

APPLICATION FOR A VARIANCE FLOODPLAIN HAZARD MANAGEMENT REGULATIONS

A *variance* is a grant of relief given by the Board of Adjustments from the terms of the specific standards required in the City of Three Forks' *Flood Control Regulations (Title 12)*. The issuance of the variance is for floodplain management purposes only. Insurance premium rates are determined by the Federal government or Private Insurance Companies according to actuarial risk and are not modified by the granting of a variance. ANY VARIANCE GRANTED BY THE BOARD OF ADJUSTMENTS MUST BE CONSISTENT WITH THE CITY OF THREE FORKS' *FLOOD CONTROL REGULATIONS*.

Per Title 12 of the Zoning Code, a fee of \$500 must accompany this application.

Date of Application: 2-29-2024 Application No: _____

Property Address of Request: 623 E. Neil Street

Lot No.: 1&2 Block: 4 Subdivision: Northwest Townsite Co 1st

Name of Property Owner: Kenneth Gibson & Barrett Snyder Phone Number: 406-539-1300

Name of Applicant: Kenneth Gibson Phone Number: 406-539-1300

Address (if different than Owner): 8472 WAGON BOSS RD, BOZEMAN, MT 59715

SECTION 1 - VARIANCE REQUESTED:

Cite the minimum development standard of the *Flood Plain Hazard Management Regulations* from which a variance is sought: We are requesting a variance from Title 12-1-9 "Flood Hazard Reduction" with respect to the use of Fill , we are requesting that a pier system be approved for the new construction.

Explain how the proposed development would vary from the provision of the *Flood Control Regulations*:
The current requirements for residential new construction is to place fill on the premises where the lowest floor elevation is 2' above the BFE. We are proposing to accomplish this requirement with the use of a pier system.

SECTION 2 – APPLICATION FOR VARIANCE: Complete a Joint Permit Application and the attached worksheet to address the submittal requirements of the City of Three Forks' *Flood Control Regulations*.

☒ Worksheet completed and attached

Any Applicant Receiving a Variance to Build a Structure NOT Meeting the Minimum Standards of the Regulations, Especially if the Lowest Floor is Constructed Below the Base Flood Elevation, May Result in Increased Premium Rates for Flood Insurance. Construction Below the Base Flood Elevation Increases Risk to Life and Property. (44 CFR 60.6 (a)(5))

Barrett Snyder
dotloop verified
03/01/24 9:08 AM MST
6MJJ-L2QX-IMZC-F4IY

APPLICANT'S SIGNATURE

3-1-2024

DATE

Kenny Gibson
dotloop verified
03/01/24 9:13 AM MST
HWTO-J6IP-07CC-H5M9

ANY PERSON OR PERSONS AGGRIEVED BY THE DECISION MAY APPEAL SUCH DECISION IN THE COURTS OF COMPETENT JURISDICTION (MCA 76-5-209(1))

SECTION 3 – AFFECTED LANDOWNERS:

List the names, addresses and telephone numbers of all property owners within and contiguous to and directly across the street from the parcel or parcels of property referenced by this application:

CITY OFFICE STAFF WILL DO FOR YOU

| Name | Address | Telephone |
|---|---------|-----------|
| <hr/> | | |
| <i>(Attach additional sheets as necessary.)</i> | | |

RECORD OF VARIANCE ACTIONS: TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

Variance Request submitted on 2-29-2024 Fee Paid: \$ 500.00

Public Notice Given: _____ Variance Hearing held on: _____

The Board has made a determination that the variance [] **is** or [] **is not** the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and [] **meets** or [] **does not meet** the criteria in the regulations for approval.

In accordance with the criteria and guidelines of the City of Three Forks, *Flood Plain Hazard Management Regulations*, the Board of Adjustments hereby [] approves, [] denies the request for variance by a vote of _____ for the variance and _____ against the variance.

Special Provisions of the Variance Approval

| | |
|--|---------------|
| _____ President, Board of Adjustments | _____ Date |
|--|---------------|

APPLICATION WORKSHEET FOR VARIANCES TO THE FLOODPLAIN HAZARD MANAGEMENT REGULATIONS

PLEASE NOTE: Your statements and supporting data and information, including a completed Montana joint application or floodplain permit application, will be used to evaluate your variance request. If these questions are not answered, the variance may be denied due to insufficient information to support it. The following will be used as a guide to evaluate your petition. Additional information may be requested.

