

**Stevensville Board of Adjustment Public
Hearing & Meeting Minutes
for MONDAY, NOVEMBER 22, 2021, 6:00 PM**

1. Call to Order and Roll Call

Mayor Dewey called the meeting to order. Ms. Allen, Mr. Ludington, Mrs. Wandler and Mr. Dewey were all present. Ms. Devlin attended via phone.

Mr. Dewey: for those of use watching us live streaming Ms. Devlin is joining us via telephone this evening.

2. Discussion on the Following Items

a. Public Hearing/Discussion/Decision: Petition for Variance at 3792 Eastside Hwy, adjusting the front lot line, side lot line and rear lot line setbacks and the maximum lot coverage percentage and maximum lot coverage minimum lot area

Mr. Dewey: introduced the public hearing and meeting. Dan Metully is here this evening.

Dan Metully: (Handed out maps of his property to the audience and the council.) I am trying to build out the project with the resources and be efficient as possible. I was not aware that there were setbacks on the front and rear not particular concerned about the side especially on the north side because there is a ditch there that needs to be, I need to be 10 feet from that ditch so they can clean the ditch and I can protect my buildings from the water as well. My primary concerns are the buildings, it has been my intention to construct three of these buildings to act as part of the perimeter fencing for the property for the security part of the project itself. The 25-foot set back in the front keeps me from building anything there and it also gives me what is now about a 35-foot area by 100-foot area that I have to maintain and cut the weeds and get all the stuff out of it and put a fence back up, 6-foot security fence. Back same thing it would be my intention to not go right up to property line with the exception of the southwest corner it was my intention to have my cyclone fence meet the corner of the building again for purposes of security and the, it is the primary concern, do I want to build out my property as efficiently as possible, yes, I do. But I also have security concerns that are difficult to address with cyclone fence alone and I have felt that coming into this and using the buildings as the fencing would address that. Knowing now what the rules are in this extended zone was kind of a surprise for me.

Mr. Dewey: are their questions from the board before we open up the public hearing?

Mr. Ludington: you are still considering fencing wherever you don't have a building?

Dan Metully: that is correct. Has to be, recently my house was broken into and that is the nature of things now days and if someone is not there constantly you know it is just not me. The feeling of violation that you get from that. Also, customers have had people come in pull the locks off pull something taken to a pawn shop, difficult to identify like a television and then through

another lock back on there. Arguably I wish that I could have taken care of this fencing prior, but I am just a working guy and have been building this thing out as I could afford it. I don't have a pile of money I did start coming in with the fencing and then some of the fencing came down with the anticipation of growing the project there are vehicles there that I want to get rid of because when we came into it we did not know how successful the business was going to be now I can if everything works out fine I get to build out, I will get to build on this whole piece of property I will get rid of all of those vehicles and it is something that I have to do in stages, it is aggravating for me as well and I am sure that the neighbors don't care for it. We don't want to be a bad neighbor we don't want this project to be a problem we are more than willing to discuss any concerns.

Mr. Ludington: you have 4 existing buildings. Directly east of that there is another building is that not part of your property?

Dan Metully: no, that large barn belongs to Dean Whitesitt.

Mr. Dewey: any further questions from the board at this time? Thanks Mr. Metully. At this time, I will open the public hearing to take public comment on the petition on the variance. At this time there is no proposed decision, the board is listening to public comment and the comments of folks. Every property owner within the 500-foot radius of the project was mailed this we received two written public comments, one from Brad and Nancy Pollman and one from Nicholas Pollman both property owners in the area and both of those have been distributed to the board in advance for your review. At this time, I will open the public hearing.

PUBLIC HEARING/COMMENT

Dean Whitesitt: 121 Middle Burnt Fork, two or three concerns on this, one of them being the zero-tolerance set back on the east side of this totally restricts my ground, because there is supposed to be 7 ½ feet on each side of the irrigation ditch to get in there and maintain the ditch, to burn the ditch, clean the ditch on that whole part. With zero tolerance on one side, I would have no way of running both sides totally from my side doesn't give me access to my side. The other problem there is going to be when burning the ditch, it will burn very close to if not up to his building with zero set back. And the same thing for just general maintenance of the ditch. The other problem is it that creates a problem is that ditch has the potential to overflow occasionally and with it right up next to the zero tolerance if it floods over it is going to flood those three because there is no space for it to slow down or move it, and then I would wonder why and who is responsible for that. I would not feel that it was my responsibility in the fact that I can't get to it to clean it burn it and do all of those things. Then it is not my responsibility to try and keep it out of his buildings. The other part of it is the side that is on the clinic side if you look at the map, there is 10 feet between buildings to get through there which would be with a backhoe and or possibly a dump truck you can not make it you can get through but you can't turn because in the middle of that space is the ditch, so consequently there is no room and plus on the north side between the doctors and the physical therapies there are six cotton wood trees which were again totally restricts that side it just makes me concerned with what is going to happen because that part of the ditch is the ditch that is used by myself, my overflow water which would be on the east side also but the ditch runs into another ditch which is union ditch my water comes out of supply ditch and when all this happens you get two ditches combining

