUCTION INC.
135 N. MAIN ST. 2ND FL.
VICTOR, MI 49875
OFFICE: 406-961-6808

CONSULTANT:

CLIENT:
DAVE LAURSEN
104 E 4TH STREET
STEVENSVILLE, MI 49870

DRAWING TITLE:
SITE PLAN

REVISION DATE:	ITEM
02-27-20	BLDG. DEPT.

DATE: 04-07-20

JOB NO: _____

SHEET NO:

A1.0



May 14, 2020

Mr. Brandon Dewey, Mayor
206 Buck Street
Stevensville, MT 59870

RE: 106 East Fourth Street Variance Request
Staff Report

Dear Mayor Dewey,

At the Town’s request we have reviewed the proposed variance request.

Action Requested: Discussion/possible action regarding a request for approval of a variance to the parking standards of the Stevensville Development Code, to allow for the construction of a structure to be attached to an existing building, pursuant to Division 4, Board of Adjustments, Variances and Appeals.

Location: 106 Fourth Street East, Stevensville, Ravalli County, MT

Property Owner: Dave Laursen

Parcel Size: ± 0.192 acres

Current Zoning: C-1 (Commercial)

Current Land Use: Unknown

Area Zoning/Land uses:

- North: C-1, non-conforming residential use
- East: C-2, conforming use
- South: C-1, non-conforming residential use
- West: C-1, conforming use

PROJECT SUMMARY The applicant is requesting approval of a variance to allow for the construction of an addition to an existing structure. The proposed addition to the existing structure on the site results in construction that no longer complies with off-street parking requirements.

BACKGROUND Historically, the property has been used for commercial purposes. Since 2017, the Town has no record of a commercial use on the property and has considered the building idle. The current property owner proposes building an extension to the existing building but does not indicate what the proposed use will be.

VARIANCE

Section 10-117 provides that the Board of Adjustment (Board) shall consist of the mayor and town council members authorizes the Board to act on variance applications.



Section 10-119 provides that the Board may, after public notice and hearing, approve, approve with conditions, or deny any request to modify specific sections of the Development Code, including parking regulations. The concurring vote of four members of the board shall be necessary to reverse any order, requirements, decisions or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation.

Section 10-120 provides that the Board shall cause to be made such investigation of facts bearing on the application as will provide necessary information to ensure that the action on each application is consistent with the intent and purpose of this section. During time of appeal, all construction shall cease and shall not recommence until approved by the board of adjustment.

Sec. 10-122. – Approval provides:

“In approving applications of appeal or modifications, the board shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare, and shall find as follows:

(1) Such modifications will not be inconsistent with the intent and purpose of this chapter and/or any adopted master plan.

(2) That strict compliance with the provisions of this chapter would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property or the prevalence of similar conditions in the immediate vicinity of the property.

(3) That such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof.

(4) That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare, which provisions may include:

a. A time period within which the proposed structure will be erected.

b. Required landscaping and maintenance thereof.

c. Requiring the surfacing and marking of off-street parking and loading areas.

d. Any other conditions as will make possible the development of the town in an orderly and efficient manner and in conformity with the intent and purpose set forth in this section.”

The following is a review of the proposal:

- The proposed project consists of the expansion of an existing 3,216 square foot ‘shop’. The proposed addition is 3,380 square feet for a total 6,586 square foot building on a 0.192 size parcel.
- The applicant is requesting a reduction in the amount of required onsite parking spaces as required in Paragraph 10-176 of the Town’s Development Code.
- The current or proposed use of the proposed structure or property is listed as “unknown” on the variance application.
- The cover letter that was included with the variance application states that 10 off-street parking spaces are required. It is unclear how this parking requirement was calculated since the parking requirements in the

Development Code are based on the use of the property; however, the use is listed as “unknown” in the application.

- The applicant is requesting that three off-street parking spaces be provided and that 7 parking spaces on Church Street be considered off-street parking.
- The Development Code Section 10-176 provides a range of off-street parking requirements based on land use for new development and redevelopment. The number of off-street parking spaces are based on the type of use and building square footage and range in number considerably.
- It is unclear how a variance request from the parking criteria can be considered or approved when the specific variance request has not been adequately defined.
- As justification for the variance, the applicant states that without the variance the project would not be feasible, but supporting information is not provided. Financial feasibility is not generally accepted as justification for a variance.
- The applicant also states that granting the variance would not be considered an unreasonable special privilege. However, granting a variance without adequate documentation as to why the variance should be granted sets a dangerous precedent for other variance requests.

SUMMARY

Without an identified land use to determine the specific number of parking spaces required, consideration should be given to determine how many parking spaces should be provided if the variance request is approved to ensure adequate parking is provided.

When considering this variance request to fulfill the off-street parking requirements with on-street parking, consideration should be given to existing on-street parking needs based on current and potential future land uses in the immediate proximity. Discussion should also include consideration about the potential long-term impacts of designating specific on-street parking (public parking) for a specific use if surrounding uses also rely on these parking spaces.

Consideration should also be given to the precedent being set with the approval of a variance that does not appear to meet the justifications established in the Development Code. Specifically, in accordance with the Development Code, the applicant has not adequately demonstrated that strict compliance with the provisions of the parking regulation would create an unnecessary hardship or unreasonable situation on the applicant’s property due to unusual or extreme topography, unusual shape of the property or the prevalence of similar conditions in the immediate vicinity of the property. Further, the applicant has not adequately demonstrated that approval of the variance will not be inconsistent with the intent and purpose of the applicable regulations.

