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: Brandon Redman
Address: 208 Mission Street
Email:
Cell Phone Number: 406 396 2738
Other Phone Number:

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

Name: Brandon Redman, Jaime Devlin
Address: 208 Mission Street
Email:
Cell Phone Number: 406 3962738
Other Phone Number: 406 396 0831

4. **ADDRESS OF PROPERTY:**
208 Mission Street
5. **LEGAL DESCRIPTION OF PROPERTY** (Block & Lots, Subdivision/Addition):
STEVENSVILLE ORIGINAL TOWNSITE, S27, T09 N, R20 W, 5905 SQUARE FEET, LOT 16 BLK 17 ALSO PT ST VACATED PF #7117 ALSO PT VACATED ALLEY #739708
6. **LOT OR PARCEL SIZE** (Square feet):
5,905
7. **CURRENT AND PROPOSED USE OF STRUCTURE OR PROPERTY:**
Single Family Residential
8. **ZONING DISTRICT:** R-2 Residential

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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.***

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**Dimensional Criteria:**

- ☐ Reduce front lot line setback: _____
- ☐ Front lot line setback #2 (corner lot): _____
- ☐ Reduce garage entrance setback: _____
- ☒ Reduce side lot line setback: Reduction of setback from required 7.5ft to 5.0ft
- ☐ 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: _____
- ☐ Reduce or eliminate loading berths: _____
- ☐ Reduce or eliminate required bicycle spaces: _____

**Sign Criteria:**

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

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**(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.

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**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 lot size is in-ordinarily small. The subject property is a legal non-conforming lot, created prior to the adoption of any development standards and zoning regulations.

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 existing structure on the site is incompatible with the neighborhood and structurally substandard. Neighboring properties have single family homes of comparable size to proposed structure. North: 1,049; South: 1344; West 836

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.

Most lots in the vicinity have been aggregated, allowing for compliance with setbacks in the existing development code. The subject lot does has not been aggregated with other lots and is in the same form as originally platted.

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 legal non-conforming lot was created before development codes were adopted. Lot frontage of 41.99ft and the Town's utility easement on the rear of the property create a in-ordinary small building envelope.

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.

Denial of the variance would deprive me of having decent, safe housing that other properties in this zoning district enjoy. Housing is imperative to overall quality of life, well-being, and welfare.

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**(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.

The lot is a legal non-conforming lot of 5,905 square feet. Because of it's narrow nature, building within the requires setbacks becomes problematic.

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.

Granting this variance would be consistent with scenarios in an R-2 zoning district.

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.

The attached letter of intent describes my intent and proposal.

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

The attached letter of intent describes my intent and proposal.

**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:** _____ **DATE:** 8-20-2021.

**PROPERTY OWNER'S SIGNATURE:** _____ **DATE:** 8.20.21
(Property owner must sign application if different than the applicant)

**LETTER OF INTENT**

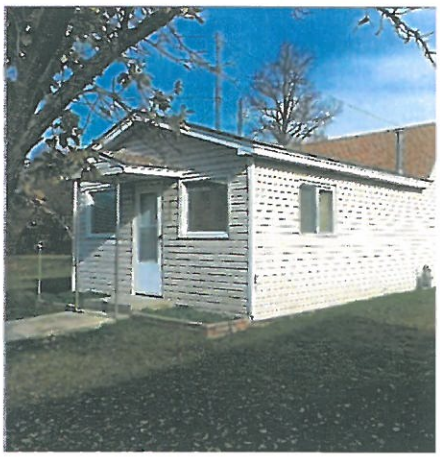
August 4, 2021August 4, 2021

TO: Town of Stevensville Board of Adjustment

FROM: Brandon Redman, Stevensville Resident and Property Owner

SUBJECT: Variance Request: Side Setbacks Reduction/Construction on Legal Non-conforming Lot

**INTRODUCTION**



As the applicant and property co-owner of 208 Mission Street, I have lived in the house for approximately 3 years. Jaime Devlin is a co-owner of the property and is supportive of this request. Because Ms. Devlin is on the Stevensville Town Council and as a result, on the Town's Board of Adjustment, she will not participate in the review and consideration of this request.

The existing home is extremely small (520 s.f). I recently learned that the home is structurally substandard. Due to a serious long-term health issue, having decent and safe housing is imperative to my overall quality of life, well-being and welfare. The cost to correct the structural issues exceeds the cost to remove the existing home and replace it with a slightly larger one.

My goal is to demolition the existing structure and then, replace it with a new 1,000 s.f. residential structure that complies with all applicable building codes. To accomplish this goal a Variance is necessary. The Town's Municipal Code provides development standards for development within the Town's limits. The Code also recognizes that there will be instances where the Board of Adjustment may grant a variance to the development standards, authorizing the reasonable use of the property that would not be allowed with the strict interpretation of the Code.

This Variance request seeks limited relief from the requirements of the Town's development standards. Due to an inordinately small lot size, a variance is necessary to build on the legal non-conforming lot including a reduction of the 7.5 feet side setbacks requirements by 1.5 feet. Strict application of the standards would result in exceptional difficulty and undue hardship preventing the use of the land as otherwise allowed and furthers the continuation of living in substandard housing. This request is consistent with the single-family/multi-family uses permitted in the R2 residential district by Code.