and this section has way more potential to flood and it has once already in fact they have had to line some of it with plastic to keep it from going into the physical therapy basement and they have had trouble with that and by cutting it down even more we are not going to be able to get in there and clean them because we are not going to be able to turn or burn or do any of that stuff. I just think that this is a total accident waiting to happen. That is pretty much what I have to say, I was going to ask if Pollman's letters got here, you got to read those.

Mr. Ludington: are you just using those ditches for waste you are not getting anything that you are using?

Dean Whitesitt: mine is wastewater coming out of the ditch it comes across the other ditch that comes across my field it goes straight through, that is their supply water that goes across the east side highway.

Mr. Ludington: what about access to your barn, is there another way to get in other than Mr. Metully's property?

Dean Whitesitt: Dan had said that he would make it so I could get through there.

Mr. Ludington: is that the only access?

Dean Whitesitt: I can go through my property and the hayfield.

Mr. Ludington: I am looking at it on Google Maps it shows the four buildings and the vehicles that you have on the north side, and I can see part of the road further east on Mr. Whitesitt going to his barn but I also see your property to get to that barn as well so that was my question there.

Dan Metully: that has been a gentleman's easement since I bought the place and that is actually written into my plan a 10-foot set back from the ditch is also already in the plan.

Mr. Dewey: the 10-foot set back is code because you could build to 7 ½.

Dan Metully: there is also like Dean says,

Mr. Dewey: as far as we are concerned, we are only concerned with what the ordinance says and what you can build. You are not asking for a change on that side. He is proposing 10 feet, but he is not asking us on the north.

Dan Metully: my plan is written at 10 feet. I just want to be clear that I had already planned for that and the reason that I planned for that is you know I knew that ditch was problematic from a couple of different stand points one being that it is there, and it needs to be maintained and there is also a 5-foot drop from one side of the property to the other. And I need to make sure that my buildings, so you have a situation there was that flood that went through there, that is kind of act of God stuff I am going to my level best to put jersey barriers or something at the back of my buildings around the side to keep that water out of my customers belongings I wouldn't, that thing just exists, and I am the one that has to deal with it.

Dean Whitesitt: the other problem that I would foresee at the back of your building there would be your security fence that goes across there has to be there you are not going to be.

Dan Metully: there is not going to be security fencing at the back of the building the back of the building is the security fence.

Dan Whitesitt: there must be one some place.

Dan Metully: only along the front of the property and along the south end of the property it already exists. There will be small little pieces of fencing.

Mr. Dewey: to help keep us on track we are not dealing with the north boundary whatsoever. There is no request of the north boundary.

Dan Metully: the only side is on the southwest corner where I want the fence to meet up with the building. As far as the ditch I don't want my building sitting on the ditch. That would be problematic.

Mr. Dewey: is there any further public comment on the variance?

Dean Whitesitt: zero set back?

Mr. Dewey: we are taking public comment and you have spoken to the zero set back and that is noted.

Dean Whitesitt: as far as me cleaning the ditch and burn the ditch there is zero set back there is no room for error.

Dan Metully: I am not asking for a set back there. But that is not the way that I am treating it, I wanted a zero set back on the southwest corner on the north side it is not realistic, you guys have to get in there to take care of the ditch and I have to protect my buildings.

Ms. Devlin: I can not hear them back there, I am trying to rely on the Facebook feed, but I cannot hear them.

Mr. Dewey: in the interest of keeping the public hearing going, you have made your comments for the board to consider they are well aware of your concerns so we are going to move on to other public comment and when the board engages in discussion they can discuss.

Dean Whitesitt: the other part of the concern with me are the vehicles. But the other part of it this whole hearing is going on the fact that there are all of these zero setbacks. And now we are saying that it is not going to be, so you are going to be voting on something that is not the true issue.

Mr. Dewey: the application requests that the front-line setback be adjusted from 25 feet to zero. The south from 7 ½ to zero. And the rear from 20 feet to zero. We are not adjusting the north boundary just the three sides.

Dean Whitesitt: here is my boundary the set back is included in this.

Mr. Dewey: you have noted the concerns that you have with that, and MR. Metully is saying his plan, we can only adjust the boundary and nothing else. He is saying in his plan that he is only building in the zero set back in certain places and he is considering the ditch, am I understanding that right?

