



**Missoula City Board of Adjustment  
Agenda**

**Date:** February 24, 2021, 6:00 PM

**Location:** ZOOM Webinar

**Members:** Sandy Mitchell , Patrick Bridegam, Hans Hoffman (chair), Lance Koch ,  
John Newman (vice chair), James Sage, Katelyn Hepburn

**Attend by computer:**

[Join the meeting](#)

**Attend by phone:**

Cell phone users: 1-253-215-8782, 1-213-338-8477, or 1-267-831-0333; Landline users: 1-888-475-4499 or 1-877-853-5257

Webinar ID: 819 9103 7171

Password: 610014, Press \*9 to raise your hand to be recognized for public comment, \*6 to mute and unmute

**Watch the meeting:**

[Web stream \(live or on demand\)](#), [YouTube](#), or Spectrum Cable Channel 190

For more ways to watch the meeting and submit public comment, see the Citizen Participation Guide.

*Issues? Call the City Clerk 406-552-6078.*

*If anyone attending this meeting needs special assistance, please provide 48 hours advance notice by calling the Community Planning, Development & Innovation Office at 406-552-6630.*

**Pages**

1. Call to Order

2. Roll Call

3. Approval of Minutes from December 2, 2020

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4. Public Comment

5. Staff Announcements

6. Public Hearings

6.1. Public forum for Missoula County regarding the modification and expansion of an off-street parking area surrounding two existing buildings that house the Missoula County Elections Office and Missoula County Emergency Operations Center on the parcel locate

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**Recommended motion:**

Not applicable. State law indicates the Board of Adjustment has no power to deny the proposal but shall act only to allow a public forum for comment.

7. Other Business

## 8. Adjournment

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## **Missoula City Board of Adjustment Minutes**

December 2, 2020, 6:00 PM  
ZOOM Webinar

Voting members present: Sandy Mitchell , Patrick Bridegam, Hans Hoffman (chair), Lance Koch , John Newman (vice chair)

Regular member(s) absent: James Sage, Katelyn Hepburn

Alternate(s) absent: Don Briggs (Alternate 1), Joseph Suchanic (Alternate 2)

### **1. Call to Order**

Hans Hoffman called the meeting to order at 6:00 p.m.

### **2. Roll Call**

Staff called the roll.

### **3. Approval of Minutes**

The minutes were approved as submitted.

### **4. Public Comment**

There was no public comment.

### **5. Staff Announcements**

There were no staff comments.

### **6. Public Hearings**

#### **6.1 Board of Adjustments - 225 Hastings Avenue, Variance Request**

Alex Eidam, associate planner with Community Planning, Development and Innovations - Development Services Division, presented on a variance request filed by the applicants Ian and April Foster. The Foster's own the property at 225 Hastings Avenue in Missoula and submitted a variance request for a proposed residential remodel and addition to the second story home along with an attached garage. The property is located east of South Higgins Street, south of East Beckwith Street and west of Bonner Park. The area is located in the Residential Medium Density based on the Our Missoula Growth Policy and is zoned as R5.4 zoning district. The subject property is also located in the University District Neighborhood Character Overlay.

Ms. Eidam showed the existing property along with other properties surrounding the area. She also reviewed the Title 20 Standards, specifically going over the current setback

requirements and how the proposed building height would require a nine foot three inch side interior setback for the eastern side of the property. The presentation continued as Ms. Eidam went over the zoning approval criteria. Additionally, credit was given to Paradigm Architecture, who created the plans for the proposed construction. Ms. Eidam went over the site plans that displayed the required setbacks, proposed setbacks, and existing setbacks. Images of the site plans from each side of the property were also included, showing the same setback details.

As required, Alex Eidam stated that all adjacent property owners within 150 feet of the subject property were mailed notification of the proposed plans and no public comment was received. Only one agency comment was received and it was from the city's engineering department. The comment came from Aaron Lebsack, Engineering Technician, which stated that in 2016 the applicant received a preliminary approval from the engineering department for driveway access off of Hastings Avenue. In early 2020 with the project still not started, the applicant reached back out to the city to ensure the approval was valid. It was found that approval was granted and the garage has been designed to meet the driveway standards.

The staff recommended motion is to approve the variance request.

Ian Foster, the applicant, introduced himself and opened the board and public for comments or questions. The board inquired about the garage and if it was a drive through garage based on the drawings that were presented. Mr. Foster clarified that the garage is technically a two stall garage in the front with a small shop located in the back. The board expressed support for the variance and moved forward with the motion.

**Moved by:** John Newman (vice chair)

**Seconded by:** Lance Koch

Approve the variance request by Ian and April Foster to locate the proposed addition within the eastern side interior setback required by the R5.4 zoning district for the property located at 225 Hastings Avenue based on the applicants' packet, findings of fact, and conclusions of law as established in the staff report, subject to the two (2) recommended conditions of approval:

1. The garage shall not exceed twenty-two (22) feet in height on the east side interior setback
2. Any future development must comply with all setbacks of the R5.4 Residential zoning district.