In accordance with the Town of Stevensville's Municipal Code, Division 4, Board of Adjustment: Variances and Appeals, I am seeking approval of a variance to reduce the side setbacks by 1.5 feet and allow for construction on the legal non-conforming lot.

**BACKGROUND**

The property is located 208 Mission Street in the Town's Original Townsite subdivision and is zoned R2 Residential Medium Density (single-family/multi-family) with a minimum lot size of 10,000 s.f. There is a utility easement running along the back side of the property. The utility easement does not allow for the construction of any structures on it and further reduces the buildable area of the lot. The original alley has been vacated. The lot size is 5,905 s.f.

**Summary**

**Primary Information**

**Property Category:** RP
**Subcategory:** Residential Property
**Geocode:** 13-1764-27-1-10-09-0000
**Assessment Code:** 0000224110
**Primary Owner:**
REDMAN BRANDON A &
208 MISSION ST
STEVENSVILLE, MT 59870-2025
**PropertyAddress:** 208 MISSION ST
STEVENSVILLE, MT 59870
**COS Parcel:**
*NOTE: See the Owner tab for all owner information*
**Certificate of Survey:**
**Subdivision:** STEVENSVILLE ORIGINAL TOWNSITE
**Legal Description:**
STEVENSVILLE ORIGINAL TOWNSITE, S27, T09 N, R20 W, 5905 SQUARE FEET, LOT 16 BLK 17 ALSO PT ST VACATED PF #7117 ALSO PT VACATED ALLEY #739708
**Last Modified:** 7/16/2021 4:03:03 AM


The existing 520 s.f. single-family structure was built in 1982. The structure is extremely small and inefficiently uses the land it sits on. The interior space is extremely limited and at times problematic in relationship to modern sized amenities, appliances and furnishings.

Online governmental records indicate the structure is built on a concrete foundation. However, there is little evidence of a structurally sound concrete foundation. The floorboards are placed directly over dirt. There is no evidence of any footings. What evidence there is regarding the concrete foundation, is easily disturbed and removed with a shovel. A general contractor has inspected the site and indicated that the structure is not sound and considered substandard due to its lack of any substantial foundation. Further, it was advised that no alterations, additions, or improvements should be made in its current state. The only exception would be cosmetic improvements, such as paint, lighting, etc. The costs to remediate the substandard foundation is greater than the cost to build a new structurally sound residence.

This Request includes a reduction of 1.5 feet for each side setback – from 7.5 feet to 5 feet. Due to the limited build-ability of the small lot and in conjunction with the utility easement building restrictions, a side setback reduction is necessary. The request to reduce the side setback from 7.5 feet to 5 feet is consistent with multi-family scenarios allowed within the R2 district. Building and fire codes related to structure placement would be addressed as part of the building permit approval process. It is noteworthy to mention that development standards allow for lot line to lot line construction with no

setback requirements in non-residential areas. The next street over, Buck Street has numerous non-residential uses.

This Request includes the ability to construct on a legal non-conforming lot. The lot is approximately 40% smaller (5,905 S.F.) than the minimum lot size of requirement of 10,000 s.f. The lot was created as part of the Town's original townsite subdivision and prior to the adoption of any development codes. Today's development standards provide a minimum lot size of 10,000 s.f. for residential zoning districts.

The development standards do not provide for residential lots less than 10,000 s.f. This is problematic as the development standards did not specifically take into consideration the Town's original smaller lots created as part of the original township subdivision. Without the provision for granting a Variance, improvements to residential units on legal non-conforming lots would not be allowed. This deprives property owners of these legal non-conforming lots the ability to improve and enjoy their property otherwise allowed for most property owners in town. A further note to consider is that the remaining zoning districts do not provide for minimum lot size requirements. In other words, non-residential uses in close proximity to the subject property can build on any size lot.

Approval of the Variance Application would allow for the demolition of the existing substandard structure and allow for the construction of a new 1,000 s.f. single-family structure which would meet all applicable building codes and allow for safe and decent housing.

**BOARD OF ADJUSTMENT POWERS AND DUTIES**

The Board of Adjustment is empowered by law to hear and decide variance applications as they relate to development standards, including but limited to setback, yard, area, height, and parking requirements.

**FACTS AND FINDINGS SUPPORTING THE VARIANCE REQUEST**

The subject property is a legal non-conforming lot, created prior to the adoption of any development standards and zoning regulations.

The variance request is not inconsistent with the intent and purpose of the development standards.