Dan Metully: what he is referring to is the ditch on the east side of the buildings maybe we need to address that and see what will work for you.

Dean Whitesitt: that is all that you can do, because what we are asking for is zero setbacks.

Mr. Dewey: on three of the four sides. And he can ask for that and the board tonight.

Dean Whitesitt: (unclear audio) along the east of the back side.

Mr. Dewey: and that would be the rear set back and the board could condition that, they could grant two of the three setbacks if they want to, none of them or all of them if that is what the board is considering.

Dean Whitesitt: make certain on the north because.

Mr. Dewey: it is not even in the application so we can't even talk about it. It can't come up.

Dan Metully: I will set my buildings back. Proper consideration to the east side we can certainly do that, and I am certain that we can address this.

Dean Whitesitt: the application it just doesn't leave a lot of room.

Mr. Dewey: we are not talking about the north side.

Dean Whitesitt: it says it on the application.

Mr. Dewey: no, it doesn't.

Dan Metully: can we just clarify.

Mr. Dewey: the application as I stated the front-line setback 25 to zero. The side set back from the south 7 ½ to zero and the rear line from 25 to zero. Rear, which is east, south which is south, front which is front. There is no north on the application, he hasn't asked us to.

Dan Metully: I am not here to (unclear audio) (chatter between Dan and Dean) the vehicles are going away.

Mr. Dewey: we are going to keep the meeting going, so and we are online, and we are going to try and keep the meeting going. Your comments have been noted so we are going to move on the next public comment if there are any. Is there any other public comment?

Jeff Motley: looking at the map, on the south side is that a 20-foot setback or a 7 ½ setback.

Mr. Dewey: so, the regulated setback today is 7 ½ feet.

Jeff Motley: from 20 to zero? Going back to a zero set back for the property line how does that affect the adjacent property, if they want to do anything with their property will they be held to that 7 ½ setback. On the adjacent property to the south wants to build a building or whatever they now would only have a 7 ½ foot lane between buildings, we need more space between buildings, we could be allowing for a future issue with the adjacent property owner.

Mr. Dewey: is there any further public comment for the public hearing portion? Hearing none we will move into the remainder of the meeting, discussion decision.

MEETING

Mr. Dewey: again, the board the board is being asked to consider the front setback the rear setback on the east side and the side setback on the south side only in addition addressing maximum lot coverage percentage and the minimum lot area as well. There are a number of facets that are involved in this petition that are somewhat complicated checking a lot of boxes on one application so, if it is the boards desire to go through those piecemeal addressing setbacks and then going to lot percentage and then lot area, we can do that rather than dealing with it one bulk action.

Mr. Ludington: I guess at this point I just have more questions. So, on the south side you are just anticipating, you have a fence there now and according to your plan that is what is going to remain there is a fence.

Dan Metully: yeah, my existing buildings are presently 20 feet from the property line and the only place where I want the change is in a 15-foot section in that southwest corner so that the fence can meet the building.

Mr. Ludington: and with the existing 25-foot front setback, that proposed building in the southwest corner will not exist.

Dan Metully: I have had the money in the bank for 6 months to put that building up, just one thing or the other.

Mr. Ludington: so, where are we on the east side? There is a bigger setback then zero.

Dan Metully: I think we can work this out with these guys, I don't really have, it is fair to say that I probably did not give that back ditch enough consideration I thought it was further from the fence. If a conversation can take place with what is reasonable so that these folks can have what they need to accomplish their daily goals I am good.

Mr. Ludington: so, here is where I am at right now, Mr. Metully. If you are able to do the same thing on the east side as you are on the north side, 10-foot back from the center of the ditch and also the front setback, the way you have your two east/west proposed buildings there just north of the house is protruding into that setback I don't really have an issue with that. The biggest issue that I have at this point is that southwest corner. I have a problem with a building that close to the road that is the biggest issue that I have here, the proposed buildings they look like to me go into that 25-foot setback 5 or 6 feet. I don't have a problem with that if we could do something with the east with the ditch back there.

Dan Metully: I am sorry could you repeat your comment on the front setback again.

Mr. Ludington: front setback it looks like the proposed buildings just north of the house.

Dan Metully: it is actually just one.

Mr. Ludington: it looks like two on this, but they protrude into the front setback as well and I don't have a problem with that, the biggest problem is that building in the southwest corner being on the lot line. I would prefer that we try to preserve at lease a 20-foot setback in the front. Especially since you are considering keeping the existing fence that you already have on

the south and that portion of the east as well. I think, my opinion is we should be able to try and accommodate that some how tying the fence into that existing building there I would like to try and alleviate that building.

