

**FLATHEAD COUNTY BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
OCTOBER 3, 2006**

**CALL TO ORDER** The regular meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Committee members present were Tony Sagami, Gina Klempel, Scott Hollinger, Denny Rea and Mark Hash. Rebecca Shaw, George Smith, Annie Thompson, and BJ Grieve represented the Flathead County Planning & Zoning Office (FCPZ).

There were 15 people in the audience.

**APPROVAL OF MINUTES** Klempel made a motion seconded by Sagami to approve the August 1, 2006 meeting minutes.

The motion was carried by quorum.

Hollinger made a motion seconded by Sagami to approve the September 5, 2006 meeting minutes.

The motion was carried by quorum.

**CONDITIONAL USE PERMIT/ FAITH ALLIANCE CHURCH (FCU 06-13)** A request by Faith Alliance Church, for a Conditional Use Permit to construct and operate a church within the Highway 93 North, SAG-5 (Suburban Agricultural-5 acres) Zoning District. The property is located off of Rose Bud Lane, which forms the eastern boundary, and Rose Crossing which is the southern boundary.

**STAFF REPORT** Rebecca Shaw, of the Flathead County Planning & Zoning Office reviewed Staff Report FCU-06-13 for the Board.

**BOARD QUESTIONS** Rea was concerned about the sewer and water hook-ups.

Shaw & Rea discussed sewer and water.

**APPLICANT** Erica Wirtala, 2 Village Loop, of Sands Surveying, represented the applicant. She talked about an approved County approach permit at the corner of the west edge of the property. She handed out photos to the Board. She stated that there were a wide variety of possible uses for the land such as: vet hospital, bed & breakfast, camper retreat center, airfield, mobile home park, or church, which is being presented at this

**APPLICANT  
CONTINUED...**

time. She said it had been looked at for another subdivision, but the process was not completed. She stated that churches are typically the cornerstone of a neighborhood. She talked about the minimal light pollution and the area surrounding the property. She said they had a neighborhood meeting about this project. She said they planned to install a low level lighting plan and motion sensors. She said the majority of traffic would be coming from Kalispell, mostly on Sundays, and possibly other nights during the week. She talked about the proposal of a new mailbox cluster for better safety for the postal carrier and residents.

**PUBLIC  
COMMENT**

Paul Wacholz, 183 Fairway Blvd, one of the principal owners of Montana Ventures. He said there will be 9 acres of green space surrounding the church. He said it will be a great location. He asked the Board to approve this request.

Debbie Street, 1400 Rose Crossing, was in support of the proposal. She was also the real estate agent for the property. She thought it would be a good idea for the church to be located there. She said they live nearby the subject property and felt the church would be a wonderful asset to the community.

Alan Porter, associate Pastor of the church, said the Senior Pastor of the church could not be there because he was on a mission trip. He said they will follow through on the promises made and try their best to be good neighbors. He said a church is about the best neighbor anyone could ask for. He talked about the minimal traffic on certain days throughout the week. He said it would be a great asset to the neighborhood. He said they would open up the church building for other uses when needed.

Andrea Baumgardner, 101 Rosebud Lane, is opposed to the church. She said everyone else that had spoken had a financial purpose in it. She said they are currently the only people that live on Rosebud Lane and would be able to see the church from their house. The parking lot will be directly across from them. She said her family built a home in what they thought would remain a rural area. She stated her family would like to retain the feel of a neighborhood not a commercial area. She said she belongs to the Northridge Lutheran Church and everyone who comes to Faith Alliance church will be a stranger that has no investment in the

property and will just be coming and going. She said the strangers would be no one she would get to know or be involved with as a neighbor. The church will be a commercial building with pavement and lights and she said the church is going to allow different groups of people to use their building. She said Northridge Lutheran lets others use their building; however, they are a small church and fit in nicely with the neighborhood. The proposed church is a large building and will not be a good fit for the area. She talked about the future bike path through the area, the landscaping issue, and wondered what the church would do if they couldn't afford to maintain the landscaping they plan to install. She asked the Board to think of those who have put their heart and soul into the neighborhood.

**BOARD  
DISCUSSION**

Klempel asked how many were in the congregation.

Someone from the audience said 200.

Hash asked Wirtala about the motion light.

Wirtala talked about other churches and their lighting. She said some of the churches leave lights on all night and some don't leave any lights on at all. She said she is a dark skies proponent herself. She said they worked with a lighting specialist and made an agreement the lights would not be on all night. She said there will be evening use of the building and talked about low-level sidewalk lights for the evening functions. She said the applicants don't want the area to be a glow on the horizon.

Hash and Wirtala discussed the roads and right-of-way.

Wirtala said the bike path will exit onto Rosebud Lane.

Rea asked Wirtala if she still wanted a rebuttal.

Wirtala said she had already answered Hash's questions.

Hollinger and Hash discussed condition #8.

