



**Stevensville Board of Adjustment Meeting
Agenda for
THURSDAY, JULY 2, 2020
7:00 PM**

LOCATION: North Valley Public Library, 208 Main Street

CAPACITY IS LIMITED DUE TO SOCIAL DISTANCING REQUIREMENTS

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/Discussion/Decision: Petition for Variance at 216 College Street, adjusting the rear property setback
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:

EnterTextHere

Schrock Construction Inc.

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

June 8, 2020

Town of Stevensville
206 Buck Street
Stevensville, MT 59870

RE: Parking Variance Request

Mayor Brandon Dewey

I am writing in request of a parking variance for the proposed building addition to the property located at 106 E 4th Street.

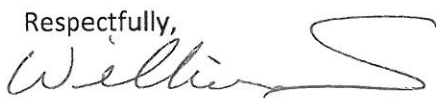
We would ask that the Town of Stevensville allow 4 of the required 7 off street parking spaces be granted to Church Street for this proposed building addition project.

The allotment of 7 parking spaces would be as follows: 3 off street spaces on E 4th Street and 3 regular plus 1 handicap space on Church Street.

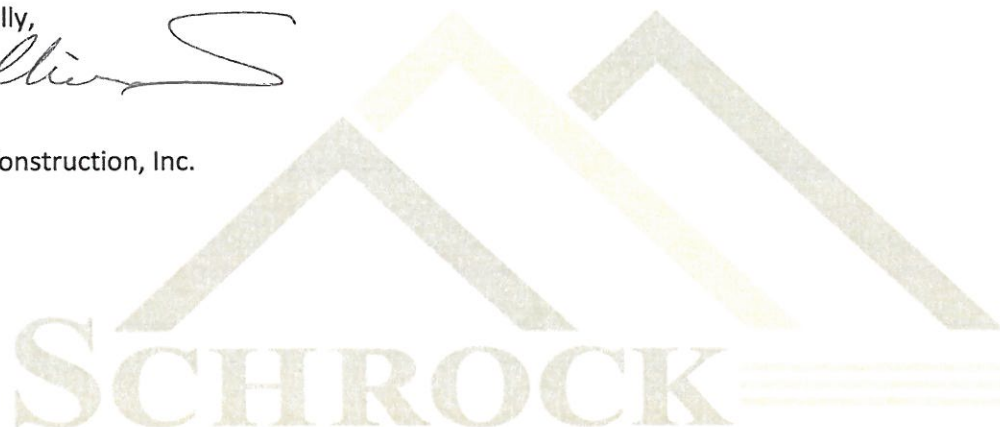
The parking on Church Street would be upgraded by the addition of striping and a handicap space. This proposed project will also help clean up the area and bring in new business and added value to the Town of Stevensville.

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: Schrock Construction, Inc. Cell Phone Number: 406-360-2621
Address: 1353 Hwy 93 N Other Phone Number: 406-961-6808
Email: ed@schrockinc.com

3. PROPERTY OWNER (If different from applicant):

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

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:

Furniture, home furnishings

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 4 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 7 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 3 + 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: Willie S DATE: June 8 - 2020

PROPERTY OWNER'S SIGNATURE: Sam P DATE: 6-8-20
(Property owner must sign application if different than the applicant)



June 11, 2020

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

RE: 106 East Fourth Street Variance Request #2
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 application lists the property use as ‘furniture, home furnishings’ which comes from the wholesale and retail chart of the development code. The information provided by the applicant does not distinguish between the current use and proposed use of the building and proposed addition.



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 applicant is requesting that three off-street parking spaces be provided and that 7 parking spaces on Church Street be considered off-street parking.
- 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 other businesses in the vicinity are also non-compliant with parking requirements. Payne West Insurance which was one of the businesses specifically mentioned is, based on our understanding, in compliance with current parking standards.

SUMMARY

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. In addition, the applicant needs to demonstrate compliance with all four components of Sec. 10-122 of the Development Code.

For this project the applicant has not adequately demonstrated compliance with Sec. 10-122(2) which states:

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.

The issues associated with this variance request are not impacted by topography or the shape of the property. The applicant does note that it appears there are other businesses (Payne West Insurance, Morningstar Café, and the Messy Apron) that are nonconforming with respect to off-street parking, however it is our understanding that Payne West is indeed in conformance with the parking requirements and the other two businesses are less than 2,000 square feet so the parking requirements do not apply. Therefore, there are no 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 (Sec. 10-122(2)).

Sincerely,
HDR Engineering, Inc.



William A. Buxton, PE



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

received
5/27/2020 3:30pm
[Signature]

- 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.

