AGENDA
Columbia Falls Area Board of Adjustment
TUESDAY SEPTEMBER 19, 2017
6:00 PM

The Columbia Falls Board of Adjustment will meet on Tuesday, September 19, 2017 at 6:00 pm in the Council Chambers of City Hall in Columbia Falls, Montana.

I. Call to order and roll call
II. Public Comment (Items not on the Agenda)
III. Approval of Meeting Minutes – July 25, 2016 and June 20, 2017
IV. New Business:
   VARIANCE REQUEST to exceed maximum square footage of subdivision identification signs. The River Terrace Estates (HOA) had two identification signs constructed that measure 7.5 square feet each. The proponent is requesting a variance to 18.438.080(B)(2) – Permitted signs in zones CR-1, CR-2, CR-3, CR-4, and CR-5 which states the following: “One sign not exceeding six (6) square feet in area, in connection with a nonresidential permitted or conditionally permitted use.”

Specifically the applicant requests a variance to allow the installation of two subdivision identification signs, each 7.5 square feet in size.

Persons may testify at the hearing or submit written comments prior to the meeting by sending them to Barb Staaland, City Clerk, 130 6th St. West, Columbia Falls, MT 59912.

   a. Adopt Staff Report CV-17-02 as findings of fact.
   b. Approve, amend or deny the Variance Request

V. Comments from Board and Staff

VI. Adjourn
Minutes
Columbia Falls Area Board of Adjustments
July 25, 2016

Call to order and roll call: Chairman Newman called the meeting to order at 6:30 p.m. with roll call as follows:

PRESENT: Roger Newman, Jon Ludviksen, Steve Marquesen and Alida Wright.
ABSENT: Olie Ervin and RECUSED: Barb Riley

Also Present: City Manager Susan Nicosia, City Planner Eric Mulcahy and City Clerk Barb Staaland

Public Comment
None

New Business:

Chairman Newman read the notice of request: Variance Request to the maximum height standards of the Columbia Falls Zoning Ordinance. School District #6 and the Columbia Falls High School are requesting a variance to install four light poles that are 60-feet in height to illuminate the High School soccer fields. The light poles will be installed on the west side of the field and point toward the east but directed down to the field. The District’s application states that the School would use the lights for 6 to 10 night games a year. The property is zoned CR-3 (One Family Residential) and has a maximum height limit of 30-feet. The property is located at 910 13 Street West and is described as Tract 1 of COS 9882 in Section 17, Township 30 North, Range 20 West, P.M.M. Flathead County.

City Planner Eric Mulcahy presented staff report CV-16-01. Mulcahy reviewed the 8 conditions pertaining to the variance request. Mulcahy said their request is to hold 6-8 evening games per season. Staff is recommending approval of the variance request. Ludviksen asked if there was resident input. Mulcahy said one letter was received in support of the lights.

Newman opened the Public Hearing at 6:40 p.m.

O’Brien Byrd from Martin City, Head Coach of the Boys Soccer Team said they have been working on getting the lights at the soccer fields since March. The regular season games are typically on Tuesday or Thursday’s between 3:00 p.m. or 5:00 p.m. We have to be on the field by 2:00 p.m. The kids have to get out of school early to be on the field in time. Mr. Byrd believes attendance of the parents will benefit from evening games. The lights are positioned on the west side of the field away from the neighbors. Byrd
said last Wednesday he and some of the soccer players walked around the neighborhood explaining the variance request for lighting.

Mike Robertson lives at 1205 12th Ave West. Mr. Robertson said after receiving the coach's letter and the City letter said his concern is the lights are 60 feet tall. Mr. Robertson said another thing that was not explained was the music that will be played at the soccer matches and he wouldn't appreciate it in the evenings.

Doug Karper, 1859 Riverwood Dr. Mr. Karper said he was in attendance to represent School District 6. Karper said he is in support of the new lights at the soccer field. Karper said the existing transformer box site is on the South East side of the soccer field which will be moved to a safer location. Karper believes there are benefits to the school to approve the lighting variance request.

Mr. Bowman, 300 S. Hilltop Athletic Director of SD 6. Mr. Bowman said having the lights on the west side of the field would light up the parking area making it safer. Mr. Bowman is in support of the new lights on the soccer field.

Mr. Robertson suggested notifying all the neighbors. Mr. Byrd said they went door to door at 10:00 a.m. and approximately 40% of the neighbor answered their door and they were not negative about the said request.

Newman closed the Public Hearing at 6:56 p.m.

Wright motioned to approve staff report CV-16-01 as findings of fact, second by Ludviksen and the motion carried with all members present voting in favor.

