



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.

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 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 2<sup>nd</sup> Street and 3<sup>rd</sup> 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.

A handwritten signature in black ink, appearing to read "W. A. Buxton", is written over a light-colored rectangular background.

William A. Buxton, PE