

**WHITEFISH BOARD OF ADJUSTMENT
MINUTES
August 4, 2015**

- A. Call to order and roll call.** The meeting was called to order at 6:00p.m. Members present were Norm Nelson, Josh Akey, Mike Kelley, Doug Peppmeier, Herb Peschel and Senior Planner Wendy Compton-Ring. Brandon Jacobson and Scott Sorenson were absent.
- B. Communication from the Public.** (This time is set aside for the public to comment on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The chair has the option of limiting such communications depending on the number of citizens who want to comment and the length of the meeting agenda.)
- C. Approval of the Board of Adjustment Minutes of the June 23, 2015 meeting:** Mike Kelley made a motion, second by Josh Akey to approve the June 23, 2015 Board of Adjustment Minutes. The motion passed unanimously.
- D. Old Business**
- E. Public Hearings:**

A variance request by Jason Pohlman, Mindful Designs, to construct a triplex within 9-ft of the eastern side property line and 13-ft of the western side property line where the standard is 15-feet each. The property is located at 50 W 2nd Street. (WZV 15-03):

Senior Planner Wendy Compton-Ring gave the staff report. The proposal is for a side yard setback to construct a triplex on the north portion of the lot. Staff placed a legal in the paper on July 15, 2015 and notified the adjacent land owners within 150-feet on July 10, 2015. One letter of support was received from the neighboring property to the west.

The strict compliance of WR-3 deprives the applicant of a right enjoyed by their neighbors to have reduced setback in order to develop their property. The lot is 50-feet where the standard is 75-feet. Once the 15-foot side yard setback is implemented, the buildable width is 20-feet. The applicant has utilized all opportunities available through the zoning to maximize the developable area. The subdivision was platted in 1917 with 100-foot wide lots, but at some point the lots were split into two lots.

The apartment building to the east has a 5-foot setback and the proposed triplex will have a 9-foot setback. The applicant has taken advantage of all the opportunities to maximize the buildable area, through shared parking and buffer reduction through the buffer encroachment. Staff recommends approval.

The Public Hearing was opened.

The applicant Jason Pohlman, 325 Moonridge Drive, Whitefish, stated the building is 28-feet wide. A triplex gives more opportunity for multifamily residence that is close to town. Doug Peppmeier asked and Jason stated the reason for a triplex rather than a duplex is because of higher density.

Public Hearing was closed.

Mike Kelley stated the same scenario was in front of the board awhile ago. The lots were platted a long time ago and it seems the applicant has done the best they can to restore the lot to make it feasible and viable for a triplex.

Mike Kelley made a motion, second Norm Nelson to approve the variance request WZV 15-03 to construct a triplex within 9-feet of the eastern side property line and 13-feet of the western side property line where the standard is 15-feet each, located at 50 West 2nd St. The motion passed unanimously.

F. New Business - none

G. Good and Welfare

1. Matters from Board

2. Matters from staff – Wendy said she has received a variance request and would like to have the meeting September 1st. The members present stated they could all attend. She will send an email stating the location of the meeting.

At the last meeting, Norm had inquired about a variance that was approved for 718 Columbia Ave. The variance was approved to enclose a porch with the condition that if the property ever sells, the enclosure would need to be removed. Wendy checked with City Attorney Angela Jacobs and she said the approval cannot be placed on the owner; it has to follow the land. The City cannot require the structure to be removed upon sale of the property.

H. Adjournment. The meeting was adjourned at 6:14p.m.