AYES: (5): Sandy Mitchell, Sandy Mitchell, Patrick Bridegam, Patrick Bridegam, Hans Hoffman (chair), Hans Hoffman (chair), Lance Koch, Lance Koch, John Newman (vice chair), and John Newman (vice chair)

ABSENT: (2): James Sage, James Sage, Katelyn Hepburn, Katelyn Hepburn,

**Vote results: Approved (5 to 0)**

## **7. Other Business**

There was no old business.

**8. Adjournment**


Hans Hoffman adjourned the meeting at 6:29 p.m.



## DEVELOPMENT SERVICES

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

### BOARD OF ADJUSTMENT PUBLIC FORUM

|   |   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
|---|---|---|--|------------------------------|---------------------------|--------|--------------------------|-----------------------|--------|-----------------|------------------------------------|-------|----------------|--|-------|---------------------------------------|--|
| <b>Agenda item:</b>   | Public forum for Missoula County regarding the modification and expansion of an off-street parking area surrounding two existing buildings that house the Missoula County Elections Office and Missoula County Emergency Operations Center on the parcel locate |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Report Date:</b>   | 2/17/2021   |    |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Case Number:</b>   | 2021-MSS-BRD-00002  |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Case Planner:</b>  | Emily Gluckin<br>Associate Planner  |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Report Reviewed &amp; Approved By:</b>   | Mary McCrea<br>Permits and Land Use Manager   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Public hearing date:</b>   | February 24, 2017   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Applicant:</b>   | Missoula County   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Location of request:</b>   | 140 N. Russell Street<br><br>Lots 1-20 and vacated portions of Prince Street, Dakota Street, and adjacent alley less MDT right-of-way in Block 13 of Eddy Addition in Section 21, Township 13 North, Range 19 West, P.M.M.                                      |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Legal notification:</b>  | The legal ad for the February 24th, 2021 public hearing was published in the Missoulian on February 7th and February 14th, 2021. First class mailings were sent to adjacent property owners on February 9th, 2021. Property was posted on February 9th, 2021.   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>Zoning:</b>  | C2-4 Community Commercial /DE-C/Node Design Excellence Corridor Typology 1 Node /NC-SR Southside Riverfront Neighborhood Character Overlay  |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
|   |   | <table><tr><td></td><td><b>Surrounding Land Uses</b></td><td><b>Surrounding Zoning</b></td></tr><tr><td>North:</td><td>Plant/Landscaping Retail</td><td>County Zoning: Z.D. 6</td></tr><tr><td>South:</td><td>Park/Open Space</td><td>OP3 Public Lands and Institutional</td></tr><tr><td>East:</td><td>Medical Office</td><td>B2-2 Community Business /NC-SR Southside Riverfront Neighborhood Character Overlay</td></tr><tr><td>West:</td><td>Building/Construction Material Retail</td><td>C2-4 Community Commercial /DE-C/Node Design Excellence Corridor Typology 1 Node /NC-SR Southside Riverfront Neighborhood Character Overlay</td></tr></table> |  | <b>Surrounding Land Uses</b> | <b>Surrounding Zoning</b> | North: | Plant/Landscaping Retail | County Zoning: Z.D. 6 | South: | Park/Open Space | OP3 Public Lands and Institutional | East: | Medical Office | B2-2 Community Business /NC-SR Southside Riverfront Neighborhood Character Overlay | West: | Building/Construction Material Retail | C2-4 Community Commercial /DE-C/Node Design Excellence Corridor Typology 1 Node /NC-SR Southside Riverfront Neighborhood Character Overlay |
|   | <b>Surrounding Land Uses</b>  | <b>Surrounding Zoning</b>   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| North:  | Plant/Landscaping Retail  | County Zoning: Z.D. 6   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| South:  | Park/Open Space   | OP3 Public Lands and Institutional  |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| East:   | Medical Office  | B2-2 Community Business /NC-SR Southside Riverfront Neighborhood Character Overlay  |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| West:   | Building/Construction Material Retail   | C2-4 Community Commercial /DE-C/Node Design Excellence Corridor Typology 1 Node /NC-SR Southside Riverfront Neighborhood Character Overlay  |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>STAFF RECOMMENDATION</b>   |   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| None  |   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| <b>RECOMMENDED MOTION:</b>  |   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |
| Not applicable. State law indicates the Board of Adjustment has no power to deny the proposal but shall act only to allow a public forum for comment. |   |   |  |                              |                           |        |                          |                       |        |                 |                                    |       |                |  |       |                                       |  |

## **I. INTRODUCTION**

Missoula County proposes to expand the off-street parking area on the subject property containing the Missoula County Elections Office and the Missoula County Emergency Operations Center located at 140 N. Russell Street. Two existing buildings currently exist on the parcel and will remain following the expansion. Missoula County is requesting exemptions from the zoning regulations of the Design Excellence Overlay that pertain to the site layout, parking lot placement, and landscaping design.

## **II. STATE LAW**

Part 4 of Title 76, MONTANA CODES ANNOTATED, Planning and Zoning, Section 76-2-402 reads as follows:  
Local zoning regulations - Application to agencies. Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, as defined below, shall be held.