The City of Three Forks' Flood Control Regulations provides the criteria that must be considered and met before a variance may be granted. The Board of Adjustments must consider the following items when determining a variance request. State, in detail, the manner in which you believe each of these standards are met in this case:

1. Will the structure or proposed activity/use reside on 0.5 acre or less?
If NO, what is the size of the lot or parcel? .29

YES NO

(If the new construction or substantial improvements on a lot of one-half acres or less is contiguous to and surrounded by lots of existing structures constructed below the base flood level, a variance may be approved. However, as lot sizes increase beyond one-half acre, additional technical justification may be required.)

2. Are the surrounding properties pre-FIRM?

YES NO

3. Are the lowest floors of the pre-FIRM structures on the adjoining and contiguous lots below the base flood elevation?

YES NO

(Attach documentation which show the contours and lowest floor elevations of the surrounding property)

4. Is the proposed work on a recognized historic structure?

YES NO

If yes, will the improvements maintain the historic integrity of the structure and not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.)

5. Is the proposed work the minimum necessary, considering the flood hazard, to afford relief?

Yes, the site will remain at the current elevation of 4066 +/-

6. Does the project show good and sufficient cause for the variance? Financial hardship is not a good and sufficient cause. Describe the exceptional hardship.

Yes, the cost of fill is twice that of a steel pier system. The amount of fill needed will make it impossible to have a drive that is less than 12 to 13 percent slope. The pier system will allow easy access for parking and access for guests.

7. Basements and/or the lowest floor elevation of a residential structure are not below the Base Flood Elevation?

YES NO

8. If crawl spaces or enclosures are proposed, they must meet the requirements of Title 12 of the Flood Control Ordinance. Explain why these minimum building standards cannot be met.

There is no crawlspace

9. Describe your analysis or supporting information that the granting of this variance DOES NOT result in increased flood heights to the existing insurable buildings, additional threats to public safety, extraordinary public expense, creates a nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

This variance will not increase any flood heights or harm any existing properties adjacent.

10. Describe how the structure is or will be adequately flood proofed, if the variance is granted.

The pier system will consist of 24" concrete piers above the grade with steel columns and a rigid frame steel I-beams, there will also be a 24"x30" wood chase for each unit to be used for utility services that will be insulated with an access panel 36" above existing grade.

11. Describe why reasonable alternative locations outside the Floodplain are not or available or possible at this location.

N/A

12. Describe the data or information proving there is no danger to life and property by erosion damage or water that may be backed up, or diverted by the obstruction or use if the variance is granted.

There will be minimal disruption, to the existing site, the excavation of the piers will be backfilled and compacted.

13. Describe your supporting information that there will not be a danger of materials being swept onto other lands or the injury of others.

All new construction will be permanent and not movable, the owner may place concrete or asphalt in the parking areas.

14. Describe how this construction or alteration of the obstruction or use is designed as to lessen the danger in a flood.

The concrete/steel pier system is designed to have the bottom of the first floor 8 feet above existing grade thus 2.5 feet higher than the current standards.

15. Describe the permanence of the obstruction or use.

The foundation is concrete/steel pier system.

16. Describe how complying with the Floodplain regulations would results in an exceptional hardship to the applicant. The applicant would have to bring enough fill in to raise the building site 5.5 feet, thus making the slope of the driveway over a 12-13 percent grade and making it difficult for vehicle access and guest access.

17. Describe how the granting of a variance does not adversely affect existing properties or structures. Existing properties will not be affect due to the design will not divert water around the structure it will water to flow through the property.

18. Describe the impacts to the BFE of the Floodway and/or Floodplain. Provide supporting data and analysis that the variance will not increase the BFE of the Floodway by more than 0.00 and/or increase to the Floodplain is 0.5 feet or less. **In the City of Three Forks, bringing in limited amounts of fill dirt to bring all lots out of the floodplain could not increase the BFE of the Floodplain by 0.5 feet, so this variance would not change either the Floodway nor the Floodplain.**

19. Describe the importance of the services to be provided by the facility to the community, if any?
This provides 3 new rental units in the city when rentals are very hard to come by in the Gallatin Valley

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the City of Three Forks.

