



Flathead County Planning & Zoning

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ZONING ADMINISTRATOR INTERPRETATION APPEAL APPLICATION

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 380

Before completing this application please read instructions on page 2.

1. **APPELLANT:**

Name: North Fork Land Use Advisory Committee c/o Randy Kenyon
Address: 77 Moose Creek Rd. Phone: 406-640-3184
City/State/Zip: Polebridge, MT 59928
Email: kenyonnorthfork@gmail.com

3. **TECHNICAL/PROFESSIONAL ASSISTANCE:** *(If applicable)*

Name: Stephen C. Berg, Attorney
Address: 221 1st Ave. E. (PO Box 3038) Phone: 406-257-1985
City/State/Zip: Kalispell, MT 59901 (59903)
Email: scberg@centurytel.net

4. **DATE OF INTERPRETATION:** August 6, 2020

5. **HOW IS THE APPELLANT ASSOCIATED WITH THE INTERPRETATION:**

The North Fork Land Use Advisory Committee (NFLUAC) was appointed by the Flathead County Commissioners in 1987 to serve as liaison between the County Commissioners, County Planning Board, other county offices, and local property owners.

6. **LEGAL DESCRIPTION:** *(if interpretation pertains to a specific property)*

Subdivision *(if applicable)* Parcels E & F, COS 4370 Lot/Tract(s) NE ¼ SE ¼
Assessor # _____ Section 21 Township 35N Range 21W

7. **ZONING DISTRICT:** North Fork **ZONING DESIGNATION:** North Fork and Scenic Corridor

8. **ZONING ADMINISTRATOR INTERPRETATION:** *(briefly summarize)*

- 1) One rental cabin would be allowed per parcel in conjunction with a single family dwelling.
- 2) A canvas wall tent could be utilized as a guest cabin, and one as a rental cabin because a canvas wall tent meets the definitions of "Structure" and "Building" as found in the Flathead County Zoning Regulations, Paragraphs 8.18.220 and 8.03.070, respectively.

8. **HOW HAS THE APPELLANT BEEN SPECIFICALLY AGGRIEVED BY THIS INTERPRETATION:**

North Fork Zoning Regulations have been misinterpreted in the Zoning Determination letter dated August 6, 2020 from Planner Erik Mack to Montana Yoga Adventures, LLC as the regulations pertain to the definition of Rental Cabin density allowed, and tents being considered as a guest or rental cabin, all as more specifically described in ¶ 10 below.

10. **HOW DOES THE APPELLANT FEEL THE ZONING ADMINISTRATOR ERRED IN THIS INTERPRETATION:**

1) Under the North Fork Zoning Regulation's definition of Rental Cabin, Sec. 3.40.050, a rental cabin may be built at a density of "one for each five acres of contiguous property owned", not one rental cabin per parcel owned. In other words, if an applicant owns two 2.6-acre parcels which are contiguous to each other, the applicant would be entitled to only one rental cabin for the 5.2 contiguous acreage, not one rental cabin per parcel.

2) A canvas wall tent does not meet either of the aforementioned definitions of "Structure" or "Building" as a Building is defined as a "structure", and a Structure is defined as "a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground...."

3) A "guest cabin" is, by definition, a detached "structure;" a tent is not. A guest cabin, if rented, becomes a rental cabin.

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as part of this appeal, to be true, complete, and accurate to the best of my knowledge.

Stephen C. Berg
Appellant(s)

Aug. 31, 2020
Date