Ludviksen motioned to approve the variance request for lighting at the soccer field, second by Wright and the motion carried unanimously.

Comments from Board and Staff
None.

Meeting adjourned at 6:58 p.m.

__________________________
Chairman

Attest:

__________________________
Clerk
MINUTES
Columbia Falls Area Board of Adjustments
June 20, 2017

Call to order and roll call: Chairman Newman called the meeting to order at 7:00 p.m. with roll call as follows:

PRESENT: Roger Newman, Jon Ludviksen, Alida Wright, Steve Marquesen, and Barb Riley
ABSENT: Olaf Ervin

Also Present: City Manager Susan Nicosia, City Planner Eric Mulcahy and City Clerk Barb Staaland

New Business:

Chairman Newman read the notice: Variance Request to the maximum height standards of the Columbia Falls Zoning Ordinance. School District #6 and the Columbia Falls High School are requesting a variance to install two additional light poles that are 60-feet in height to illuminate the east side of the High School soccer fields. The light poles will be installed on the east side of the field and point toward the west but directed down to the field. The District’s application states that the School would use the lights for 8 to 10 night games a year and the lights would shut off by 10:00 pm. The property is zoned CR-3 (One-Family Residential) and has a maximum height limit of 30-feet. The property is located at 910 13 Street West and is described as Tract 1 of COS 9882 in Section 17, Township 30 North, Range 20 West, P.M.M. Flathead County.

City Planner Eric Mulcahy presented Staff Report CFV 17-01; he noted this variance was similar to last year’s lights on the west side of the soccer field. Mr. Mulcahy said a year ago we addressed that the fall sports are affected by limited daylight. Mulcahy said by allowing the lights to fully light the field kids won’t be missing additional school or parents missing work. Staff recommends approval of the said variance.

Barb Riley said she will abstain from the hearing due to her role on the School Board.

Chairman Newman opened the Public Hearing at 6:10 p.m.

Troy Bowman, 300 South Hilltop, said in October he noticed the field was darker with shadows in the Northeast corners which he believes made it unsafe. The School Board has agreed to replace the bleachers on the soccer field which are bigger than the temporary bleachers we had last year. The two light poles will be directed to where we have the darker shadows; this will address our safety concerns. Bowman added other teams will benefit from this as well with the later games.
Wright asked if there is any consideration to aim the 4 existing lights downward. Mr. Bowman said those lights help light up the parking area. Newman asked why they were not asking for four new lights. Mr. Bowman said we only need two lights to address the corner areas.

Doug Karper, 1859 Riverwood Drive, said he does maintenance at the school and concurs with Mr. Bowman. Karper said the reason the lights are so tall is to aim them down. Karper said he attended a game or two and it was dark in some areas. For safety concerns Mr. Karper said he supports the lights.

Newman said there are two letters in support of the lights and one letter against the request.

Chairman Newman closed the Public Hearing at 6:17 p.m.

Wright motioned to approve Staff Report CFV 17-01 as findings of fact, second by Ludviksen and the motion passed with all members voting in favor (Riley abstaining).

Ludviksen made motion to approve the variance request from School District #6 and the Columbia Falls High School Soccer Teams, second by Wright and the motion passed with all members voting in favor (Riley abstaining).

Public Comment (Items not on the Agenda)
None.

Comments from Board and Staff: None.

Adjourn:
Meeting duly adjourned at 6:21 p.m.

_____________________________
Chairman

Attest:

_____________________________
Barb Staaland, City Clerk
BOARD OF ADJUSTMENT
STAFF REPORT CFV 17-02

Applicant: River Terrace Estates Homeowners Association (HOA)
Subject: Request to exceed maximum square footage of subdivision identification signs
Date: September 13, 2017
Prepared By: Eric H. Mulcahy, AICP - City Planner

Location:
The River Terrace Subdivision is located south of Talbot Road between 12 Avenue West and Riverwood Lane. The River Terrace HOA proposes placing two subdivision identification signs within the development. One appears to be in a City park on Rapids Avenue and the other is in a River Terrace HOA Park under the BPA transmission lines also along Rapids Avenue. The applicant has provided a map of the sign locations within their application materials. (Note: It is against City Policy to allow any signage not associated with the municipality in a City Park).

Background:
The River Terrace Estates (HOA) had two identification signs constructed that measure 7.5 square feet each. The HOA approached City staff about installing signs in or near the City Park on Rapids Avenue. At this point the HOA was informed that they need a sign permit and that their sign appeared to exceed the maximum square foot for a subdivision identification sign which is six (6) square feet. As a result, the applicants are requesting a variance to the sign regulations.

