



**Flathead County**  
**Planning & Zoning**  
 1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
 Telephone 406.751.8200 Fax 406.751.8210



**CONDITIONAL USE PERMIT APPLICATION<sup>1</sup>**

*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 \$ 700.00**

**PROPOSED USE (as described in the Flathead County Zoning Regulations):**

The applicant would like to apply for a Conditional Use Permit that would allow for the use of an outbuilding and non-familial employees for their home occupation of running a catering business.

**OWNER(S) OF RECORD:**

Name: John Ledyard Phone: 270-4600  
 Mailing Address: 280 Twin Bridges Road  
 City, State, Zip Code: Whitefish, MT 59937  
 Email: johnsangels@centurytel.net

**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:**

Name: Sands Surveying, Inc. C/o Erica Wirtala Phone: 755-6481  
 Mailing Address: 2 Village Loop  
 City, State, Zip Code: Kalispell, MT 59901  
 Email: erica@sandssurveying.com

**LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):**

Street  
 Address: 280 Twin Bridges Road S 5 T 30N R 22W  
 Subdivision Tract Lot Block  
 Name: \_\_\_\_\_ No(s). 3BH No(s). \_\_\_\_\_ No. \_\_\_\_\_

1. **Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):**

The property is zoned AG-40 and is in the Blanchard Lake Zoning District.

<sup>1</sup> Revised: 06/24/10

2. Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:



**A. Site Suitability.**

The site is suitable for the use. This includes:

- (1) adequate usable space

The "outbuilding" is located on the same tract as the Ledyard's residence. The tract of land is approximately 30 acres in size with the residence located to the rear of the property. The "outbuilding" is nearly 100' from the County paved Twin Bridges roadway. The building was recently constructed and was designed to appear as a residential structure. (See attached photographs). There is an enclosed garage to house the utility trailers/BBQ cookers. One complete wing of the structure is a commercial kitchen facility. The building was built to commercial codes and has a valid septic permit. The second "wing" of the structure is an office/sleeping area, handicapped-accessible restrooms, and dining room area which is nicely appointed with beautiful furnishings and artwork. There is a full bathroom with vanity on the basement floor. The facility is located on level ground with room for a driveway turnaround and parking area.

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- (2) adequate access

The driveway accesses Twin Bridges Road, which is a newly paved State maintained roadway. There is good sight distance in either direction. KM Ranch Road also intersects at this location.

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- (3) absence of environmental constraints

The facility is constructed on level ground. There is a pond at the back of the structure, but this has not been impacted. The entire operation is contained to this small area of the Ledyard's property.

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**B. Appropriateness of Design.**

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme

As noted in the attached photos, there is a turn-around area as well as a parking area for employees.

- (2) traffic circulation

Employees enter via a driveway from Twin Bridges road and travel a short distance down a gravel drive to a gravel parking area. During the summer months, there are approximately 5-8 employees that work 8 hours per day 5 days a week. During the "off" season, the number of employees is reduced to three or four, working a reduced number of days and hours. There is a driveway to the garage where the utility trailers and BBQ grills are stored.

- (3) open space

As this Conditional Use Permit is applicable only to the "outbuilding", the remainder of the Ledyard's property 30 acres unaffected. There is a large horse pasture, beautiful mature trees, landscaping and a pond that adds to the charm of the property.

- (4) fencing, screening

There is a rustic fence that fronts Twin Bridges Road and natural landscaping that obscures the view of the structure from the traveling public.

landscaping

There is some landscaping around the structure, but as it has been recently completed, it will take some time to mature. The property has been seeded and the lawn/grounds are well maintained.

- (5) signage

In the AG-40 zone, one freestanding sign plus one wall sign for each place of business is allowed. The sign area shall not exceed 40 square feet. As noted by the attached photo, there are two existing signs on each side of the entry on the fence at the roadside. One is 3' by 3.5' for a total of 10.5' and the other is smaller. This is the only signage and it does not exceed the zoning specifications.

- (6) lighting

The structure has lighting typical to a residence: there is a motion sensor light over the garage and two entry lights by the front door. There is no lighting at the driveway or on the signs.



**C. Availability of Public Services and Facilities**

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (1) sewer

There is no public sewer in this area, nor is it anticipated that sewer would be available in the near future. The site is served by a septic system that was recently approved and installed through the Flathead City County Health Department.

- (2) water

This site is served by a private well. There is no public water systems in the area.

storm water drainage

The facility is sited on well-draining soils on high ground. There is no paving on the property and run-off will absorb into the large open spaces.

- (3) fire protection

The property is sited within the Whitefish Rural Fire District, but in speaking to the Whitefish Fire Department, it will be served by the main station in downtown Whitefish. Back-up trucks would come from the station located on Whitefish Stage and Hodgeson Road and manned by the volunteer staff. It is approximately 5.5 miles from the main Whitefish station to 220 Twin Bridges Road. West Valley Volunteer Fire Department has a new substation located on Farm to Market Road only three miles down the road and could also respond in the event of an emergency. The subject property has been cleared of brush and meets the defensible space standards as typically required in subdivision conditions of approval.

- (4) police protection

The site is located outside of Whitefish City limits, so police response would be handled by the Flathead County Sheriff's department.

- (5) streets

Twin Bridges Road is a state secondary highway and was recently re-asphalted so it is in good condition. There is adequate sight distance. In talking with James Freyholtz, Civil Engineering Specialist at MDOT, Mr Freyholtz did not anticipate a "Change of Use" permit being required for their driveway associated with this application.



**D. Immediate Neighborhood Impact**

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (1) excessive traffic generation

The number of employees of John's Angels Catering varies during the week and during the season. Typically there are no more than eight (8) employees at the facility at one time. Work hours vary according to the schedule, which may include evening or weekend events. This Conditional Use Permit for home occupation may generate as many as an additional 20 trips per day to the site.

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- (2) noise or vibration

All of the cooking is done indoors in a commercial kitchen. There are commercial exhaust fans that vent from the interior of the structure.

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- (3) dust, glare or heat

None of the above items are created as a result of the catering business. The driveways are short, traffic speed is minimal and although the parking areas are gravel, there is irrigation to keep the dust abated.

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- (4) smoke, fumes, gas, or odors

Cooking food smells are generated from the exhaust fans, but are not invasive to other property owners.

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- (5) inappropriate hours of operation

It is anticipated that employees would work regular business hours, however, there may be times when working late would be required. There most likely would be weekend work, although not every weekend. On a typical day employees would arrive in the morning about 8:30 am, leave for the event at noon, return about 9:00 pm and depart about 10:00 pm. This would also vary seasonally.

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3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" as outlined in Chapter 4 the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts
- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals



- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses

Consultation with Planner:

Date \_\_\_\_\_ Planner's Signature \_\_\_\_\_

**INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:**

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. A **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
  - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

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*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 a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.*

*Erica Alisfala*  
 Applicant Signature \_\_\_\_\_ Date 8-26-2011  
*Agent for Client*