Dan Metully: you don't want to give me any additional setback off the front? I am not being argumentative I just want it to be clear in my mind. Because when I walk out, I have that fifty grand in the bank to build a building do I give it back to the bank or do I modify the plan or what. That is my concern, there is presently 35 -feet between the one building and the property line so does it mean that I can build a 10-foot building and that is it?

Mr. Dewey: it sounds like based on the comments that you made that a zero setback on the front is not something that Mr. Ludington is willing to consider, but a 20-foot setback on the front is something to consider.

Dan Metully: if it is, if I don't get the setback on the front, we don't build the building if I have to come in 20-feet from the other building that leaves me 10-feet and you can't get a vehicle between the two buildings and that is not going to happen. I am not going to make this a long-drawn-out thing I was hoping that things would work out in my favor especially in regards to the building because of the security issue and now I have to care for that 35-feet of space of weeds and everything else that grows around there. I don't know how Brad Pollman feels about the lights from my building shining into his rental over there, I can't imagine that is what he wants. It is just what it is. There is really not going to be any problem on the north boundary because I have already addressed it and I don't see why we can't work together to see what is reasonable on the east boundary. So, I guess that this is just what it is and based on, and if that is your decision to not allow that, that is just where we will have to be.

Ms. Allen: (referring to the map with Mr. Metully) can I ask a question, looking at this map there are two proposed buildings that I agree with Paul that building is really close to the road. So, in thinking of changing this from the required 25-feet to zero, if we were to change it to 20-feet these two proposed buildings will not be built?

Dan Metully: no.

Ms. Allen: so, I think that ideally only this one will be built not all three, if we change that setback, correct? If we change this, discuss changing this setback from 25-feet to 20-feet we are thinking of making it, so this building isn't possible, we are (referring to the map with Mr. Metully)

Dan Metully: I am not worried about these; this was drawn aggressively the drafter put more buildings on here than I had anticipated more units than I had anticipated doing so I am not specifically concerned with the stuff over here (referring to the map with Ms. Allen) I can change that.

Ms. Allen: so, the building on the southwest corner will not exist but the other two buildings will.

Dan Metully: to the extent that they can live in that framework sure whatever I am fine with that, again this was my concerns if it happens that I can't accomplish that I am not here to be a bad neighbor I am not here to start a big to do about it.

Mr. Ludington: fortunately, the fact of the matter is across the street are not very much in favor of this.

Dan Metully: can I find out why?

Mr. Dewey: do you want to read their comments?

Dan Metully: please. (The clerk provided Mr. Metully with the two written comments from the Pollman's). I am a reasonable guy.

Mr. Dewey: so, on the, to keep this meeting going, why don't we take this piece by piece, you have the ability and that latitude and so with the front lot line setback from 25 to zero feet. With a motion.

Ms. Allen: I will make a motion to grant that variance at 20 feet.

Mr. Ludington: I will 2nd that.

Mr. Dewey: it has been moved by Ms. Allen and 2nd by Mr. Ludington to grant the front lot line variance to 20 feet instead of the proposed zero setbacks. Board discussion?

Ms. Devlin: which one, the front? Meaning the east or the west?

Mr. Dewey: the west, the applicant proposed, code says 25 the board is proposing 20.

Ms. Devlin: okay, thank you.

Mr. Dewey: you are welcome. It has been moved and 2nd any further board discussion on the 20-foot variance. Is there any public comment?

PUBLIC COMMENT

Jeff Motley: you set back to 20 from the zero if the front buildings along that road were not 15-foot deep but 10-foot deep that gains that extra 5-feet of travel space that may be a viable option. A question that I have is by going to a zero-lot line setback down the road if we run a water main/ sewer main is there room between the road and where his buildings would be if we have a zero setback.

Mr. Ludington: I believe that water and sewer run down just that east side of Eastside Hwy.

Mr. Dewey: generally, we put those amenities into writing and that they are already established.

Jeff Motley: so that 25-foot to zero would not affect that?

Mr. Dewey: we would generally put unless we had to, we would not put utilities in someone else's property.

Jeff Motley: what I am saying is that moving the lot lines there would be room for that.

Mr. Dewey: yes, any further public comment on 20-feet versus 25? Hearing none we will call for the vote on the front-line setback, Ms. Berthoud.

Ms. Allen: aye.

Ms. Devlin: aye.

Mr. Ludington: aye.

Mrs. Wandler: aye.

Mr. Dewey: aye.

Mr. Dewey: now let's move on to the side lot line setback the proposal is to reduce that setback on the south from 7 ½ feet to zero.

Ms. Devlin: I will make a motion to approve that.

Ms. Allen: 2nd.

Mr. Dewey: it has been moved by Ms. Devlin and 2nd by Ms. Allen to approve the proposal of the south lot line from 7 ½ feet to zero feet. Board discussion?