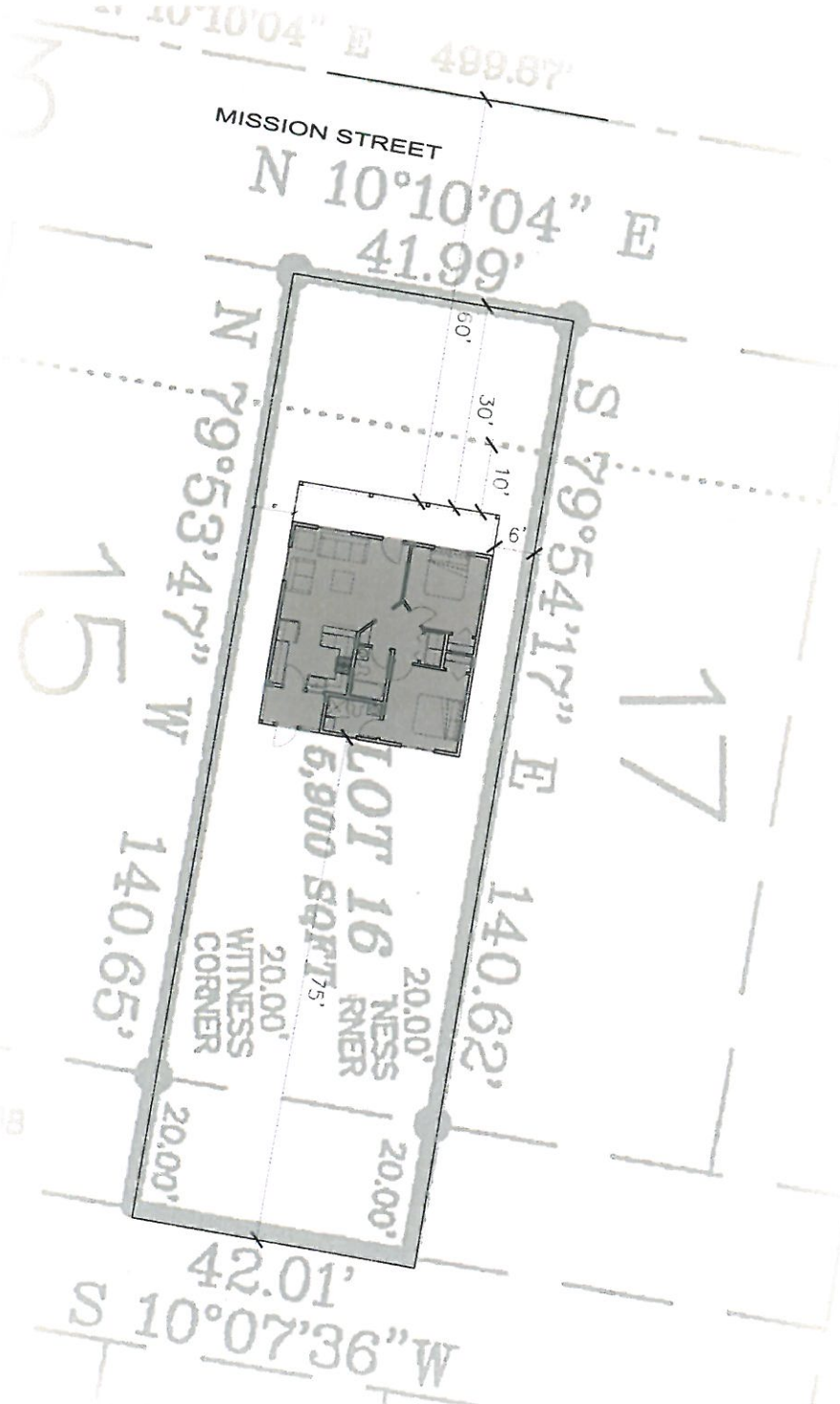
Strict compliance with the provisions of the development standards would create unnecessary restrictions and significant hardship due to the unusual circumstances of this property – legal non-conforming small lot size combined with building limitations related to exiting utility easement.

The variance request will have minimal if any adverse effects on neighboring properties. The new construction of a slightly larger home, 1,000 s.f. will provide an overall improvement to the streetscape and will enhance the property values in the general vicinity. The approval of the variance request will provide for decent and safe housing.

Thank you for your time and consideration in this important health, safety and welfare issue, which if granted would allow me similar privileges enjoyed by most Stevensville residents.

Attachments:

