



1035 First Ave West
Kalispell, MT 59901
OFFICE: 406.751.8200
FAX: 406.751.8210
EMAIL: planningweb@flathead.mt.gov
WEB: flathead.mt.gov/planning_zoning

April 7, 2010

Nodding Onion, LLC
Mr. Rolland Andrews
PO Box 191
Kalispell, MT 59903

Re: Re-hearing request for #FZV-09-08 Nodding Onion, LLC

Dear Mr. Andrews

This letter is in response to your request for a re-hearing of your application for a variance to the paving requirements outlined in the I-1H Light Industrial Highway zoning district and applicable to your property [FCZR Section 3.28.050 (1)(D)].

The original variance request was heard by the Board of Adjustments on February 2, 2010. The Board denied the wholesale variance request (Design Alternative A) on a 3-2 vote, subsequently approving a partial paving alternative recommended by staff (Design Alternative B). The approval of this variance alternative was based on two project-specific conditions. The second condition approved by the Board states the following: *“If it is determined by the Montana Department of Environmental Quality (MDEQ) that site design Alternative B is not feasible, the applicant may reapply for reconsideration of this variance.”*

In response to this condition you submitted new materials, including a letter from the MDEQ, that you feel meet the intent of the condition above. The materials were submitted on March 29, 2010, to meet the application deadline date for the June Board of Adjustments hearing.

Based on the specified intent behind Condition #2, the re-hearing of variance application #FZV-09-08 has been placed on the Board’s agenda for their **June 1, 2010 meeting, beginning at 6:00 p.m. on February 2, 2010 in the 2nd Floor Conference Room located at 1035 1st Ave. West, Kalispell.** As always, the meeting will be open to the public and the re-hearing will include new opportunity for public comment, with notice sent to adjacent property owners.

It is up to the Board of Adjustment to determine whether the information you have submitted meets the intent of Condition #2 with regard to feasibility of paving, and is substantial enough to alter the Board’s review of the original variance request. Should this occur, the outcome of the variance request may have bearing on your original Conditional Use Permit (#FCU-09-08), approved October 6, 2009 and subject to ten conditions; Condition #4 specifically addresses the paving requirements of the I-1H zoning district. Therefore a separate agenda item to amend the

conditions of #FCU-09-08, if necessary, has been scheduled following the re-hearing of the variance request on June 1, 2010.

Should you have any questions or concerns regarding your variance request, conditional use permit or the contents of this letter, please do not hesitate to contact our office at (406) 751-8200.

Sincerely,

Jeff Harris, Director
Flathead County Planning & Zoning

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