Signature of Applicant

Date

Barrett Snyder

dotloop verified
03/01/24 9:08 AM MST
Z06S-OISK-IRJF-MYKB

03/01/2024

Signature(s) of Owner(s)

Date

Kenny Gibson

dotloop verified
03/01/24 9:13 AM MST
RRTU-AOE3-HIUU-KFEE

03/01/2024

Signature(s) of Owner(s)

Date

***Agent must provide documentation that they are legally representing the property owner**

***An approval of this variance does not waive the responsibility of the property owner to meet all restrictions, covenants, Three Forks Municipal Code or state law on this property.**

***A record of all actions involving a Flood Plain permit and variance, including the findings and decision must be submitted to DNRC Floodplain Program and FEMA Region VIII.**

APPLICATION FOR VARIANCE

City of Three Forks, P.O. Box 187, Three Forks, MT 59752

Phone/Fax: (406) 285-3431

Date 2-29-2024

The undersigned hereby makes application for a Zoning Permit pursuant to the requirements of the City of Three Forks Zoning Code.

Name of Applicant Kenneth Gibson & Barrett Snyder Phone #. 406-539-1300

Mailing Address of Applicant 8472 WAGON BOSS RD, BOZEMAN, MT 59715
Address City, State, Zip

Subject Property

Legal Description: Lot(s) 1&2 Block 4 Addition Northwest Townsite Co 1st

Address (if available) _____

Current Zoning Residential Land Area _____ Sq. Ft., or Acres .29

Explain Variance Request:

We are requesting an increase in the height limit of 36' to 39'-1". We are requesting the approval of a pier foundation system.

In addition to the above, submit a **Plot Plan** (drawn to scale) including the following information: All existing and proposed structures and proposed variance measurements. (The lack of any of the above information may delay this application).

FOR OFFICIAL USE ONLY

Filing Fee (\$500) _____

Zoning Board Hearing _____

Action Taken _____

City Council Hearing _____

Action Taken _____

Logged _____

I hereby certify that the above information is true and correct.

Kenny Gibson

dotloop verified
03/01/24 9:10 AM MST
P1BI-NNRW-MTPL-RJ2Z

Barrett Snyder

dotloop verified
03/01/24 9:10 AM MST
BJVU-ROL9-NDJD-SD0S

Applicant Signature

CITY OF THREE FORKS

Request For Variance

From Zoning Regulations Criteria

Applicant should answer the first three un-numbered questions. The 6 numbered questions are for the Variance Board use.

Name of Applicant: Kenneth Gibson & Barrett Snyder Hearing date: _____

This variance is requested with regard to the following zoning regulations:

Article A. R Residential District 11-6A-9 height restriction is 36 feet, we are requesting 39'-6".

We are also requesting a pier foundation instead of fill as required in the flood plain regulations

Describe the hardship imposed by the zoning regulations:

We are trying to have an 8 foot clear for parking under the building, this will allow for covered parking , and allowing a pier system to elevate the building above the flood plain.

It is the applicant's responsibility to describe how this requested variance will serve the public interest:

Allowing this variance will serve the public with a well crafted building and allow the owner to comply with parking requirements, and allow to safer vehicle access to the property.

The prime purpose of the variance is to benefit the community and the individual property owner by assuring that property capable of being used will not lie idle.

1. Is the hardship self-imposed by the property owner? **Yes** **No**

A variance **may not be granted** for a self-imposed hardship.

This is not a self-imposed hardship, this is the flood plain issue on this propoerty

2. Did the condition creating the hardship or zoning regulation(s) identified as having created the hardship exist prior to the property owner's purchase of the land? **Yes** **No**

A variance **may not be granted** if the disputed zoning regulation existed prior to the purchase of the parcel of land for which the variance is requested.

Comment: _____

3. Will the granting of this variance be in the public interest? **Yes** **No**

A variance **may not be granted** if the applicant fails to show that the variance will serve the public interest.

Comment: _____

4. Will a literal enforcement of the zoning ordinance result in unnecessary hardship due to conditions unique to the property? **Yes** **No**

A variance **may not be granted** unless the conditions necessitating the variance are unique to the property.

Comment: _____

5. Will the spirit of the zoning ordinance be observed, and substantial justice done by granting the variance? **Yes** **No**

A variance **may not be granted** if the spirit of the zoning ordinance is not observed.

Comment: _____

6. Will the failure to grant this variance render the property unsuitable for the permitted and conditional uses for which the property is zoned? **Yes** **No**

A variance **may not be granted** if the property is unsuitable for the permitted and conditional uses for which the property is zoned.

Comment: _____

Conclusion: _____

Approval

Denial

Approved with Conditions