

APPLICATION FOR VARIANCE

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

Phone/Fax: (406) 285-3431

Date February 12, 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 Sean McKenna Phone #. 406-600-4316
(GV Builds)

Mailing Address of Applicant PO Box 1139 Three Forks, MT, 59752
Sean@GVbuilds.com
Address City, State, Zip

Subject Property

Legal Description: Lot(s) 7 Block 32 Addition Three Forks Original Townsite

Address (if available) 306 E Fir St.

Current Zoning Residential Land Area 7013.16 Sq. Ft., or Acres Sq. Feet

Explain Variance Request: The front entryway (vestibule) was built on top of existing front stairs, so no expansion of sq. footage has occurred.

In order for new stairs to meet building code requirements, they had to come out further, leaving us short of the full 15 foot setback requirements.

The current configuration provides for a safe and legal stair ratio.

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) 2/15/24

~~Box~~ Zoning Board Hearing 3/21/24

Action Taken _____

~~City Council~~ Hearing _____

Action Taken _____

Logged _____

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



Applicant Signature
For GV Builds, LLC.

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: Sean McKenna Hearing date: _____

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

15 foot setback at front of property

Describe the hardship imposed by the zoning regulations:

The steps need to be built as such to provide code compliance and a safe condition

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

Safe and code compliant access to the home means this house can be lived in, providing an opportunity for home ownership or a long term rental for the community.

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.

Comment: _____

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

Addendum To Application For Variance

We also ARE seeking variance for a Deck,
Approximately 192 #', AS indicated on the
Attached plot plan, PER ordinance 11-6A-5.

Thank You

Seon McKenna/G.V. Builds

201

140

36x42
Gazade

PROPOSED Deck
1927

50'

11-6A-5: LOT COVERAGE AND FLOOR AREA:

A. Single-family dwelling, mobile home: Not more than thirty five percent (35%) of the lot shall be occupied by the principal and accessory buildings. Each dwelling shall have a minimum of nine hundred (900) square feet of floor area in its living quarters. (Ord. 203, 12-9-1983; amd. Ord. 262-2000, 1-11-2000)

B. Multi-family dwelling: Not more than forty percent (40%) of the lot shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of seven hundred fifty (750) square feet in its living quarters. (Ord. 203, 12-9-1983)

11-6A-6: YARD REQUIREMENTS:

Every lot shall have the following yards:

Front yard: A fifteen foot (15') front yard shall be provided on all frontages.

Side yard: Side yards abutting interior lot lines shall not be less than ten feet (10'). (Ord. 203, 12-9-1983)

Rear yard: A rear yard shall be provided of not less than fifteen feet (15') in relation to a dwelling structure. Detached garages and other accessory buildings may be constructed within five feet (5') of alley property lines as long as vehicle ingress/egress does not occur from alley side of garage.

Measurements for yard requirements will be taken from the footprint of all structures. Overhangs (i.e., eaves, cantilevers, second floor decks, etc.) are allowed to extend no more than forty inches (40") beyond the footprint of the structure and not be counted as part of the setback measurement. If overhang extends more than forty inches (40"), the extra distance beyond this measurement will count off the setback measurement respectively. (Ord. 267, 2-11-2003)

11-18-3: POWERS:

The Board shall set its operating rules in accordance with section 76-2-321 et seq., Montana Code Annotated, and shall have the following powers: (Ord. 203, 12-9-1983; amd. 2000 Code)

A. Hear And Decide Appeals: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter or of any ordinance adopted pursuant thereto.

B. Consider Variances:

1. To authorize upon appeal in specific cases such variance from the terms of this Title as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Title will result in unnecessary hardship, and so that the spirit of this Title shall be observed and substantial justice done.

2. More specifically, the Board may, after public notice and hearing, conditionally approve, deny, or approve any request to modify the following requirements of this Title:

- a. Setback requirements;
- b. Yard requirements;
- c. Area requirements;
- d. Height requirements;
- e. Parking requirements;
- f. Loading requirements.

C. Reverse An Order; Vote Necessary: The concurring vote of four (4) 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 Title, or to effect any variation of this Title. (Ord. 203, 12-9-1983)

11-18-4: PROCEDURE:

A. Application; Fee: Written applications for appeals or modifications (variance) shall be filed in the office of the Zoning Official. Notwithstanding any other provisions of this Title, the applicable fee shall be paid to the City upon filing of each application for the purpose of defraying expenses incidental to proceedings. No application will be regarded as having been filed until such fee has been paid. (Ord. 253-99, 10-13-1998)

B. Investigation Of Facts: The Board shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action of each such application is consistent with the intent and purpose of this Title. During time of appeal, all construction shall cease and shall not commence until such time of approval by the Board of Adjustment. (Ord. 203, 12-9-1983)

11-18-5: HEARING AND NOTICE:

There shall be a hearing for each application of appeal or modification. Said notice shall contain pertinent information on said application and be published at least once in a newspaper having general circulation in the City (notice being at least 10 days prior to hearing date). Copy of notice shall be sent to applicant as well as the owners of record of all parcels within one hundred fifty feet (150') of the perimeter of a subject parcel and/or structure that is under consideration. (Ord. 203, 12-9-1983)

11-18-6: APPROVAL:

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:

- A. Such modifications will not be inconsistent with the intent and purpose of this Title and/or any adopted Master Plan.
- B. Strict compliance with the provisions of this Title 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.
- C. Such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof.
- D. The lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and general welfare, which provisions may include:
 - 1. A time period within which the proposed structures shall be erected.
 - 2. Requiring landscaping and maintenance thereof.
 - 3. Requiring the surfacing and marking of off-street parking and loading areas.
 - 4. Any other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose set forth in this Section. (Ord. 203, 12-9-1983)

11-18-7: CONDITIONS OF APPROVAL:

Any approval under this Chapter shall be subject to the terms of the conditions designated in connection therein. (Ord. 203, 12-9-1983)

306 E Fir St

Montana
Cadastral Drawing

Lot Square Footage	7,000	7,000
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Originally	House- sq. ft.	1,239	1301
	Garage - sq. ft.	1,554	1512
	Total Square Feet	2,793	2,813
	When Purchased		
	% of Lot Covered	39.90%	40.19%

Porch	Vestibule (7'X6') sq. ft.	42	42
	Not counting steps		
	Total Square Feet	2,835	2,855
	With Vestibule		
	% of Lot Covered	40.5%	40.8%

Deck	Proposed Deck (12'X16')	192	192
	Total Square Feet	3,027	3,047
	With All Requested		
	% of Lot Covered	43.2%	43.5%