**MOTION**

Hash made a motion seconded by Hollinger to adopt Staff Report FCU 06-13 and approve the Conditional Use Permit.

<b>STAFF REBUTTAL</b>	Shaw talked about the bike path and right of way and said they were shown on the map.
<b>APPLICANT REBUTTAL</b>	None.
<b>ROLL CALL</b>	On a roll call vote the motion passed unanimously.
<b>ZONING VARIANCE/ NATHAN GARBER (FZV-06-10)</b>	A request by Nathan Garber for a Zoning Variance to property within the Highway 93 North Zoning District. The property is located at 2976 Whitefish Stage Road. The applicant is requesting a variance to Section 3.07.040 (3) D of the Flathead County Zoning Regulations, which require a twenty (20) foot setback from a major collector road. The applicant has an existing structure which encroaches approximately eighteen (18) inches into the required setback.
<b>STAFF REPORT</b>	George Smith of the Flathead County Planning & Zoning Office reviewed Staff Report FZV-06-10 for the Board.
<b>BOARD QUESTIONS</b>	Hollinger asked about the setbacks.  Smith explained.  Hollinger asked what the purpose of the setbacks were on the highway.  Smith said so a semi-truck does not end up in someone's living room.  The Board discussed the area the project is located.
<b>APPLICANT</b>	None.
<b>PUBLIC COMMENT</b>	None.
<b>APPLICANT REBUTTAL</b>	None.
<b>STAFF REBUTTAL</b>	None.
<b>BOARD DISCUSSION</b>	None.

**MOTION** Sagami made a motion seconded by Hollinger to adopt Staff Report FZV-06-10 as findings of fact and grant the zoning variance.

**BOARD DISCUSSION** None.

**ROLL CALL** On a roll call vote the motion passed unanimously.

**CONDITIONAL USE PERMIT/ GULLEDGE FZV-06-09** A request by Rebecca Gulledge and Charlene Penrod for a Zoning Variance to property within the LaBrant-Lindsey Lane Zoning District. The property is located at 1445 LaBrant Road and consists of 10 acres. The applicants are requesting a variance to Section 3.39.040 (2) of the Flathead County Zoning Regulations as they would like to divide the property into two (2)-five (5) acres parcels.

**STAFF REPORT** Anne Thompson reviewed Staff Report FZV-06-09 for the Board.

**BOARD COMMENTS** Sagami asked if the date 1993 date was correct and if 1998 was the correct year.

**APPLICANT** Peter Leander, 443 Osborn Ave Suite 108 in Bigfork, represented Becky Gulledge and Charlene Penrod. He gave a brief history and presented a graph/map with a summary of the property.

**PUBLIC COMMENT**  
*(from the audience not the podium)*

Gulledge asked if the Board would please do this.

Leander asked Gulledge to come up to the podium and talk.

Gulledge said that was all she had to say.

Penrod talked about herself and her children said her oldest son has difficulty staying nearby because of Down's Syndrome. She said she is thankful for the space of land she has for him to run. She said he does not talk but can make sounds so she can find him. She said the distance he can go in such a short amount of time is amazing. She said she has the perfect location with all her children and the issues they have at home. She's lived there for 20 years and doesn't want to move, but if this is not approved by the Board she would probably have to move.

Rea asked if there was a written contract and wanted to see it as proof.

Gulledge, Penrod, Leander, and the Board discussed the property and proof of payments of the property.

Hollinger asked Gulledge what she would do if she had her 5-acre parcel.

She said she would keep it as a buffer and said she had 2 sons to give property to in the future.

Hollinger asked about boundary line adjustment.

Gulledge said she's thought about it but did not like the idea.

Gulledge, Penrod, Leander, and the Board discussed the matter further.

**STAFF  
REBUTTAL**

None.

**APPLICANT  
REBUTTAL**

None.

**BOARD  
DISCUSSION**

Rea said he wanted to close the public comment and make a Board decision.

Hash said his heart goes out to them and talked about the options they have.

Sagami said things change and wanted the Board to accept the Conditional Use Permit.

Hash and Sagami talked about the situation.

Hash asked Staff if they had a solution since he could not see one that would meet the requirements.

Thompson replied.

The Board discussed the matter further.

**MOTION**

Hash made a motion seconded by Hollinger to adopt Staff Report FZV-06-09 and **deny** the zoning variance.

**BOARD  
DISCUSSION**

None.

**ROLL CALL**

On a roll call vote the motion passed 4-1 with Sagami dissenting.

**OLD BUSINESS**

None.

**NEW BUSINESS**

BJ Grieve talked about the full schedule set for next months meeting.

**ADJOURNMENT**

The meeting was adjourned at approximately 8:10 p.m. The next meeting will be held at 6:00 p.m. on November 8, 2006.

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Dennis Rea, President

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Arica Ahart, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 1/2/07