Mrs. Wandler: I am concerned about the access for fire and the neighbors.

Mr. Dewey: sure. The only response that I can offer is we do zero lot line setbacks in other zones C-1 is a good example where you can build to the lot line in a commercial zone, this is zoned C-3 which is a commercial zone for highway commercial. Depending on what kind of development happens to the south in the next 50-100 years depends on if people want to build to zero lot lines or not. It is not out of the question; downtown is a perfect example there are no lot line setbacks between the building behind you and this one. and when buildings are really close to each other the building code enforcement division requires the buildings be built to certain codes, these buildings are not subject to our building codes because they are not annexed in. if that was a concern of yours you could consider annexation to ensure that permits are pulled when buildings are built, I think there are minimal resources to address that concern. Any further discussion?

Mr. Ludington: we did not hear anything from that property?

Mr. Dewey: no. so, and it is not a very long list of property owners a lot of property is owned by the same people, they own chunks. Very short list of ownership. Any further board comment?

Mrs. Wandler: I would hope that if we do allow the variance that we annex into Stevensville so that proper fire codes and codes are recognized.

Mayor Dewey: are you offering that as an amendment?

Mrs. Wandler: yes.

Mayor Dewey: is there a 2nd.?

Ms. Allen: 2nd.

Mr. Dewey: it has been moved by Mrs. Wandler and 2nd by Ms. Allen to amend the motion and condition the approval of the zero-lot setback, to condition annexation so that building codes can be enforced.

Councilmember Devlin: for future or for this project?

Mayor Dewey: for this one. If the property is annexed, it is in. So, the intent of Ms. Wandler's amendment is to ensure that the buildings that are built comply with applicable safety codes. To address fire safety.

Councilmember Devlin: thank you.

Mayor Dewey: you are welcome, is there any discussion on the amendment specifically. Is there any public comment? Hearing none we will call for the vote on the amendment, Ms. Berthoud.

Ms. Allen: aye.

Ms. Devlin: aye.

Mr. Ludington: aye.

Mrs. Wandler: aye.

Mr. Dewey: aye.

Mr. Dewey: so that amendment passes so the motion on the floor is to approve the modification from side lot setback from 7 ½ to zero on the south boundary with the condition that the property be annexed. Further discussion from the board? Public comment?

PUBLIC COMMENT

Jeff Motley: so, we are going to annex the property and allow it to come in with zero lot line setback and that is going to help us out with future development? And that is going to help us out now?

Ms. Allen: I think that the topic of annexation for me is interesting because as we move forward and talk about the 10,000 square foot lot area it is a concern of Nicholas Pollman, a neighbor, if the property was annexed into the town of Stevensville, I could see the request for the 10,000 square foot area but based on current use that is where I bring in the annexation verbiage.

Mr. Dewey: is there any further discussion or public comment?

Ms. Devlin: if I remember correctly did the master plan or the last growth plan call for annexation and business to put along that corridor?

Mr. Dewey: the 2016 growth policy did encourage annexation to the south.

Ms. Devlin: so, that is what we are trying to do right now, correct?

Mr. Dewey: essentially. This would align with this growth policy.

Ms. Devlin: so, we are doing what our growth policy that was singed off on is asking us to do. I am just clarifying.

Mr. Dewey: yes, it is.

Ms. Devlin: thank you.

Vickie Motley: 318 9th Street, my question is if you annex is the town prepared to bring in water and sewer to that property, because isn't that not part of annexation.

Mr. Dewey: to answer it, yes, it is essentially there. Any further public comment? The only thing that we are taking public comment on now is the sideline on the south.

Dan Metully: will the annexation on the south (unclear audio)

Mr. Dewey: yes, but now we want to, this is going to get really weird. Only regards to the sideline lot setback we are only concerned with the side lot line and its relationship with annexation. We realize and I understand that there is annexation else where that may be, that may come up in the application, but we are not there yet.

Jaime Devlin: Brandon I have to go take care of an emergency.

Dan Metully: I will let you guys have a conversation about the southwest corner because you know with a 20-foot set back it is not going to happen it is a mut point ands the building will not be put up. So, if you guys chose you can move on to the (unclear audio)

Mr. Dewey: so, the applicant has indicated that withdrawal of his variance request of the sideline setback.

Dan Metully: with a 20-foot setback I cannot.

Mr. Dewey: so, you don't desire zero lot line setback on this south anymore. For kicks, to help Jenelle with this, lets vote on it and if you vote it down you vote it down given his withdrawal, it helps her typing's. With that lets call for the vote, Ms. Berthoud.

Ms. Allen: no.

Ms. Berthoud: do we still have Ms. Devlin on the line?

