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**RESOLUTION NO. R20-82**

**A RESOLUTION GRANTING VARIANCES FROM THE CITY'S SUBDIVISION ORDINANCE DEVELOPMENT REQUIREMENTS TO APPROVE A THIRTY (30) FOOT RIGHT-OF-WAY DEDICATION ALONG YARD OFFICE ROAD AND A FIFTY-SIX (56) FOOT WIDE PRIVATE INTERNAL ROAD FOR GOLDBERG SPORTING ESTATES SUBDIVISION 4TH FILING.**

WHEREAS, the current property owners of what is known as Goldberg Sporting Estates Subdivision is seeking variances from Laurel Municipal Code ("LMC") 16.04.060.C.8 which requires standard width dedication of public rights of way and standard street widths for all roads, public and private; and

WHEREAS, the property owners' representative filed a Variance Request Application seeking variances from the requirements for the streets and rights of way at issue as provided in the application which is by this reference made a part of the record in this proceeding; and

WHEREAS, the Laurel City-County Planning Board acting as the City's Zoning Commission held a public hearing on the variances on October 21, 2020 at 5:35 pm. The Zoning Commission received no public comment regarding the requested variances; and

WHEREAS, the Zoning Commission's record and decision is contained in the City-County Planning Board meeting minutes which are incorporated as part of this resolution as well as all documents submitted into the record by the applicant and City's Planning Director; and

WHEREAS, the Zoning Commission considered all of the documentary evidence in the record, City Staff recommendation, and the public comment presented at the public hearing, and recommended denying the requested variances to the City Council; and

WHEREAS, the City Council held a public hearing concerning this matter on November 10, 2020.

WHEREAS, based on the evidence contained in the record, including the Zoning Commission's file and recommendation, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to allow the variances 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 property owners' requested variances are hereby approved for the Goldberg Sporting Estates Subdivision; and

BE IT FURTHER RESOLVED, pursuant to the variance, the Property Owners may disregard the standard right of way dedication and street width for the property described herein and within the City Council Record.

Introduced at a regular meeting of the City Council on November 24, 2020 by Council Member Eaton.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 24<sup>th</sup> day of November 2020.

APPROVED BY THE MAYOR this 24<sup>th</sup> day of November 2020.

CITY OF LAUREL

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Thomas C Nelson, Mayor

ATTEST:

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Bethany Langve, Clerk/Treasurer

APPROVED AS TO FORM:

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Sam S. Painter, Civil City Attorney