

RESOLUTION NO. R17-01

RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM THE CITY'S ZONING REGULATIONS TO ALLOW THE PROPERTY OWNER TO CONSTRUCT A SIX-FOOT FENCE AT 13 WASHINGTON WHICH EXCEEDS THE FENCE HEIGHT LIMITATION FOR PROPERTIES ZONED CENTRAL BUSINESS DISTRICT PURSUANT TO THE LAUREL MUNICIPAL CODE.

WHEREAS, the property at issue is currently zoned Community Commercial which in accordance with Chapter 17.48.050(C) of the Laurel Municipal Code, restricts a property's fence to not exceed four feet in height; and

WHEREAS, the owner of the property at issue currently seeks a variance of the fence height restriction to allow him to erect a six foot privacy fence; and

WHEREAS, the owner submitted his request for a variance to the Laurel-Yellowstone City-County Planning Board. The Planning Board sitting as the Zoning Commission, held a public hearing on the matter and no protests were made to the request and owner testified in support of his requested variance; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board, sitting as the Zoning Commission, considered all of the documentary evidence in the applicant's file and the testimony of owner and recommends the approval of the variance based on the reasoning and rationale contained in the meeting minutes; and

WHEREAS, the City Council of the City of Laurel hereby adopts the findings of the Zoning Commission as contained in the Commission's meeting minutes, and further the City Council finds it is in the best interests of the residents of the City of Laurel to allow the variance since:

1. granting the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. granting the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the owner's request for a variance is hereby approved for the property located at 13 Washington, allowing owner to construct a six foot fence subject to the following conditions:

1. The Property Owner must apply and pay for a fence permit from the City; and
2. The fence design must be approved by the City to ensure clear vision is provided at the entrance to the alley.

BE IT FURTHER RESOLVED, that the variance is site specific to this address.

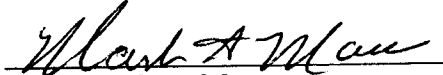
Introduced at a regular meeting of the City Council on January 3, 2017, by Council Member

Dickerson


PASSED and APPROVED by the City Council of the City of Laurel, Montana this 3rd day of January, 2017.

APPROVED BY THE MAYOR this 3rd day of January, 2017.

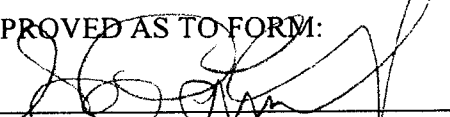
CITY OF LAUREL


Mark A. Mace, Mayor

ATTEST:


Bethany Keeler, Clerk/Treasurer

APPROVED AS TO FORM:


Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Noel Eaton, City Planner
RE: Variance – 13 Washington Ave
HEARING
DATE: January 3, 2017

DESCRIPTION/LOCATION:

Jason Balzer has submitted an application requesting a variance to exceed maximum fence height. The property is located at 13 Washington Avenue and is legally described as Laurel Realty Second Sub, S09, T02 S, R24 E, Block 14, Lot 11, & S2 12.

The property is currently zoned Central Business District.

STAFF FINDINGS:

1. Jason Balzer submitted an application for variance on September 30. The variance is from LMC 17.48.050, titled *Fence Heights*. A site plan accompanied the application.
2. The applicant is requesting a variance from Laurel Municipal code 17.48.050 to construct a fence which exceeds the maximum height allowed for front yard setbacks. LMC 17.48.050.C. states "Fences, walls and hedges up to four (4) feet may be erected or maintained in the required front yard and side yard adjacent to street setback. Fences, walls and hedges up to six (6) feet may be erected or maintained in rear yard and side yard not adjacent to street."
3. The applicant already has a six (6) foot fence in the side yard adjacent to the alley.
4. The application is proposing a six (6) foot solid fence from the front of the dwelling to the sidewalk along the south side of the property adjacent to the alley, a four (4) foot picket fence along the front property line and a four (4) foot picket fence along the north property line.

5. The applicant has submitted the variance due to the increase in traffic and nightly noise from the High Plains Brewery.
6. The applicant bought his property when the neighbor was an automobile repair and towing service. The prior use of the site did not create high foot or vehicle traffic.
7. The application and a map showing the location of the property is attached.
8. As per the requirements of LMC 17.72.070, a public hearing on the matter shall be held before the zoning commission before being heard by the Laurel City Council. As per B. of the section, public notice was published in the Laurel Outlook and adjacent property owners were notified by certified mail 15 days prior to the public hearing.

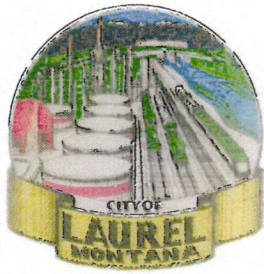
ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission reviewed the 7 criteria of a granting a variance. The Board voted to approve the variance with the staff report and suggested conditions of approval (minutes attached).

STAFF SUGGESTED CONDITIONS:

If the City Council votes to approve the variance, the following conditions are suggested:

1. The applicant shall apply and pay for a fence permit.
2. Clear vision setbacks must be approved for clear vision of the alley way.



Laurel Variance Request Application

This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: JASON BALZER
2. Name of Applicant if different from above: _____
3. Phone number of Applicant: 406-860-7207
4. Street address and general location: 13 WASHINGTON AVE
5. Legal description of the property: Residential / single family home
6. Current Zoning: ~~0000~~ Central Business District.
7. Provide a copy of covenants or deed restrictions on property.

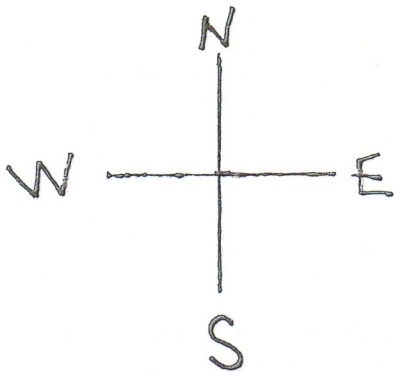
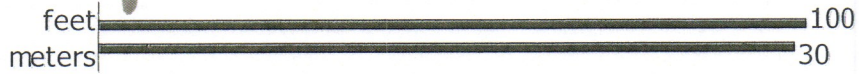
I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: Jason Balzer

Date of Submittal: 9/30/16



Google earth



Asking for a variance to put a 6' fence from the front of my house, to the front of my yard, along the south side (alley side) because of all the traffic @ High Plains Brewery.

JASON Balzer
860-7207