Elevation and floor plans for proposed new 1,000 s.f. home




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

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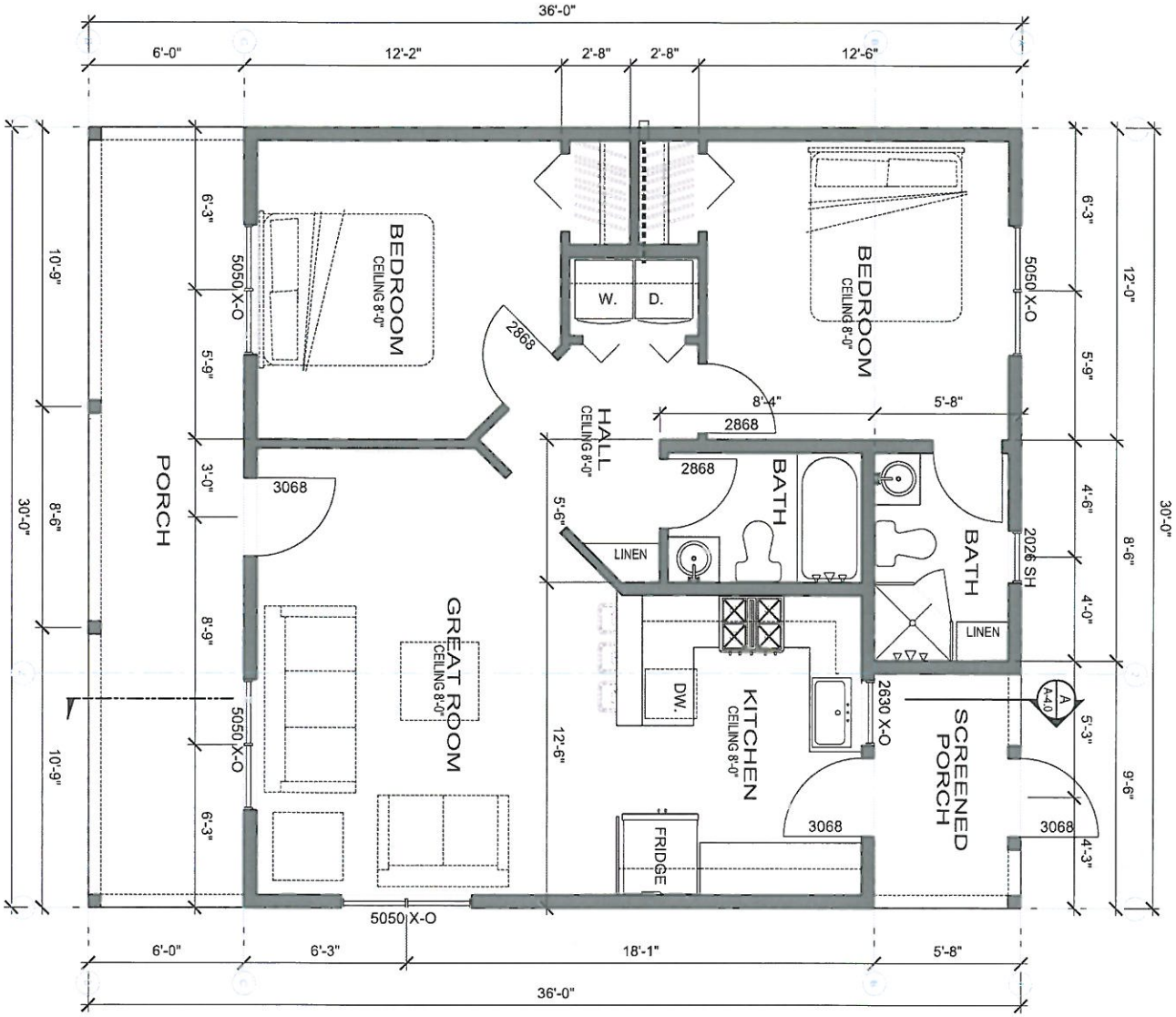
| A1.0 | REDMAN RESIDENCE<br>STEVENSVILLE, MT | CONSULTANT | SCHROCK CONSTRUCTION | SCHROCK CONSTRUCTION Inc. |




FLOOR PLAN
SCALE: 1/4"=1'-0"
446 SQFT

| | | | | |
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| A2.0 | REDMAN RESIDENCE<br>STEVENSVILLE, MT | CONSULTANT | SCHROCK CONSTRUCTION | SCHROCK CONSTRUCTION Inc |


FRONT ELEVATION
SCALE: 1/2"=1'-0"


RIGHT ELEVATION
SCALE: 1/2"=1'-0"

SCHROCK CONSTRUCTION, Inc.