- (1) The local Board of Adjustment, as provided in this chapter, shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.
- (2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

"Agency" is defined as a board, bureau, commission, department, an authority, or other entity of state or local government.

## **III. DISCUSSION**

140 N. Russell Street is in the C2-4 Community Commercial zoning district and is within both the Design Excellence Corridor Typology 1 /Node Overlay District and the Southside Riverfront Neighborhood Character Overlay District. The parcel currently contains an existing office building and a converted warehouse building used for election events that are both part of the Missoula County Elections Center. A Design Excellence Review (2020-MSS-DER-00007) and a subsequent building permit (2020-MSS-COM-00147) were approved in 2020 for adaptive modification of the warehouse building and the addition of surface landscaping to the site. The applicant has proposed changes to the previously approved plans that require a new review.

The proposed redesign includes the expansion of the surface parking on the site to include a total of one hundred and two (102) vehicle parking spaces, which exceeds the required vehicle parking. The existing parking lot at the corner of Russell and Wyoming will be reconfigured to remove the existing one-way access to Wyoming Street. Access to the site will be provided from Russell Street and Wyoming Street to the east.

The revised site layout does not comply with the Build-to Width standard of Design Excellence Corridor Typology 1 (Title 20.25.082.B.1.b/c) that requires a 75% build-to width along the primary street (Russell) and a 55% build-to width along the secondary street (Wyoming). When an initial phase of development does not propose buildings that meet the build-to width, applicants must designate a reserve area along the street frontage for future phases that would allow the project to comply in the future. The reserve area must include the entire property frontage along a primary or secondary street for a depth of sixty (60) feet, and must not include vehicular parking areas, as described in Title 20.25.080.C.3.c. The subject proposal does not provide reserve areas and locates parking within 60 feet of the street frontage.

The parking lot on the southern portion of the property contains three parallel drive aisles, which triggers the Design Excellence Overlay standards for interior parking lot landscaping (20.25.080.C.3.g). This standard requires a nine-foot wide landscaped area between rows of parking that is continuous for the length of the adjacent rows of parking and planted with 2 trees and 12 shrubs per 1,000 square feet of landscaped area. This landscaping is not provided as part of this proposal.

Perimeter parking lot screening is required in the Design Excellence Overlay when vehicular use areas are located within 60-feet of a street property line, and must be provided in the form of a landscape hedge, wall, grade change, or landscape berm. Continuous perimeter parking lot screening is not provided between the parking areas facing Russell Street and Wyoming Street.

Missoula County is considered a governmental agency and as such is exempt from local zoning regulations. A governmental agency that proposes a development that does not meet the letter of the Zoning Ordinance is required by

State statute 76-2-402 to go to the Missoula Board of Adjustment for a public forum. The purpose is to provide notice to the public and allow for comment. Because the applicant is not meeting the standards found in the sign ordinance for signs in a residential zoning district, they are required to hold a public forum.

As stated in Montana Codes Annotated, the Board has no power to deny the proposal, but shall act only to allow a public forum for comment.

#### IV. NOTICE

Notices of this Public Forum have been published in the Missoulian and sent out to applicable City departments as well as to adjacent property owners within a 150-foot radius for comment. Notice has also been posted on the property.

#### V. COMMENTS FROM ADJACENT PROPERTY OWNERS

|               |    |
|---------------|----|
| In favor:     | 0  |
| Not in favor: | 0  |
| No Response:  | 12 |
| Total:        | 12 |

#### VI. COMMENTS FROM CITY AGENCIES

|   |   |
|---|---|
| Fire Department:                        | No comment received at time of staff report   |
| Police Department:                      | No comment received at time of staff report   |
| Historic Preservation:                  | No comment received at time of staff report   |
| Parks Department:                       | No comment received at time of staff report   |
| Office of Neighborhoods:                | No comment received at time of staff report   |
| City Public Works:                      | No comment received at time of staff report   |
| Missoula Redevelopment Agency:          | No comment received at time of staff report   |
| City-County Health Department:          | No comment received at time of staff report   |
| Water Quality District                  | No comment received at time of staff report   |
| Missoula Urban Transportation District: | No comment received at time of staff report   |
| Mobility & Infrastructure Planning:     | The Transportation Division commented in support of closing the access on Wyoming Street and recommended that the access on Russell Street be right in/right out only and that the landscaping surrounding the Russell Street access be reviewed for visibility. Transportation also raised questions regarding the proposed bicycle parking. |

#### IV. ATTACHMENTS:

|    |                           |
|----|---------------------------|
| A. | Application Packet        |
| B. | Public Comment – N. Carey |



**Public Forum: Missoula County Elections Center**  
**Public Comment - Engage Missoula**

I own Westside Lanes just West of this project. When I tried to expand my building all of these requirements were required such as no parking in front of the building (this was finally approved) but all the others 7 and 10 foot sidewalks, boulevards between parking spaces, planting trees etc. which made my project not financially feasible. They were stupid then and they are still stupid LET THEM PUT IN THESE IMPROVEMENTS.

Norman Carey  
Feb 16, 2021 at 4:36 pm