

# CITY OF WHITEFISH

## BOARD OF ADJUSTMENT

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**Date:** Tuesday, January 4, 2022

**Place:** City Council Chambers

**Recorded By:** Dabney Langellier

**Members Present:**

Phil Boland  
Ian Hasson  
Mike Kelley  
Parker Kelly  
Doug Peppmeier  
Scott Wurster

**Members Absent:**

One vacant position

**Staff Present:**

Jessica Nymark  
Wendy Compton-Ring

A. CALL TO ORDER & ROLL CALL

**Summary:** The Committee Chair, Mike Kelley called the meeting to order at 6 pm.

B. BOARD OF ADJUSTMENT APPOINTMENTS

1. SELECTION OF COMMITTEE CHAIR

**ACTION:** Doug made a motion to nominate Mike Kelley to serve as Committee Chair. Scott seconded the motion, and all were in favor. The motion passed unanimously.

2. SELECTION OF COMMITTEE VICE-CHAIR

**ACTION:** Mike made a motion to nominate Doug Peppmeier to serve as Committee Vice-Chair. Ian seconded the motion, and all were in favor. The motion passed unanimously.

C. APPROVAL OF DECEMBER 2021 MINUTES

**Summary:** Members reviewed the minutes of December 7, 2021.

**ACTION:** Parker made a motion to approve the Minutes of December 7, 2021. Doug seconded and all were in favor. The motion passed unanimously.

D. COMMUNICATION FROM THE PUBLIC

**Summary:** None

E. OLD BUSINESS

**Summary:** The project at 1240 Birch Point Dr also had a Lakeshore Variance application that went before the Lakeshore Committee. They were requesting to encroach the deck six inches into the Lakeshore Protection Zone (LPZ). This request was denied by City Council yesterday. This does not affect the decision the Board of Adjustment made in December, nor do they have to come back to the Board for any reason. However, the applicants will have to move the deck completely out of the LPZ.

F. PUBLIC HEARING

1. WZV 21-09 – ANDREW & DENISE STRONG

**Summary:** The applicants are requesting a variance to replace a non-conforming staircase within the front yard setbacks. The property is located at 405 Central Ave.

Jessica provided a summary of the application and her staff report:

- The property is zoned WR-4 with a 20-foot setback from the front and 10 feet from the sides.
- Regulations allow steps to encroach no more than 1/3 into the setback, but the steps cannot be wider than 4 feet.
- The variance request today is for the step width, not the encroachment. The applicants would like to replace the stairs to the original width of 9 feet 8 inches.

Variance conditions to be met:

- The lot was created in 1903 and the home was built in 1908. Denial of the variance will not limit the owner’s use of the property, but it will detract from the historical integrity of the home.
- The hardship is peculiar to this property and a result of circumstances over which the applicant has no control because the existing residential structure was constructed prior to the establishment of the current zoning regulations.
- The hardship was created by the applicant in part because the stairs were removed prior to receiving a repair authorization. Therefore, they must apply for a variance instead. However, the stairs could have qualified for repair/replacement due the level of deterioration.
- The applicant is not increasing the non-conformity. The proposed staircase will match the previous one in location and dimension.

**Recommendation:** Staff is recommending the Board approve the variance with the three conditions listed in the report.

Members discussed the following items with staff:

- If the applicant had not removed the staircase and just repaired it, they would not have had to apply for a variance.
- The regulations limit the stair width in order to limit the amount in the encroached area. The width of 4 feet is derived from the building code.
- The stairs were removed after the owner purchased the property.

Doug Rhoades with Sun Works Architecture spoke on behalf of the application and noted the following:

- The stairs were not salvageable.

There was no one from the public that wished to comment on the variance request.

**ACTION:** Parker made a motion to approve variance application WZV 21-09. Ian seconded the motion for approval, and all were in favor. The motion passed unanimously.

G. NEW BUSINESS

**Summary:** None.

H. GOOD AND WELFARE

1. MATTERS FROM BOARD

**Summary:** None.

2. MATTERS FROM STAFF

**Summary:** No applications have been submitted at this time. Therefore, there will be no meeting in February, but possibly one in March.

I. ADJOURNMENT

**Summary:** The meeting adjourned at 6:15 pm.