REDMAN RESIDENCE
STEVENSVILLE, MT

DRAWING TITLE:
FLOOR PLAN

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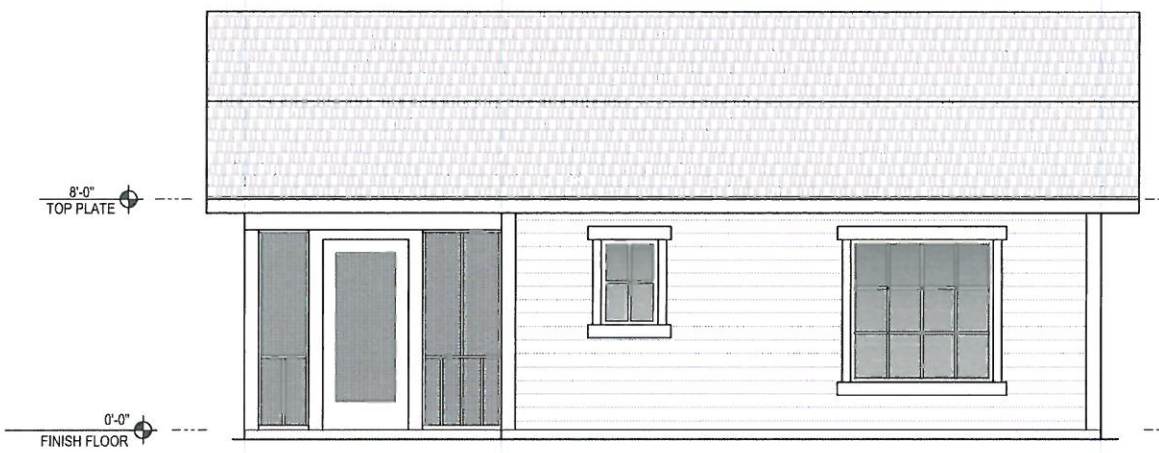
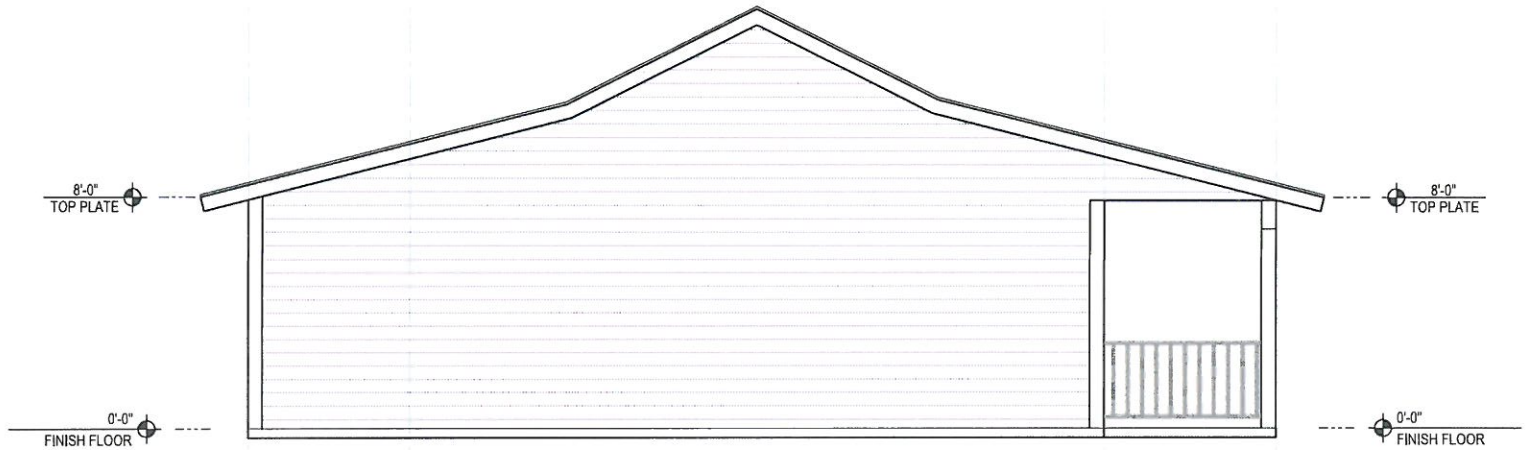



REAR ELEVATION
SCALE:1/2"=1'-0"




LEFT ELEVATION
SCALE:1/2"=1'-0"

SCHROCK CONSTRUCTION

REDMAN RESIDENCE
STEVENSVILLE, MT

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FLOOR PLAN

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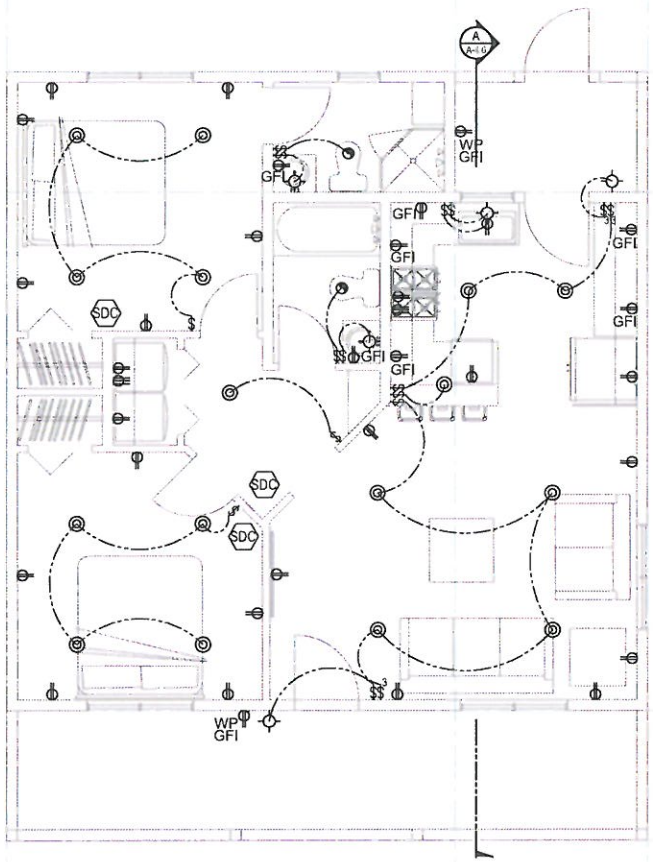