Sincerely,
HDR Engineering, Inc.



William A. Buxton, PE

**NOTICE OF
PUBLIC HEARING
Thursday, May 21, 2020
7:00 p.m.**

NOTICE IS HEREBY GIVEN that the Town of Stevensville Board of Adjustments will hold a public hearing on Thursday, May 21, 2020 at 7:00 p.m. via electronic meeting.

The Board of Adjustments has been given notice of intent to use or develop land contrary to local zoning regulations by the Stevensville School District, an entity of state or local government. The Stevensville School District's notice provides that it will use land inconsistent with the following local zoning regulations:

Development Code, Section 10-176 (c) – Off-Street Parking

The School District is proposing the following standard for the size of the parking stalls.

- a. When adjacent to monolithic "A" curb or sidewalk, the proposed parking stalls have dimensions of 9.0' by 16.5' to allowed for a 2.5' vehicle overhang at the front of the car. In comparison, for a head in parking option where the front of two vehicles are facing each other, the proposed stall dimensions are 9.0' by 18.5'. We are also requesting to vary from this code for the angled parking stalls. The dimensions of the proposed angled parking stalls are 9.0' wide by 19.1' long which match those used on recent projects in the Bitterroot Valley, including Daly Elementary and Marcus Daly Hospital in Hamilton, and are in line with the City of Hamilton and City of Missoula Standard Details.

Development Code, Section 10-187 (c) - Walkways, Sidewalks and Street Frontage

The School District proposing the following standard for the Phillips Street design east of Park Avenue through the school property.

- a. The proposed street standard is as follows.
 - i. Width – 27'-0" from back of curb to back of curb.
- b. We are proposing no parking along the street, in an effort to control parking and access at the designated drop off and pick up areas only.
- c. We are proposing no sidewalks on either side of the street. This is to in an effort to ensure that students utilize the sidewalks that provide direct access along the old Phillips Street right of way and direct access to the school entry without crossing are being near traffic. Sidewalks have not been provided along the new Phillips Street standard to increase safety.
- d. The standard is designed to following statements in mind.
 - i. The street is designed with the assumption that the street will not be utilized as a connector to future development to the east of Park Ave.
 - ii. The street bisects school property and it will be in the best interest of the community and school to keep Phillips Street as access to the school and the contiguous property to the east of the ditch. Limited use of the street and accompanying design will provide a safe environment for the students, parents, the public, and the residents that use the street.

The public hearing will be held to provide a venue to receive public input and comment on the matter. The Board of Adjustments shall have no power to deny the proposed use but shall act only to allow a forum of comment of the proposed use.

The public hearing will be held by electronic means and live-streamed on the Town's website and Facebook page. Written comments may be mailed to the Clerk of the Town of Stevensville, 206 Buck Street, P.O. Box 30, Stevensville, MT 59870, on or before 5:00 p.m. May 21, 2020 or may be emailed to publiccomment@townofstevensville.com. **Citizens should consult the Citizen Guide for Town of Stevensville Virtual Public Meetings and Citizen Participation on the Town's website for information about how to participate in virtual public meetings.** Questions may be asked or more information may be obtained by contacting Town Hall at 406-777-5271.





May 8, 2020

Brandon Dewey

MAYOR
Town of Stevensville
206 Buck Street
Stevensville, MT, 59870

Re: Town of Stevensville Development Code Requirements

Dear Mayor Dewey:

On behalf of Stevensville School District, MMW Architects is submitting an application to the Board of Adjustment for the Stevensville School Bond project currently under review by the City of Stevensville. This project consists of new additions to existing structures, new parking lots, a bus drop off area, and pedestrian facilities.

The Stevensville School Board is requesting an agency exemption approvals for the following zoning ordinances:

Development Code, Section 10-176 (c) – Off-Street Parking

We are proposing the following standard for the size of the parking stalls.

- a. When adjacent to monolithic “A” curb or sidewalk, the proposed parking stalls have dimensions of 9.0’ by 16.5’ to allowed for a 2.5’ vehicle overhang at the front of the car. In comparison, for a head in parking option where the front of two vehicles are facing each other, the proposed stall dimensions are 9.0’ by 18.5’. We are also requesting to vary from this code for the angled parking stalls. The dimensions of the proposed angled parking stalls are 9.0’ wide by 19.1’ long which match those used on recent projects in the Bitterroot Valley, including Daly Elementary and Marcus Daly Hospital in Hamilton, and are in line with the City of Hamilton and City of Missoula Standard Details.

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We are proposing the following standard for the Phillips Street design east of Park Avenue through the school property.

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- d. The standard is designed to following statements in mind.
 - i. The street is designed with the assumption that the street will not be utilized as a connector to future development to the east of Park Ave.



- ii. The street bisects school property and it will be in the best interest of the community and school to keep Phillips Street as access to the school and the contiguous property to the east of the ditch. Limited use of the street and accompanying design will provide a safe environment for the students, parents, the public, and the residents that use the street.

Please set a meeting with the Board of Adjustments to address these requests. Thank you for your consideration and if you have questions or need more information, please call.

Sincerely,

Kent Means
Principal Architect