

BOARD OF ADJUSTMENTS MEETING MINUTES

December 1, 2022, Board of Adjustments meeting was called to order at 6:00PM in the City Council Chambers at 206 Main Street, Three Forks, MT 59752.

PRESENT: Board of Adjustments Board Members Alex Blackburn, Brooke Chancellor, Bill Walton, and Michele McLeod were present. Floodplain Administrator/Zoning Official Kelly Smith was present at City Hall. Randy Carpenter was excused. There is a quorum with the attendance of four members, and the meeting was held.

Public present were James Corbett, Virginia Corbett and Jace Courage.

Alex Blackburn called the meeting to order. Roll call was taken, and the meeting was held with four (4) members present. He gave the reminder to the public this meeting was recorded.

There was no **PUBLIC COMMENT** for items not on the agenda.

NEW BUSINESS:

Election of Chair and Vice Chair

Alex Blackburn stated he is currently Vice Chair; the previous Chairman has moved away from Three Forks. He nominated himself, Alex Blackburn, for chairman. Brooke Chancellor seconded the motion.

Motion Passed Unanimously.

Alex Blackburn nominated Brooke Chancellor for Vice Chair. Michelle McLeod seconded the motion.

Motion Passed Unanimously.

CONSENT AGENDA: Minutes from June 30, 2022

Brooke Chancellor moved to approve the minutes from the meeting June 30th, 2022. Michelle McLeod seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS:

Public Hearing and Decision on a Variance Request by James Corbett for Lots 4 & 5, Block 13 of the Northwest Townsite (Commonly Known as 607 & 609 E. Elm Street). The request is for a 5-foot variance on the east side of Lot 4 and the west side of Lot 5 from the requirement in Ordinance #12-1-9-C2e, which requires 15-feet on all sides of proposed residential structures to be filled to Base Flood Elevation (BFE).

Staff Report: Chairman Blackburn read the staff report into the record completely.

Alex Blackburn moved to discuss both of these variance requests together, as one. Bill Walton seconded the motion.

Motion Passed Unanimously.

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Application Testimony: James Corbett explained his application to the Board and added that there are couple of existing trees that they will not remove, actually he moved the site plan back a bit in order to maintain mature landscaping. "We recently tore down the existing garage because even though it would be grandfathered, with raising the building I did not want any water to runoff into the garage," James said. He continued, "I have spoke with my neighbors about the project so they knew what to expect and what we plan to build." He noted these would each have a different aesthetic to bring two nice homes into the existing neighborhood. "These are pretty small lots, and we are trying to be frugal while still building a decently priced home for someone. The drainage, foundation and retaining walls were drafted on the site plan you have before you. There is not much digging we will have to do, but we are trying to meet BFE so new owners will not have to pay for flood insurance if they do not want it, but also not have an overly elevated property that is not aesthetically pleasing to the neighborhood with a house way up in the air. So, the retaining walls were designed with that in mind, and there is plenty of room to slowly slope to the walls," James explained.

Board Comments/Questions: Brooke exclaimed that it sounds like Mr. Corbett has taken a lot into thought and consideration in designing these projects. She asked about a lot of dirt having to be brought in. James Corbett replied that the airport hangars built recently have a lot of overfill left from building sites so they will be able to utilize that dirt from the airport projects and bring it in for these homes. There was discussion about building in the winter, heated/dry soil and how to still pour a foundation during these freezing temps. Michelle McLeod said she appreciated how thoughtful he was by reaching out to the neighbors and keeping them informed on his plans. Kelly Smith informed the Board that most lots this Board sees are 50-feet wide, and these are two 45-feet wide, so smallest lots you would see.

Michelle McLeod asked for clarification that the Board has requested to change the ordinance which has these 5-foot variance requests just allowed in the future. Kelly Smith replied that the State did not support that recommendation, as they want a record for all floodplain activity and why a variance is granted/denied.

Public Comment: There were no public comments.

Applicant Rebuttal: There was no applicant rebuttal.

Chairman Blackburn closed public comment. He added that it has been the common practice of this Board to grant these types of variances, and with a 45-foot lot it is even more difficult. "So we are requesting a variance on either side of each lot, but I note that it is 10-feet between the two properties. Is that because they are the same owner?" Alex asked. Kelly replied that you have to have 15-feet of fill around the structure, the two structures must meet 10-foot side yard setbacks so are 20-feet apart, since both of them have to be filled at the same time their 15-feet overlap each other.

1. **Is the hardship self-imposed by the property owner?**

Board Comment: No, lots are very narrow.

2. **Did the condition creating the hardship or zoning regulation(s) identified as having created the hardship exists prior to the property owner's purchase of the land?**

Board Comment: Yes.

3. **Will the granting of this variance be in the public interest?**

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Board Comment: Yes.

4. **Will a literal enforcement of the zoning ordinance result in unnecessary hardship due to conditions unique to the property?**

Board Comment: Yes.

5. **Will the spirit of the zoning ordinance be observed and substantial justice done by granting the variance?**

Board Comment: Yes.

6. **Will the failure to grant this variance render the property unsuitable for the permitted and conditional uses for which the property is zone?**

Board Comment: No, they could put a single-wide mobile home or modular, but the presented home benefits the neighborhood.

Alex Blackburn moved to approve the variance of Lots 4 and 5, Block 13 of the Northwest Townsite, commonly known as 607 and 609 E. Elm Street, as written. Brooke Chancellor seconded the motion.

Motion Passed Unanimously.

With no other items to come before the Board, Chairman Blackburn adjourned the meeting. The **Motion Passed Unanimously** and the meeting at 6:34PM.