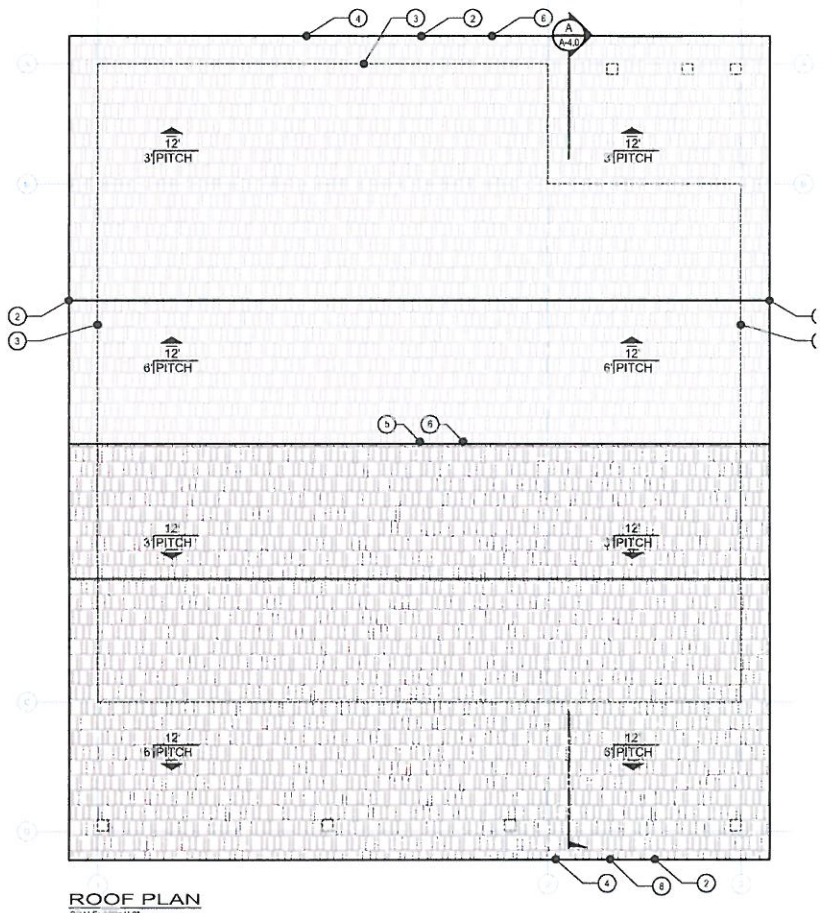

ELECTRICAL PLAN
SCALE: 3/8"=1'-0"

## ELECTRICAL LEGEND

- $ — SINGLE POLE SWITCH 110V
- $3 — THREE WAY SWITCH
- DECORATIVE SURFACE- OR PENDANT-MOUNTED LED LIGHT FIXTURE.
- 110V OUTLET
- 220V OUTLET
- RECESSED CAN LIGHT

## ELECTRICAL NOTES

1. ALL LIGHTING SHALL COMPLY WITH IBC ENERGY STANDARDS.
2. PROVIDE LOW VOLTAGE LANDSCAPE LIGHTING. VERIFY WITH OWNER.
3. ATS BACKUP GENERATOR HOOK UP LOCATION TBD. VERIFY WITH OWNER.
4. PROVIDE UPPER AND LOWER LED CABINET LIGHTS. VERIFY WITH OWNER.
5. FLOOD LIGHT LOCATIONS OWNER TO SELECT.
6. FINAL ELEC. PANEL LOCATIONS TBD.
7. OWNER TO APPROVE FINAL ELEC. PLAN W/ LIGHTING CONTRACTOR.




ROOF PLAN
SCALE: 3/8"=1'-0"

## ROOF PLAN LEGEND

1. ARCHITECTURAL SHINGLE OWNER TO SELECT.
2. EAVE LINE.
3. BUILDING LINE.
4. FLASH AND COUNTERFLASH AT ALL ROOF OPENINGS - TYPICAL.
5. RIDGE LINE.
6. RIDGE ROOF VENT.
7. OPTIONAL RAIN GUTTER. CONTRACTOR TO VERIFY WITH OWNER.

## ROOF MATERIAL

ARCHITECTURAL SHINGLES - OWNER TO SELECT

## NOTE

CONTRACTOR TO PROVIDE RAIN GUTTERS PER FIELD REVIEW WITH CLIENT

SCHROCK CONSTRUCTION

CONSULTANT

REDMAN RESIDENCE
STEVENSVILLE, MT

DRAWING TITLE:
ELEC. / ROOF PLAN

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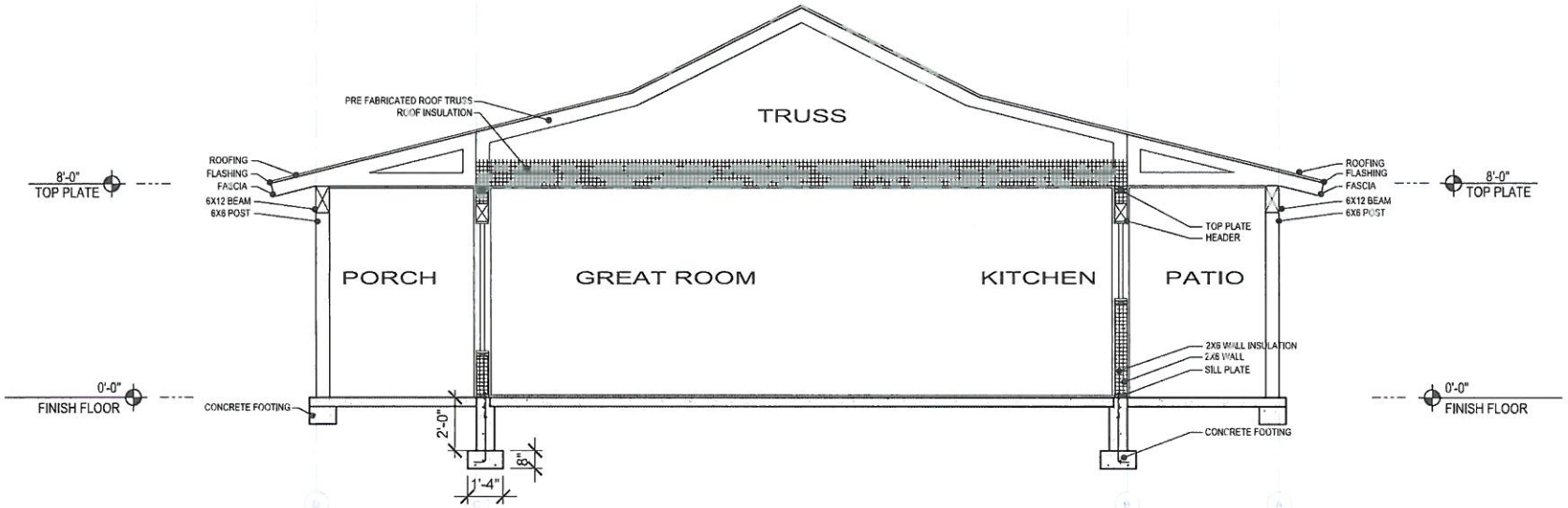


