



Flathead County
Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



APPLICATION FOR A VARIANCE

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 \$ 350⁰⁰

Before completing this application please read instructions on page 4.

1. **OWNER:**
Name: Albin and Mary Kwolek
Address: 1970 Hodgson Road Phone: 406-730-2670
City/State/Zip: Whitefish, Montana, 59937
Email: Kwolek51@msn.com

INTEREST IN PROPERTY: _____

2. **APPLICANT:** (If different from above)
Name: _____
Address: _____ Phone: _____
City/State/Zip: _____

3. **TECHNICAL/PROFESSIONAL ASSISTANCE:** (If applicable)
Name: _____
Address: _____ Phone: _____
City/State/Zip: _____
Email: _____

4. **LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:**
Physical Address: 1970 Hodgson Road, Whitefish, MT, 59937

5. **ZONING DISTRICT:** Happy Valley **ZONING DESIGNATION:** R-2

6. **DATE PROPERTY ACQUIRED:** July 2010

7. **LEGAL DESCRIPTION:**
Subdivision (if applicable) Happy Valley Lot/Tract(s) 75
Assessor # 0423120 Section 30 Township 30 Range 21

See Attached pages for answers



8. **REQUEST FOR A VARIANCE FROM THE PROVISIONS OF** _____ **(State, Section, Part, and Paragraph of the Zoning Regulations):** _____

9. **THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE PROVISIONS OF THE REGULATIONS** (check one below):
Area _____ Yard _____ Height _____
Coverage _____ Parking _____ Other _____

10. **STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY** (use additional sheet if necessary):

11. **EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS** (be complete, use additional sheet if necessary):
A. Strict compliance with the provisions of these regulations will limit the reasonable use of the property, and deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

B. The hardship is the result of lot size, shape, topography, or other circumstance over which the applicant has no control.

C. The hardship is peculiar to the property.



D. The hardship was not created by the applicant.

E. The hardship is not economic (*where a reasonable or viable alternative exists*).

F. Granting the variance will not adversely affect the neighboring properties or the public.

G. The variance requested is the minimum variance, which will alleviate the hardship.

H. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

12. **ATTACH A PLOT PLAN OR DRAWING.**

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 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 or other appropriate action taken. The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during the approval and development process.

Alex K. Wald
Owner/Applicant Signature

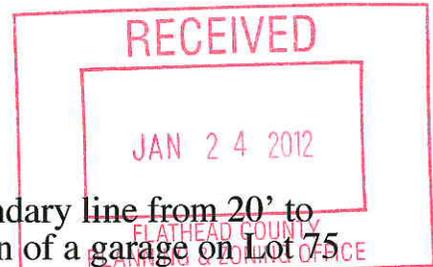
1/24/12
Date

INSTRUCTIONS FOR VARIANCE APPLICATION

1. ANSWER ALL QUESTIONS. Answers should be clear and contain all the necessary information.
2. In answering Question 7, refer to the classification system in the Zoning Regulations and explain in detail the specific standards from which the applicant is seeking relief.
3. In answering Question 9, be specific and complete. In this and all other questions, if additional space is needed you may use additional paper, and list which section number you are continuing.
4. Answer Question 10, A-H completely and fully.
5. A copy of the plot plan or site plan must be submitted with each application (*Please include 6 copies if you submit a size larger than 11x17*).
6. 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.
7. A fee per the FCPZ schedule of fees for a variance application must be submitted with this application to cover the cost of necessary investigation, publication, mailing and processing procedures.



REQUEST FOR A VARIANCE



8. To reduce the boundary offset on the Goat Trail boundary line from 20' to 3'. This is requested to accommodate the construction of a garage on Lot 75 in the Happy Valley subdivision outside of Whitefish Zoned R-2.
9. Parking
10. Reduce the boundary offset from 20' to 3' along the alley (access off Goat Trail) to allow for the erection of a two car garage in the only feasible location where a garage can be built on this property as explained by circumstances cited in 11A & B.
- 11A. The only access to the property is from the alley off Goat Trail. There is no access from Hodgson Road. This is the only residence on the alley without a garage. The best location that could accommodate a garage is on the east side of the house on a landfill terrace we had built because of the steep nature of the lot running down to Hodgson Road.

This terraced landfill is constrained by a driveway along the east side property line with the adjoining lot. The driveway provides access to the backyard, the septic tank, and the drainfield for this property and potentially the drainfield for property lot 80. Lot 80 is located further down the alley. The drainfields make it impossible to place a garage in the main, middle part of the backyard

The other constraint to the location of a garage is the placement of the septic tank, which limits the size of the terraced landfill on the north, or towards the interior of the property. The septic placement is off the northeast side of the house. The landfill narrows to 9' between the septic tank and side driveway. The only other space available on the lot for a building is below the two drain fields close to Hodgson Road. This would be a long distance from the house on a slope up to the second, main level of the house where the front entrance is located on the alley. Also, the driveway to the backyard is very steep. In the summer it was necessary to have a 4 wheel drive to use it. This driveway could not be used in the winter so the bottom of the property is not a viable location in which to place a garage.

On the west side of the house there isn't enough room for a garage Also a small storage shed is located there. A garage on the terraced landfill on the east side with 20' x 20' dimensions would extend to 3' of the property boundary with the alley and approximately 17' from the adjoining Lot 76.

See maps.

- 11B. The placement of a garage on this property is constrained by the following.
(1) The only way into the property is from the alley off Goat Trail.

- (2) Two septic fields in the back yard make it impossible to locate a garage there.
- (3) The need for landfill to place the garage and the limitation of said landfill by the septic tank, the driveway access to the septic tank and the drainfields.

11C. The hardship is due to several factors. The location of a garage is severely restricted due to the access road via the alley to the house, the placement of the septic tank, the two drain fields, the distance and the steepness to the bottom area of the property which all combine to make it necessary to put a garage only in the location requested.

Unique to this property is the deeded land for a drainfield for Lot 80 so that two drainfields occupy the central portion of the lot. All of the other homes or the lots surrounding ours have two car garages. None of these residences have the unique issues mentioned above which necessitate a variance for this lot.

11D. The hardship was created by the builder, Michael. K. Blend, Inc. with the placement of the septic tank and the drainfields for this Lot 76 and Lot 80 and the way he situated the house and the septic systems on this lot.

11E. The hardship is the need for vehicle garage storage.

11F. The placement of the garage will not affect road access for drivers using Goat Trail Alley, and would be in compliance with Flathead Electric powerlines.

11G. The minimum garage space size needed is 20' x 20'. The garage would have to be slightly angled so that one corner would be 3' from the property boundary line along Goat Trail Alley, 17' to adjoining Lot 76. A garage at a right angle to the driveway would make it impossible to park our 3/4 ton Dodge truck in the garage as there is limited swing space from the alley to enter the garage at a right angle. Also one would have extreme difficulty using a garage located at a right angle to the alley if another vehicle were parked within it. However, slightly angling the garage as illustrated on the map, allows for sufficient swing space for both vehicles.

According to the building representative I spoke with at Western Building Center (WBC) who would build the garage, most two car garages start with dimensions of 20' wide by 22' deep. A 20' x 20' garage is small. A 20' x 18' is not recommended for two vehicles that would include a large 3/4 ton truck like our Dodge. Thus, the requested variance is for the smallest garage that would suit our needs.

11H. Not to my knowledge.



RECEIVED

JAN 24 2012

FLATHEAD COUNTY
PLANNING & ZONING OFFICE