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(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>John Fisher</u>	Cell Phone Number:	<u>(406)552-3815</u>
Address:	<u>216 College St.</u>	Other Phone Number:	<u>777-5443</u>
Email:	<u>fisher8237@gmail.com</u>		

3. PROPERTY OWNER (If different from applicant):

Name:	<u>Stevensville United Methodist Church</u>	Cell Phone Number:	<u></u>
Address:	<u>216 College St.</u>	Other Phone Number:	<u>777-5443</u>
Email:	<u>steviumc@gmail.com</u>		

4. ADDRESS OF PROPERTY:

216 College Street

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

Block 13 lots 6 to 15 and Block 013 lot 006 Stevensville original townsite

6. LOT OR PARCEL SIZE (Square feet):

50,400 sq. ft.

7. CURRENT AND PROPOSED USE OF STRUCTURE OR PROPERTY:

Church

8. ZONING DISTRICT: R-1 Residential



Town of Stevensville
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

received
5/27/2020 3:30pm
(Signature)

(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: **From 20 feet to 12 feet.**
- 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: _____
- 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.

In order to preserve the off street parking and allow for the most space for a protected playground

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.

On this square block of the 200 block of College St. and Pine St. there are only 5 residences and the rest of the block is taken up by the church property.

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.

This area is part of the original Town site so all properties encompass more than 1 lot and the alley between 2nd St. and 3rd St. between College St. and Pine St. has been abandoned. The same situation exists one block east.

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.

In order to preserve the off street parking and allow for the most space for a protected playground



Town of Stevensville
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

received
5/27/20 3:30 pm
WLF

(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.

In order to preserve the off street parking and allow for the most space for a protected playground.

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.

On this square block of the 200 block of College St. and Pine St. there are only 5 residences and the rest of the block is taken up by the church property.

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.

This remodel of the Fellowship Hall of the Church will not only provide another pre-school in the county but it will also provide for an additional 18-20 full time employees for the Town.

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

This remodel of the Fellowship Hall of the Church will not only provide another pre-school in the county but it will also provide for an additional 18-20 full time employees for the Town.

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.

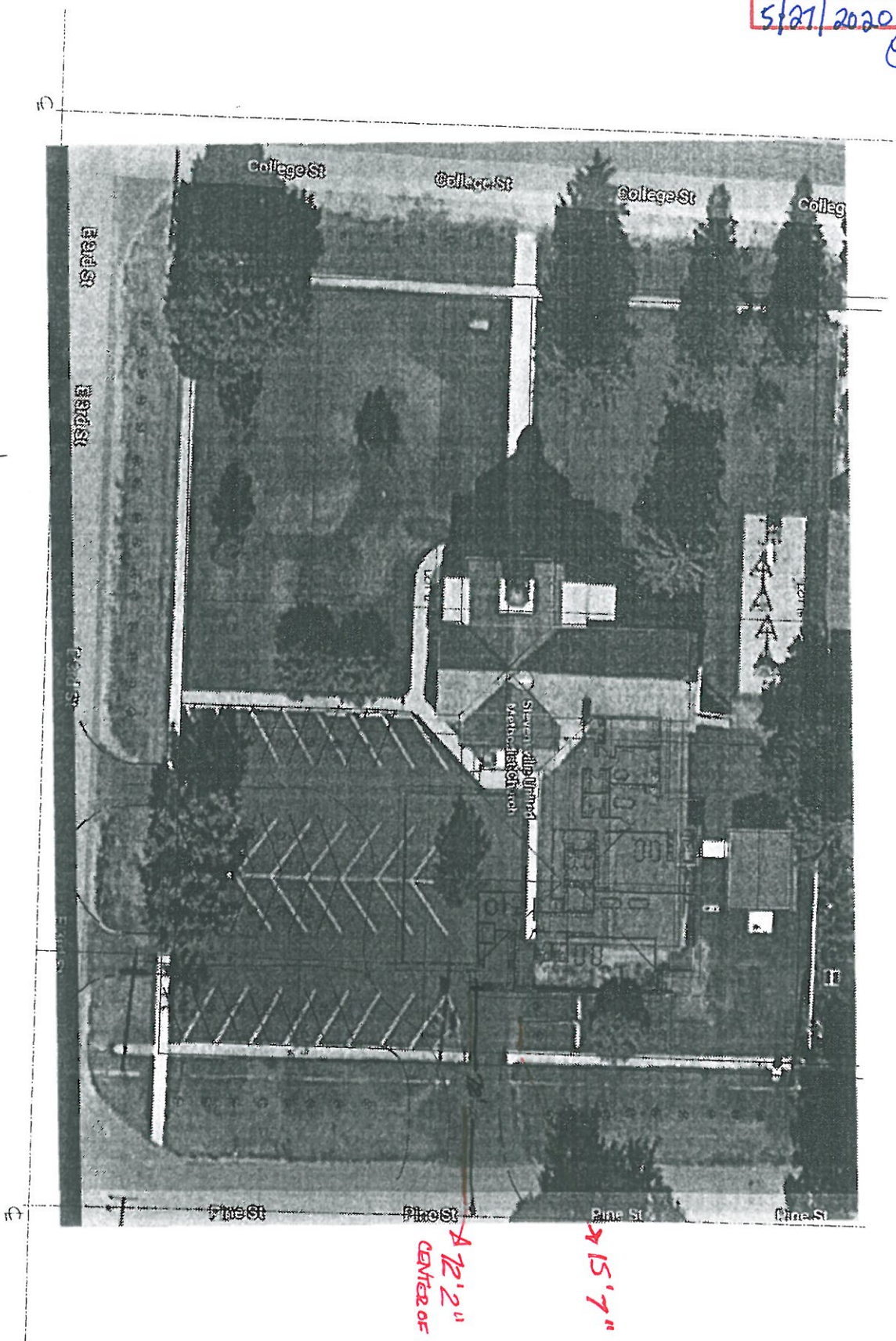
APPLICANT'S SIGNATURE: John Fisher DATE: 5/22/2020

