



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 \$ _____

Before completing this application please read instructions on page 4.

1. **OWNER:**
Name: Fred McKnight
Address: P.O. Box 1154 Phone: 602-577-3054
City/State/Zip: Lakeside, MT 59922
Email: _____

INTEREST IN PROPERTY: Owner

2. **APPLICANT:** *(If different from above)*
Name: Fred McKnight
Address: P.O. Box 1154 Phone: 602-577-3054
City/State/Zip: Lakeside, MT 59922

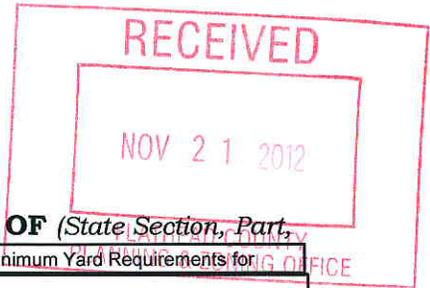
3. **TECHNICAL/PROFESSIONAL ASSISTANCE:** *(If applicable)*
Name: Mark W. Buckwalter, Buckwalter Law Firm, PLLC
Address: 100 Financial Drive, Suite 200 Phone: 406-257-1170
City/State/Zip: Kalispell, MT 59901
Email: mark@buckwalterlawfirm.com

4. **LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:**
Physical Address: 357 Caroline Point Road, Lakeside, Montana 59922

5. **ZONING DISTRICT:** Caroline Point **ZONING DESIGNATION:** R-2

6. **DATE PROPERTY ACQUIRED:** 09/09/1997

7. **LEGAL DESCRIPTION:**
Subdivision *(if applicable)* Whipps' Point Caroline Villa ^{sites} Lot/Tract(s) Lots 6A & B
Assessor # 0540550 Section 6 Township T26N Range R20W



8. **REQUEST FOR A VARIANCE FROM THE PROVISIONS OF** *(State Section, Part, and Paragraph of the Zoning Regulations):* 3.10.040 (3)(A) "Setbacks: Minimum Yard Requirements for Principal Structure Front: 20 feet."

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):*

The Applicant is requesting a variance from the 20 foot setback requirement to allow a deck which would extend above ground over the property line approximately 3 feet, and will not encroach on any of the neighboring properties, in order to provide access to the lake from the northern side of the house on the property.

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.

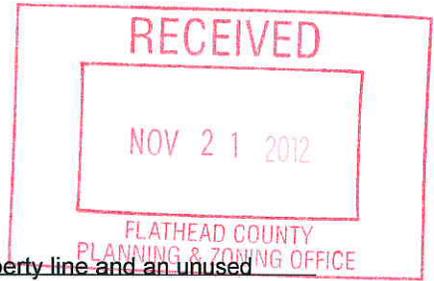
Strict compliance with the setback requirement will limit the reasonable use of the property and deprive the Applicant of rights enjoyed by other properties similarly situated in the same district because the Applicant will not be able to access the lake from the northern side of the house, and the door on the northern side of the property will lead to a drop off of approximately 10 feet.

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

The hardship arises from the lot size, which is substantially smaller than other lots in the area, the location of the existing structure in relation to the property line, and the location of the existing structure to an unused county road, none of which the Applicant has any control.

C. The hardship is peculiar to the property.

The hardship is peculiar to the property because of the lot size, and the location of the existing structure in relation to the property line and an unused county road.



D. The hardship was not created by the applicant.

The lot size and the location of the existing structure in relation to the property line and an unused county road were not created by the Applicant.

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

The hardship is not economic, as it prevents access to the lake from the northern portion of the existing structure located on the property, and there would be a drop off of approximately 10 feet from the door on the north side of the property.

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

The variance will not adversely affect the neighboring properties or the public, as the deck is not encroaching on any of the neighboring properties, and only extends above ground over the property line approximately 3 feet.

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

The variance requested is the minimum variance, as it would allow the deck to extend above ground over the property line approximately 3 feet and does not encroach upon any of the neighboring properties.

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

This variance would not confer a special privilege and the Applicant is denied reasonable use of the property and rights enjoyed by neighboring property owners, as the Applicant would not be able to access the lake from the northern side of his home because of the Applicant's lot size and the location of the existing structure on the property in relation to the property line and an unused county road.

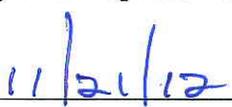
12. **ATTACH A PLOT PLAN OR DRAWING.**



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.



Owner/Applicant Signature



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.