SECTION A

SCALE: 1/2"=1'-0"

SCHROCK CONSTRUCTION INC

REDMAN RESIDENCE
STEVENSVILLE, MT

SECTIONS

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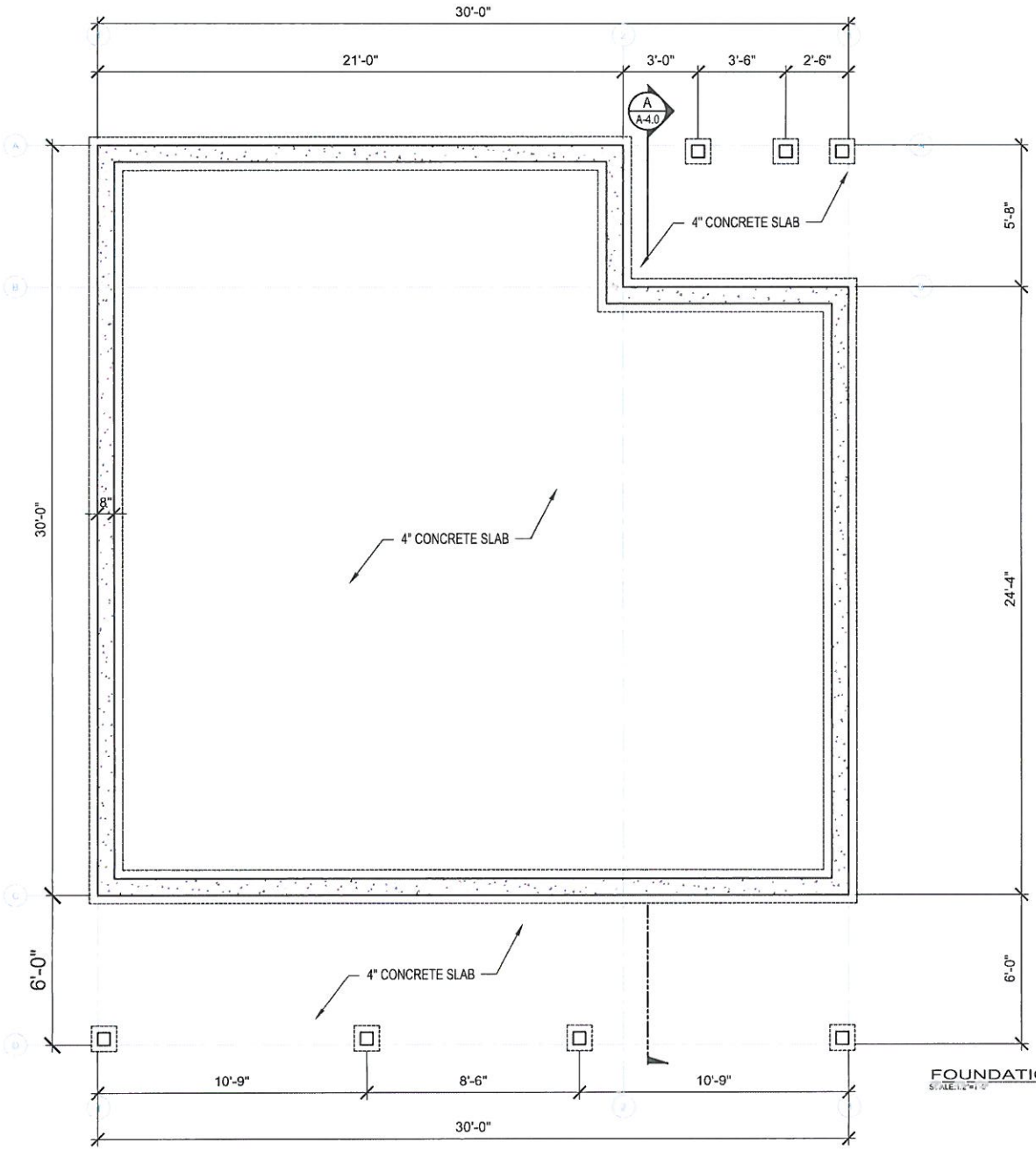


FOUNDATION PLAN

CONCEPTUAL STRUCTURAL NOTE: ANY STRUCTURAL MODIFICATIONS BEYOND THIS DESIGN SHALL BE THE RESPOSIBILITY OF THE OWNER OR CONTRACTOR TO MODIFY. THE SERVICES OF A LICENSED STRUCTURAL ENGINEER MAY BE REQUIRED AT THE DISCRETION OF THE OWNER. BRANDON LENDAK FORFEITS ANY RESPONSIBILITY FOR THESE CONCEPTUAL STRUCTURAL DRAWINGS.