PROPERTY OWNER'S SIGNATURE: Paul Fisher DATE: 5/27/2020
(Property owner must sign application if different than the applicant)

received
5/27/2020



SITE PLAN Scale: 1" = 20'
 GEO CODE: 13-1164-21-4-21-0000
 STEVENSVILLE ORIGINAL TOWNSHIP
 571 709 N R20 & BLOCK 03 LOT 006
 LOTS 6 TO 5 BLOCK 13 STEVENSVILLE



AN ADDITION/REMODEL FOR
 STEVENSVILLE UNITED
 METHODIST CHURCH
 216 COLLEGE STREET
 STEVENSVILLE, MT 59870

Sheet Name: **SITE PLAN**

REVISIONS	

StringLine Design
 Phone: (406) 529-405
 PO Box 1953
 Hamilton, MT 59840
 StringLineDesign@y

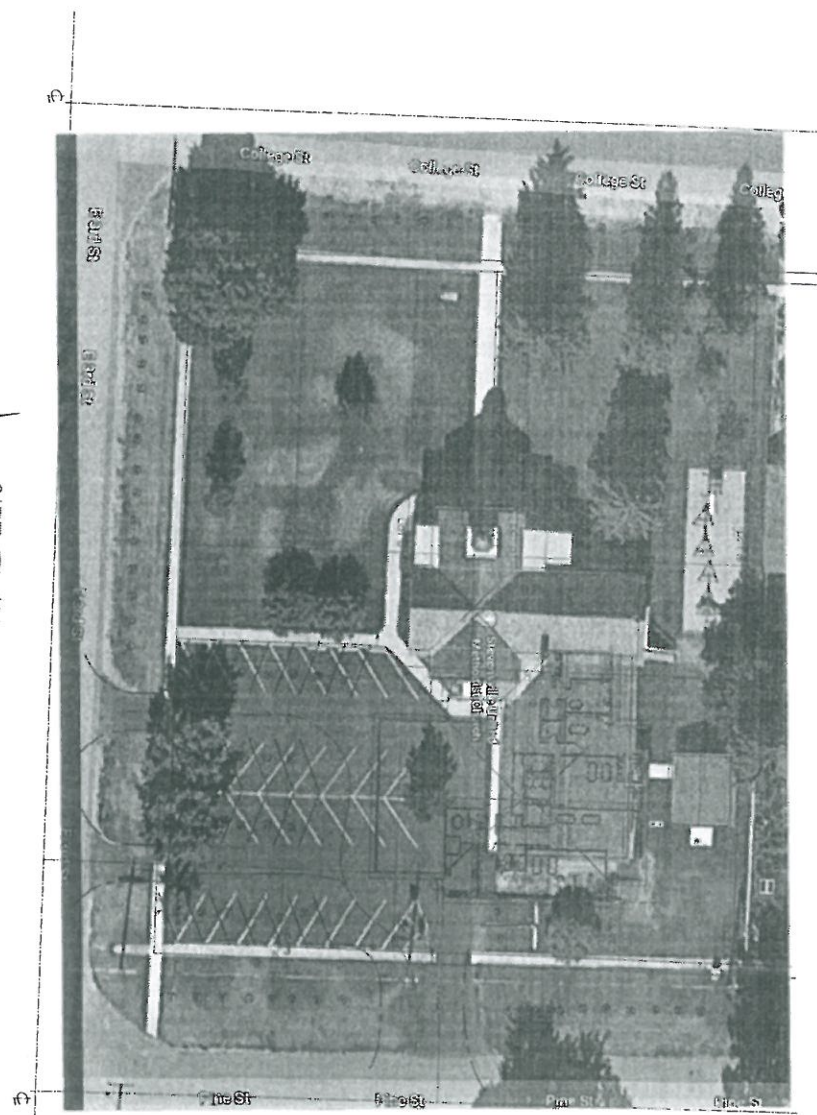
Drawn By: STRINGLINE DESIGN
 PO BOX 1953
 HAMILTON, MT 59840
 (406) 529-4053

