

CITY OF GREAT FALLS, MONTANA AGENDA # 1

A G E N D A R E P O R T DATE December 20, 2005

ITEM Public Hearing - Amended Plat of the South ½ of Lot 1, Block 1, Fair Acreage Tracts and Accompanying Variance

INITIATED BY Neighborhood Housing Services of Great Falls, Owner

ACTION REQUESTED Close public hearing and Approve the Amended Plat, Requested Variance and Accompanying Findings of Fact

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the Amended Plat of the South ½ of Lot 1, Block 1, Fair Acreage Tracts together with the requested lot width variance and the accompanying Findings of Fact.

At the December 6, 2005 public hearing for this item, the City Commission passed a motion to continue the public hearing to December 20, 2005 while staff looked into various issues.

MOTION:

“Based on the additional information received since the December 6, 2005 Commission public hearing, I move the City Commission (*approve or deny*) the Amended Plat of the South ½ of Lot 1, Block 1, Fair Acreage Tracts together with the requested lot width variance and the accompanying Findings of Fact.”

SYNOPSIS:

Subject Amended Plat subdivides the south ½ of Lot 1, Block 1, Fair Acreage Tracts from two lots into three lots. The process outlined in the new Unified Land Development Code for a variance from the subdivision regulations for lot width requires the City Commission to conduct a public hearing.

BACKGROUND:

Neighborhood Housing Services of Great Falls (NHS) owns approximately a ½-acre tract of land located at 825 6th Ave NW. They propose to construct three single-family dwellings for low-income, first-time homebuyers. The first dwelling is now under construction on proposed Lot 1B and being built by the CMR High School Advanced Building Trades class. The proposed Lots 1C and 1D will front on 6th Ave NW and proposed Lot 1B will have access on both 9th St NW and 6th Ave NW. The northern 20 feet of each lot will be used as a public utility easement.

A City water main exists in the abutting portion of 6th Avenue Northwest. A sanitary sewer main extension would be required to service the proposed Lots 1C and 1D.

The Unified Land Development Code classifies the area as “R-3” Single-family high density. The Code stipulates that lots in an “R-3” classification be a minimum area of 7500 sq. feet and 60 feet in width. However, since the applications for subdivision and variance request are dated September 13, 2004, which was prior to implementation of the new Code on October 6, 2005, the Amended Plat and variance request are being processed under the provisions of the previous code. The minimum lot area under the previous code for residential purposes was 7200 sq. feet and the minimum lot width was 60 feet. Therefore, only a variance to the minimum lot width needs to be considered in conjunction with the Amended Plat. The proposed lot widths on the Amended Plat are just over 53 feet for each lot.

According to the Unified Land Development Code, a variance shall only be granted when evidence shows and findings can be made that each of the following conditions exist:

- 1) The variance is not contrary to the public interest.
- 2) A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
- 3) The spirit of the Unified Land Development Code would be observed and substantial justice done by granting the variance.

The resulting lot widths and sizes will be comparable to the majority of existing residential lots in the vicinity and not out of character for the neighborhood. The area being subdivided can adequately accommodate three lots with the adherence to City zoning and building standards resulting in three affordable single-family dwellings. Therefore, it was determined that each of the above mentioned conditions exist in conjunction with the subdivision application.

After reviewing the matter during a meeting held November 8, 2005, the Great Falls Planning Board unanimously passed a motion recommending the City Commission approve the Amended Plat of the South ½ of Lot 1, Block 1, Fair Acreage Tracts together with the lot width variance and the accompanying Findings of Fact, subject to the following conditions:

- 1) correction of any errors or omissions on the Amended Plat that may be noted by staff; and,
- 2) preparation of a certificate of title by a title company to be filed with the Amended Plat.

Attachments: Vicinity Map
Reduced copy of the Amended Plat
Findings of Fact (Not available online)

Cc: Neighborhood Housing Services, 509 1st Ave S, Great Falls, MT 59403
Bruce and Sheila Morgan, 803 6th Ave NW, Great Falls, MT 59404