SCHROCK CONSTRUCTION

REDMAN RESIDENCE
STEVENSVILLE, MT

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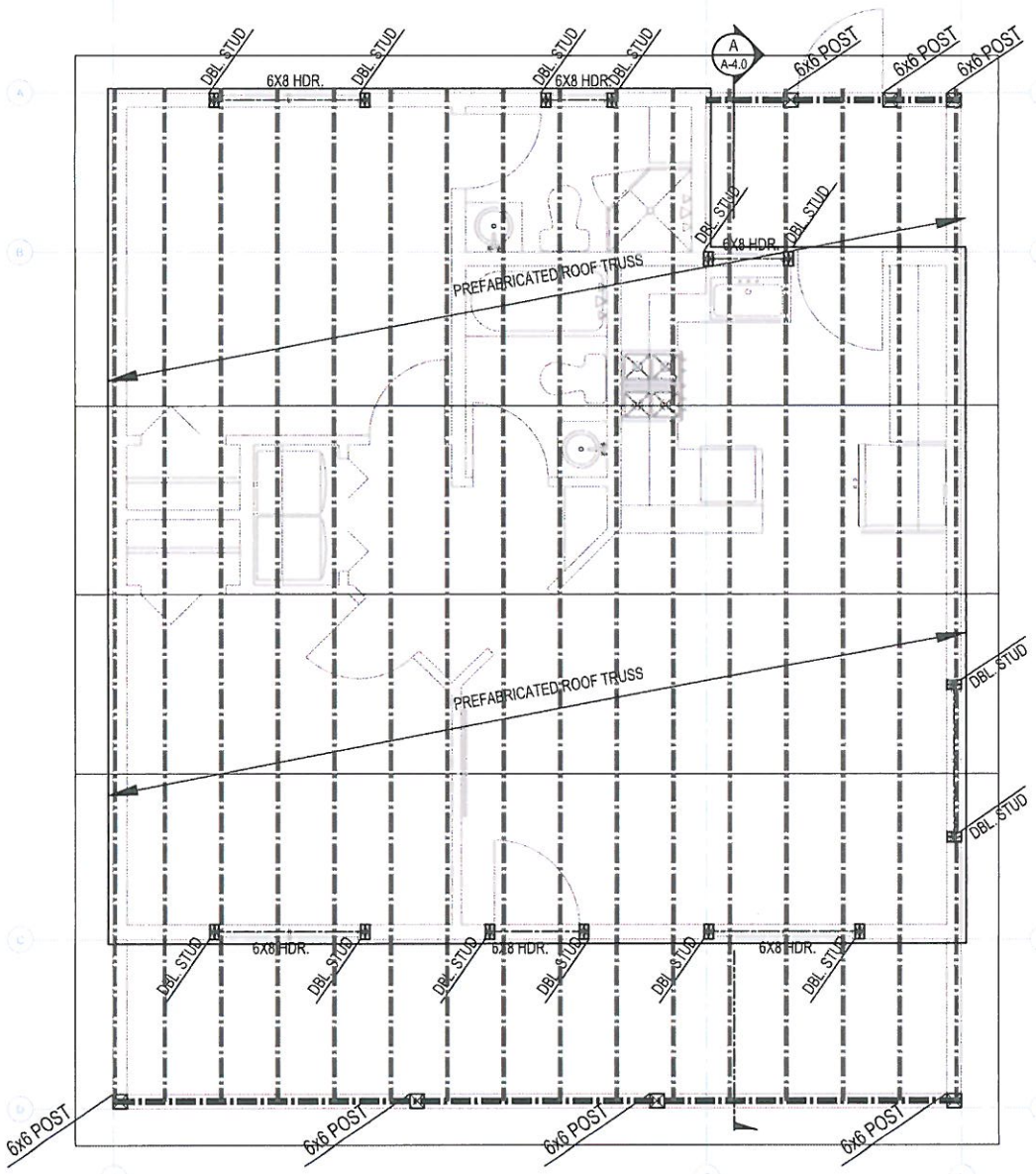


ROOF FRAMING PLAN

SCALE: 1/2"=1'-0"

CONCEPTUAL STRUCTURAL NOTE: ANY STRUCTURAL MODIFICATIONS BEYOND THIS DESIGN SHALL BE THE RESPOSIBILTY OF THE OWNER OR CONTRACTOR TO MODIFY. THE SERVICES OF A LICENSED STRUCTURAL ENGINEER MAY BE REQUIRED AT THE DISCRETION OF THE OWNER. BRANDON LENDAK FORFEITS ANY RESPONSIBILITY FOR THESE CONCEPTUAL STRUCTURAL DRAWINGS.

SCHROCK CONSTRUCTION

REDMAN RESIDENCE
STEVENSVILLE, MT

DRAWING TITLE
FRAMING

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