Scale: PER PLAN

Date: 5/21/20

Sheet Number:

received
5/27/2020 JLA



SITE PLAN Scale: 1" = 20'
 GEO CODE: 13-164-37-1-4-01-0000
 STEVENSVILLE ORIGINAL TOWNSHIP
 5217 29 N R20 4 BLOCK 3 LOT 006
 LOTS 6 TO 9 BLOCK 13 STEVENSVILLE

1	Drawn By: STRINGLINE DESIGN 1001524 003
	Date: 5/21/20
	Scale: PER PLAN
	Sheet Number:

AN ADDITION/REMODEL FOR:
 STEVENSVILLE UNITED
 METHODIST CHURCH
 216 COLLEGE STREET
 STEVENSVILLE, MT 59870

Sheet Name: SITE PLAN

REVISIONS

StringLine Design
 Phone: (406) 529-4053
 PO Box 1953
 Hamilton, MT 59840
 StringLineDesign@Yahoo.com

TOWN OF STEVENSVILLE
CASH RECEIPT

Printed 15:30:11 - 05/27/20

Batch:10658
Transaction:14

Reference Number: APPLICATION FOR VARI
Name: MS SASRAH MERCHANT
Address: 216 COLLEGE STREET
[STEVENSVILLE]

Item(s) Description:	
MISDELMANEDUS HILVENIIE - GENERAL	450.00
Check # 527	450.00
Cash Paid	
Credit Paid	
Less Change Given	()
TOTAL:	450.00

Comments:
Application for Variance 216 College Street



June 15, 2020

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

RE: 216 College 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 setback standards of the Stevensville Development Code, to allow for the construction of the expansion of an existing church structure, pursuant to Division 4, Board of Adjustments, Variances and Appeals.

Location: 216 College Street, Stevensville, Ravalli County, MT

Property Owner: Stevensville United Methodist Church (c/o John Fisher)

Parcel Size: ± 1.157 acres

Current Zoning: R-1 (Residential)

Current Land Use: Church

Area Zoning/Land uses:

- North: R-1 Residential, conforming use
- East: R-1 Residential, conforming use
- South: R-1 Residential, conforming use
- West: R-1 Residential, conforming use

PROJECT SUMMARY The applicant is requesting approval of a variance to allow for the reduction of the rear lot line setback from 20 feet to 12 feet set construction of an addition to an existing structure.

BACKGROUND The applicant is requesting a variance from the lot line setback requirements so that the church addition can be completed without reduce existing playground area and preserve existing off-street parking.

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.

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“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 church.
- The applicant is requesting a reduction in the rear lot line setback from 20 feet to 12 feet as required in Paragraph 10-224 of the Town’s Development Code.
- The current use of the proposed structure or property is listed as R-1 Residential and this use will not change.
- This area is part of the original Town site and all properties on the block encompass more than 1 lot and the alley between 2nd Street and 3rd Street between College Street and Pine Street has been abandoned. The same situation exists one block east.
- On the 200 block of College Street and Pine Street there are only 5 residences and the remainder of the block is church property.
- The applicant is requesting that the rear lot line setback be reduced from 20 feet to 12 feet.
- The Development Code Section 10-224 provides the required lot line setbacks.

- The expansion of the building toward the rear lot line does not result in the new structure being placed in the immediate vicinity of an existing structure.
- The Pine Street right-of-way is adequate to accommodate a future road expansion if it is ever required.

SUMMARY

The applicant can reasonably argue that the lot size and dimensions created as part of the original Town site were not done so with specific uses in mind and as a result these limitations create a hardship on the existing property owner.

It appears that by granting the variance, the improvements will not impact surrounding properties or the Town in general based on the following observations:

- The expansion of the church toward Pine Street does not create an issue with respect of fire protection as a result of two structures being in close proximity.
- It appears that the expansion of the church structure will not prohibit the future widening of Pine Street.

Sincerely,

HDR Engineering, Inc.



William A. Buxton, PE