



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