Mr. Dewey: no, we do not.

Mr. Ludington: no.

Mrs. Wandler: no.

Mr. Dewey: no. you sideline setback has been denied and thank you for your withdrawal. Moving into the rear line setback from the required 25-feet to zero feet are you still asking for zero?

Dan Metully: no, I don't think that is going to be a workable plan I don't think that is going to work for Dean.

Mr. Dewey: do you want us to address it?

Dan Metully: I would like to still have the reduction from the 25.

Mr. Dewey: okay.

Dan Metully: but I would like to figure out what is going to work for you.

Dean Whitesitt: with it being zero should I decide to build something on that side I can't get, what are you going to say when I come to you and ask for zero tolerance. I am going to have nothing, and you are not going to grant it to me. So, before you are restricting my use of my property.

Mr. Dewey: I think the question at hand is he is asking for some kind of reduction, and he is indicating that it is not zero. So, what is an acceptable number to your neighbor.

Dean Whitesitt: I understand that I am not building the building, so I don't know what is.

Dan Metully: our primary concern is what is needed for you guys to maintain the ditch. If I can do 10-feet on the north, can I do 10-feet on the east?

Dean Whitesitt: if we got 10-feet on each side of the ditch than that is pretty much all of the irrigation ditches go by.

Mr. Dewey: who's property is the ditch on? Which side?

Dean Whitesitt: my property.

Mr. Dewey: it is entirely on your side of the property?

Dean Whitesitt: on the east it is on the north it is entirely on his.

Mr. Dewey: we don't care about the north. Just the east.

Dean Whitesitt: the east is entirely on my property.

Mr. Dewey: any variance that we grant if that is in fact what the board desires it would be from that side of the ditch into his property.

Dean Whitesitt: correct.

Mr. Dewey: care to propose a number? Do you care to propose a number now is your chance we are feeling generous tonight?

Dean Whitesitt: I thought that I did, at 7 ½ feet. If you give 7 ½ feet on each side of the ditch which is most irrigation ditches are set at makes a total of 15-feet able to get into there.

Ms. Allen: now I am lost I thought we were using the number 10. I see your family's expression to that.

Dan Metully: I had already written 10-feet into my plan on the north side so if it required 10-feet from the center of the ditch in order to move this thing along I am not going to sweat it over 2 feet.

Dean Whitesitt: that is 10 feet on your side and again that is what I was concerned about. If that had been in it, I would not have been here tonight.

Mr. Dewey: okay, thank you.

Dan Metully: my apologize for that.

Ms. Allen: I am going to make a motion to reduce the rear lot line setback from the required 25-feet to 10-feet.

Mr. Ludington: 2nd.

Mr. Dewey: it has been moved by Ms. Allen and 2nd by Mr. Ludington to grant a variance on the rear lot line setback from the required 25 to 10. Board discussion? Public comment? Hearing none we will call for the vote, Ms. Berthoud.

MS. Allen: aye.

Mr. Ludington: aye.

Mrs. Wandler: aye.

Mr. Dewey: aye.

Mr. Dewey: lot coverage percentage requests that we increase lot coverage from 70% to 90%. And I think that is because of the number of structures that he wants to put on in order to maximize the commercial space that he has on his property.

Mr. Ludington: if you read the letter from Brad and Nancy, what he says about lot coverage of 70 to 90 % is concerned with water runoff.

Dan Metully: I don't see where that is, I am looking at that right now.

Mr. Ludington: are you going to put asphalt in?

Dan Metully: not at the moment but if I were I would address those issues in turn, see the runoff there is really no runoff that exists except for that drainage ditch that goes down that way towards the river or wherever it goes. Again, I don't see that my buildings would cause an issue I am certainly don't want to be a bad neighbor I just want to, this property is ultimately the house that is on there is probably going to be the house that the care taker of the storage units will reside these things, I am not a man with a ton of dough I am flying by the seat of my pants here I have no desire to be a bad neighbor to anyone.

Mr. Ludington: are you seeing a drip line from your existing buildings along the edges of the eaves. You are not seeing any runoff from there. In this particular area I don't think you see that very much.

Dan Metully: I haven't seen anything like that I was part of the dry sumps, dry wells, and especially if in the future and we decide to do some paving around these buildings I think that those are things that the responsible person would consider upfront. I get it these people don't know me from Adam they don't know if I am a responsible guy or not.

Mr. Dewey: through the ordinary permitting process, which does not apply to Mr. Metully at this time, we usually catch things like, we always catch those things because it is part of the

permitting and they always have to with the new stringent storm water standards that DEQ has bestowed upon us they have to comply with predevelopment flows so, as if they have to handle their storm water on their property as if there is nothing built on the property at all. So that is something community development or our organization is supposed to be addressing when permits are pulled.