Application:
The proponent is requesting a variance to 18.438.080(B)(2) – Permitted signs in zones CR-1, CR-2, CR-3, CR-4, and CR-5 which states the following: “One sign not exceeding six (6) square feet in area, in connection with a nonresidential permitted or conditionally permitted use.”

Specifically the applicant requests a variance to allow the installation of two subdivision identification signs, each 7.5 square feet in size.

Procedure for Consideration:
The Board must find that the following conditions have been met by the property owner:
18.209.030 Procedure for Consideration.
C. Findings are required to be made by the board for approval of a variance. No variance shall be granted unless the Board finds all the following conditions are met or found to be not pertinent to the particular case:

1. Strict compliance with the provisions of this title will:
   a. Limit the reasonable use of the property, and
   b. Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

2. The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control.

3. The hardship is peculiar to the applicant property.

4. The hardship was not created by the applicant.

5. The hardship is not economic (when a reasonable or viable alternative exists).

6. Granting of the variance will not adversely affect the neighboring properties or the public.

7. The variance requested is the minimum variance which will alleviate the hardship.

8. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

Finding:
The staff considered the proponents statements with respect to the following conditions:

1. a. **Strict compliance limiting the reasonable use of the property:**

   River Terrace Subdivision Phases 2 – 7 were platted between 2001 and 2005. Over the last 16 years River Terrace has thrived as part of the Columbia Falls community without the identification signs. Strict compliance of the sign regulations will not limit the reasonable use of the property. For the most part, people refer to their residence by the City or by the street address and not by the subdivision name.

   b. **Deprive the applicant of rights:**

   River Terrace is a subdivision within the City of Columbia Falls. Having a sign or no sign will not deprive the residents of their right to use the subdivision. Likewise, the applicants can have a sign as long as it is six square feet in size. Disapproval of the requested variance will not deprive the applicants the right of constructing and erecting a sign in compliance with the maximum sign size.

2. **The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control:**

   There is no physical hardship of the property that would necessitate a larger sign. It would appear the hardship is that the applicants built and
purchased the sign before checking on sign regulations with the City. Although this is very unfortunate, it is not a physical hardship.

3. **The hardship is peculiar to the applicant property:**

There is nothing peculiar or unusual about the River Terrace property. It is similar to other subdivisions in the area. The applicants note in their application that Riverwood and Riverbend subdivisions have signs that exceed six square feet. The Riverwood Subdivision was platted in 1979 so cannot speak to the sign regulations 40 years ago. Riverbend was platted in the mid 2000’s and I was not the planner at the time. I can say that that sign is mounted with individual letters on a boulder and that the zoning administrator at the time may have measured the individual words which would measure approximately six square feet.

4. **The hardship was not created by the applicant:**

If the hardship is the result of the applicants purchasing the signs before they researched the regulations, than the hardship is created by the applicants.

5. **The hardship is not economic (when a reasonable or viable alternative exists):**

It would appear that the hardship is economic. The applicants purchased the signs prior to researching the regulations.

6. **Granting of the variance will not adversely affect the neighboring properties or the public:**

It is unlikely that we would see adverse effects, such as decreased property values, if the variance was approved.

7. **The variance requested is the minimum variance which will alleviate the hardship:**

This would be the minimum variance needed as this is the size of the sign the HOA purchased.

8. **Granting the variance will not confer a special privilege that is denied other similar properties in the same district:**

Although the applicant argues otherwise, the City has and does require numerous residents and businesses within the City to comply with the sign regulations. Granting a variance to the sign regulations without the
support of a legitimate hardship would be granting a special privilege to the HOA that the City has denied to others.

**Summary:**
Staff finds that the applicant cannot meet six of the eight of the criterial required for a variance.

**RECOMMENDATION:**
Staff recommends that the Board adopt this report as findings and that the applicant has not met the statutory criteria for a variance. Staff recommends a motion for denial of the variance.
CITY OF COLUMBIA FALLS
CASH RECEIPT
Printed 11:38:06 - 07/24/17

Batch: 13464
Transaction: 16

Reference Number: APPLICATION FOR VARI
Name: RIVER TERRACE ESTATES HOA
Address: PO BOX 800 [COLUMBIA FALLS MT
59912]

Item(s) Description:
PLANNING & ZONING FEES

Check # 259
Cash Paid 375.00
Credit Paid
Less Change Given

TOTAL: 375.00
COLUMBIA FALLS BOARD OF ADJUSTMENT
APPLICATION FOR A VARIANCE

Before completing this application please read instructions on page 3.

