

RESOLUTION NO. R14-44

**A RESOLUTION OF THE CITY COUNCIL AMENDING
RESOLUTION NO. R13-95 REMOVING CONDITIONS 6, 7 AND 8
FROM THE PREVIOUSLY APPROVED VARIANCE.**

WHEREAS, the City Council previously approved a variance for property located at 204 Cedar Avenue, subject to the eight conditions listed therein on December 13, 2013 through Resolution No. R13-95; and

WHEREAS, on June 2, 2014 the property owners, Community Hope, appealed Resolution No. R13-95, specifically conditions of approval 6, 7 and 8; and

WHEREAS, City staff has reviewed the property owners' appeal and all pertinent documents related to the variance and conditions and recommends amendment of Resolution No. R13-95 to remove conditions 6, 7 and 8.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, that Resolution No. R13-95 is hereby amended to remove conditions 6, 7 and 8.

Introduced at a regular meeting of the City Council on August 5, 2014, by Council Member Herr.

PASSED and ADOPTED by the City Council of the City of Laurel, Montana, this 5th day of August, 2014.


APPROVED by the Mayor this 5th day of August, 2014.

CITY OF LAUREL



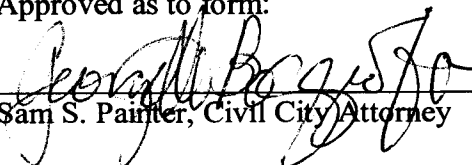
Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

Approved as to form:



Sam S. Painter, Civil City Attorney

RESOLUTION NO. R13-95

**A RESOLUTION OF THE CITY COUNCIL GRANTING A
VARIANCE FROM THE CITY ZONING ORDINANCE THAT
RESTRICTS PROPERTY OWNERS FROM EXPANDING
THEIR EXISTING NON-CONFORMING USE.**

WHEREAS, the property located at 204 Cedar Avenue is currently zoned Residential Limited Multifamily (RLMF) that does not allow commercial businesses within the residential zone; and

WHEREAS, the City Council previously allowed the property owner to construct and operate a commercial business at 204 Cedar Avenue through a special review process in 1994; and

WHEREAS, the property owner, Community Hope, Inc, utilizes the property located at 204 Cedar Avenue to provide assistance to individuals and families in the area who are in need of assistance; and

WHEREAS, the City Ordinance LMC 17.56.030 provides “no building used for a non-conforming use shall be enlarged, extended, reconstructed, or structurally altered;” and

WHEREAS, Community Hope, Inc, desires to construct an outdoor covered storage facility as an addition to the existing structure, however the proposed construction would constitute an enlargement or expansion of their existing non-conforming use; and

WHEREAS, Community Hope, Inc. has applied for a variance recommendation from the Laurel-Yellowstone City-County Planning Board, sitting as the Zoning Commission. The Zoning Commission conducted a public hearing on November 7, 2013 and no protests were heard; 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 the owners and recommends the approval of the variance with conditions suggested by City Staff; and

WHEREAS, the City Council held a public hearing concerning this matter on December 3, 2013. No objections were noted or received into the record.

WHEREAS, 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 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.

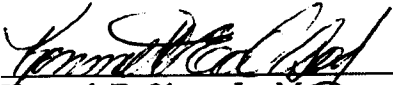
NOW THEREFORE, BE IT RESOLVED that the property owner's request for a variance from City Ordinance LMC 17.56.030 that prohibits the expansion of an existing non-conforming use is hereby approved for the property located at 204 Cedar Avenue with the following conditions:

1. The variance is effective for a period of 3 years from the date this resolution is approved;
2. The applicant shall apply for and obtain a building permit from the City;
3. The property must be kept free of noxious weeds; and
4. All storm water must remain or be kept on the property.
5. The half-moon made by the turn around on the property shall be landscaped with, at a minimum, three deciduous trees of at least three inch diameter and three low, ground cover, juniper bushes.
6. A six foot, solid cedar fence shall be provided from both sides of the back building line to the alley and along the alley.
7. The alley fencing must allow for dumpster access from the alley.
8. A drive through gate shall be provided on the north end of the alley fence: this gate shall remain closed and locked when Community Hope is not open.

Introduced at a regular meeting of the City Council on December 3, 2013, by Council Member Dickerson.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 3rd day of December, 2013.

APPROVED BY THE MAYOR this 3rd day of December, 2013.



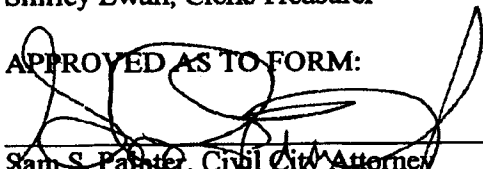
Kenneth E. Olson, Jr., Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

APPROVED AS TO FORM:



Sam S. Painter, Civil City Attorney