Dan Metully: and that is a step that is taken if and when the property gets annexed into the town of Stevensville.

Mr. Dewey: right.

Mr. Ludington: I would also think at this point I know that there is an asphalt paver in the county that is requiring you to mitigate surface water when they put down asphalt. They are not suggesting where you put it, they are just saying if you are going to asphalt this much you need someplace for the water to go.

Dan Metully: I would like to comment on that at this time I would be speaking out of turn because it is outside my scope.

Mr. Ludington: I would move a motion to grant the increase lot coverage from 70-90%.

Mrs. Wandler: 2nd.

Mr. Dewey: it has been moved by Mr. Ludington and 2nd by Mrs. Wander to approve the increase in lot coverage from 70% to 90%. Board discussion? Public comment?

Dean Whitesitt: just another wrinkle to it is a fact that we have been talking about runoff and it never occurred to me the fact if we get one of our big snow seasons where are we going to push snow and where is it going to run off?

Mr. Ludington: I think as long as he does not have asphalt down there the ground will drain itself.

Dean Whitesitt: it will but you are going to have to plow those roads for people to get into their storage sheds. And where are you going to put it.

Mr. Ludington: he is going to have to figure that out.

Mr. Dewey: that is his problem he may have to haul it. Any further public comment? Hearing none we will call for the vote, Ms. Berthoud.

Ms. Allen: aye.

Mr. Ludington: aye.

Mrs. Wandler: aye.

Mr. Dewey: aye.

Mr. Dewey: okay, it is about to get freaky in here, the next request is to reduce the lot area per dwelling area from one acre to 10,000 square feet, because the subjected property is not annexed into the town of Stevensville, but it is in our extra territorial area we do not allow

parcels to be smaller than once acre in the extra territorial zone and the only way you get a parcel that is one acre or smaller in size is through annexation. Mr. Metully is requesting that we reduce that requirement from an acre to 10,000 square feet which would be the ordinary lot minimum/size in the city. So, he is essentially asking you to foreshadow annexation with out pushing it yet, that is my interpretation of this request. I will leave it to the board. Do you want to provide some information as to why this is important? In terms of what you are specifically talking about on the map. I did just realize that might be helpful they were not per vie to the conversation that you and I had.

Dan Metully: the problem that I am running into and there are a lot of things that I don't know about and when I go to a banker and they say you have got a residential piece here you have financing on it you have this over here (referring to the map) that has commercial financing on it and you want to build over here, we want to give you money to do that but we cant do it if all that property is residential in nature, we want you (unclear audio) they want me to lower, reduce the one that the house sits on so they can provide financing upon the rest of the property. As apposed to trying to do two different things there and apposed to me having to go all commercial on the entire property right now higher interest rate plus they don't want me living in the house because apparently that would be against the rules. That is why the size of the lot again I spoke of this prior, I am not totally against annexation, but I would like it to be done in terms, I am not a rich guy and there are other, are the sources there (unclear audio) to the other corner of the property at my cost, possible engineering, and the rest of it. I am a truck driver with cancer, and I don't have the money for that right at the moment, will I have it, sure, as this thing builds out, it actually addresses one of Mr. Pollman's concerns here in terms of the septic once that house is hooked onto the city sewer system I don't think that this is no longer an issue. And they also write in here, I don't want those cars here on this property any more than anyone else. I want to get rid of them it is just, I can't kick people off of there now and I am working on it. Honestly the sooner that all that stuff goes away the better I like it along with the seven cars my son puts out there.

Mr. Dewey: so, you are proposing a 10,000 square foot lot that would encompass the existing residence and I would assume the proposed drain field and that would leave the rest of property alone.

Dan Metully: I still have to jump through on that to make that happen you guys can allow it to make it happen and there is no better time to make those adjustments when property values are so sky high it does not make an sense and I can create that 10,000 square foot lot and probably make the jump on financing and the bank can give me the commercial financing and the rest of it when everything goes better that is why I am pushing for that.

Ms. Allen: I called every storage unit place between Florence and Stevensville and there is nothing there are no storage units available so there is a need for them for that reason I will make a motion to reduce the lot area per dwelling unit from one acre to 10,000 feet but I would encourage annexation, but it is not a stipulation.

Mr. Dewey: there is no 2nd, motion dies for lack of a second. How else would the board like to proceed?

Mr. Ludington: I understand Mr. Metully's conundrum with this particular piece of property I guess I would be willing to do it if we only create one 10,000 square foot lot that includes the residence, not divide the entire 1.62 acres into 10,000 square foot lots.

Mr. Dewey: I don't think that is the intent whatsoever.