1. APPLICANT: (Please print or type)
   NAME: River Terrace Estates HOA
   ADDRESS: P.O. Box 800 Phone:________________________
   CITY/STATE/ZIP: Columbia Falls, MT 59912
   INTEREST IN PROPERTY: R.T.E.H.O.A. Board - Jerry Buchanan, Board Officer

2. OWNER: (If different from above)
   NAME:
   ADDRESS:___________________________________________
   CITY/STATE/ZIP:_____________________________________

3. LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:
   Street Address: See attached map

4. ZONING DISTRICT: CR3 ZONINGCLASSIFICATION: single family residential

5. DATE PROPERTY ACQUIRED: Development began in 2001

6. LEGAL DESCRIPTION: (Subdivision, Lot and Block Number, or Tract Number; and Section, Township and Range): See attached map.
   River Terrace Estates has 97 lots and common areas.


8. THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE: River Terrace Estates Subdivision Identification
   Area_________ Yard_________ Height_________ or_________ Signs
   Coverage_________ Parking_________ or_________
   provisions of the regulations.

9. STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY (use additional sheet if necessary):
   See attached sheet:


07/2016
9. River Terrace Estates is one of Columbia Falls nicer subdivisions, with covenants, maintained common areas, a river access, and an active board. The HOA Board decided to put up 2 subdivision identification signs at our entrances; signs which would reflect well on not just our subdivision, but Columbia Falls, and the area we live in. Peak Sign Solutions helped us design the signs and manufactured them for us. One of our entrances adjoins the city park on the corner of Talbot and Rapids Ave. We went to the city to ask about the park boundary for proper placement, and Susan informed us of a sign restriction of 6 sq. ft. The signs we had manufactured are 7.5 sq. ft. including a border; 6.2 sq. ft. excluding the border. In observing these other signs along Talbot:

- **Riverbend Estates:**
- **Cahoon Enterprises:**
- **North Valley Professional Center:**
- **Joyful Noise Daycare:**
- **North Valley Baptist Church:**
- **Riverwood Estates:**
- **Columbia Falls Junior High:**
- **Sapa Johnsrud Field:**
- **Montana Veterans Home:**
- **Montana Veterans Cemetery:**

it is apparent that they are larger than 6 sq. ft. Consequently, we were quite surprised to find our signs were too large.

Our signs are not for a single family residence, they are to identify our subdivision. Both signs will only be visible after entering the subdivision from Talbot. They are not obtrusive. In fact they are smaller than most along Talbot. We believe our signs will not only enhance our subdivision, but will be an improvement to our community and reflect the beauty of the area we live in.
10. EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS (be complete, use additional sheet if necessary):

A. That the variance(s) requested will not amount to a change in the use of the property to a use which is not permitted within the zoning district.

River Terrace Estates is a subdivision with 97 lots and common areas. These signs will identify our subdivision and will not change the use of our property.

B. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location. If such conditions apply to other parcels in the same district explain how literal interpretation of the provision of these regulations would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of these regulations.

Both sign locations are off of Talbot far enough that a smaller sign would be hard to read.

River bend Estates has a sign that is 11.5 sq. ft.
River wood Estates has a sign that is 24.5 sq. ft.

C. That the special conditions and circumstances do not result from the actions of the applicant.

See answer to C on attached sheet #9

D. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

Not granting the variance will deny us the privilege that similar properties have in the same district.

E. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

Our signs will be an improvement to the vicinity and will identify the River Terrace Estates subdivision.

11. ATTACH A PLOT PLAN OR DRAWING.

Jerry Buchanan, Board Officer

Date: 7/24/17

Signature of Applicant(s)

21 35 Drift Water Way
Columbia Falls, MT 59912
07/2016 406-261-2647
INSTRUCTIONS FOR VARIANCE APPLICATION

1. ANSWER ALL QUESTIONS. Answers should be clear and contain all the necessary information.

2. In answering Question 7, refer to the classification system in the Zoning Regulations and explain in detail the specific standards from which the applicant is seeking relief.

3. In answering Question 9, be specific and complete. In this and all other questions, if additional space is needed you may use additional paper, and list which section number you are continuing.


5. A plot plan or site plan must be submitted with each application.

1. A fee per the Columbia Falls Planning Department schedule of fees for a variance application as shown below must be submitted with this application to cover the cost of necessary investigation, publication, mailing and processing procedures.

   Residential (Single-Family/Duplex) $300
   Multi-Family/Commercial/Industrial $600
   Letters to adjoining property owners $5 per address

Make checks payable to:

City of Columbia Falls Planning Department

$375.00