Mr. Ludington: if the intent is to create a 10,000 square foot lot that includes the residence that I am not against that, that is not the point that I realized was what Dan was saying.

Mr. Dewey: to clarify the proposal, if someone wants to put down a motion they can. The proposal is to create one 10,000 square foot lot around the residence and leaving the rest of the property at what ever square footage is left over. We are not dividing it into several 10,000 square foot lots.

Mr. Ludington: so, moved.

Ms. Allen: 2nd.

Mr. Dewey: it has been moved by Mr. Ludington and 2nd by Ms. Allen. Board discussion? Public comment?

Mrs. Whitesitt: asked a question from the audience. Does that mean that the storage sheds won't be quiet as large? (Unclear audio)

Mr. Dewey: the impact on the property overall is going to reduce the square footage of the entire parcel by 10,000 square feet so, he can build on 90% of what is left after the 10,000 is removed from the property, he is going to create a separate parcel around the house with legal access from the highway and everything that is required to create a parcel, whatever land is left on the other parcel, parcel B so to speak, parcel B acreage minus 10,000 square feet or so and he can only build on 90% of the property.

Mrs. Whitesitt: asked a question from the audience, I don't know what 10,000 square feet looks like.

Mr. Ludington: it is probably your house minus the garage. About 10,000 square feet.

Mr. Dewey: a Creekside lot is about 12,000 square feet.

Mr. Ludington: Dan your house is about (unclear audio)

Mr. Dewey: the minimum, you can't develop a lot right now in the town limits with less than 10,000 square feet we don't allow it so, 10,000 is the absolute minimum lot size that we will allow in the town which is quiet a bit larger than old lot sizes, there are some old lot sizes that have been aggregated because they are so small. Any further public comment on the lot size change?

Dan Whitesitt: 333 Valley View, so on this are looking at doing a boundary line readjustment?

Dan Metully: yes, I am.

Dan Whitesitt: so, in order to do what you want to do, the bank has to have your primary residence separate for all the rest of them I think that is what my mom was asking, if you put this on the secondary market for a better rate if granted.

Dan Metully: if it doesn't, who knows what the future is going to hold.

Dan Whitesitt: the other one that I have too is there going to be set back issues with the residence.

Mr. Dewey: it depends on where he proposes the lot line. So that will be addressed when he proposes the line adjustment.

Dan Metully: as far as I was told when I do that adjustment will have the house, the well, the septic and the existing drain field on one lot, again if we go to annexation then that changes the complexion of the conversation, and I don't know I am just trying to do the best that I can.

Mr. Dewey: the proposal before the board poses some flexibility in that the 10,000 square feet is the absolute minimum a lot size can be it may turn out that Mr. Metully brings a proposal for a lot line that is actually a 15,000 square foot lot instead of a 10,000 square foot lot which is still under an acre which ultimately what he is after. Further public comment? Hearing nothing further we will call for the vote.

Ms. Allen: aye.

Mr. Ludington: aye.

Mrs. Wandler: aye.

Mr. Dewey: aye. That motion carries unanimously. We did it that is it. They made it easy they did not go down the whole annexation rabbit hole.

Dan Metully: you can have that conversation in the future. Whatever makes sense.

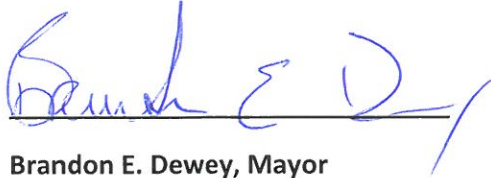
Mr. Ludington: at some point that you want to annex you don't have to put those utilities to the south end of your property until it is time to sell it. You can make it go to the residence and annex services to their it doesn't apply because you already own the property, the county may come to you and say your drain field in null and void you have to connect that doesn't mean that you have to go all the way south just means that you have to connect at some point when you want to sell the property the town may say you have to go south.

Dan Metully: all I should really have to do is since there is a ditch, I should just have to through a pipe down through some dirt over it and I have got it.

Mr. Dewey: easy peasy no problem, that concludes the business portion of the Board of Adjustments public hearing and meeting we will draft up the proper paperwork for Mr. Metully, so it shows the changes that we have made with the variances.

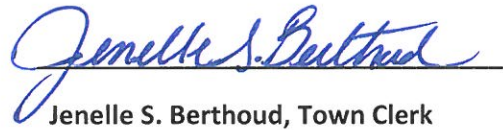
3. Adjournment

APPROVE

A handwritten signature in blue ink, appearing to read "Brandon E. Dewey", written over a horizontal line.

Brandon E. Dewey, Mayor

ATTEST

A handwritten signature in blue ink, appearing to read "Jenelle S. Berthoud", written over a horizontal line.

Jenelle S. Berthoud, Town Clerk