

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ADDENDUM TO CONDITIONAL USE PERMIT STAFF REPORT (#FCU-16-05)
DEWEY
MAY 3, 2016

The Board of Adjustment reviewed this Conditional Use Permit (CUP) application and conducted a public hearing on May 3, 2016. Board members present included Mark Hash, Gina Klempel, Roger Noble and Ole Netteberg.

Staff made a presentation of the Staff Report, including its Findings of Fact and Conditions of Approval.

COMMENTS:

Applicant Presentation:

- Linda Dewey– applicant – Explained this is a camp and retreat center and a privacy fence will be installed and the roadway widened. She explained that her application met or will meet all of the requirements for the CUP to be approved.

Agency Comments:

- There were no comments from a public agency.

Public Comments:

- Ken Kalvig-200 Cooperative Way, Suite 202, Kalispell – attorney for the neighbor, Steve Pleasants. He stated that what is being proposed is extremely far out of the character of the neighborhood. Kalvig also noted that as far as widening the road, there were some legal issues that are much deeper than just widening the road. He spoke about the covenant, conditions, and restrictions (CCR) which were placed on the property for the last eighteen (18) years which describe the property as a single family residential neighborhood with very limited commercial activity allowed. Kalvig stated that the proposed use would far exceed the scope of the easement that the applicant has across Mr. Pleasants property. He explained that Pleasants had a legal interest in the CCR's and the scope of the easement across his property which would be adversely affected by the proposed conditional use permit. He felt the application was incomplete as there was no description of proposed business contained in it, the site plan was incomplete, and no analysis was done on the impact to the subject property and the neighborhood. He stated there was a safety issue when leaving or entering the highway off Hideaway Trail. Kalvig stated that approval of this application would place two (2) principal uses on the property, a single family residence and a camp and retreat center. He stated zoning for this property only allows for one (1) principal use.
- Steve Pleasants-133 Hideaway Trail, Whitefish - Spoke in opposition of the application. He spoke about a letter from Jim Taylor who also opposed the application. Pleasants spoke about covenants in general and the covenant's that were on the property.

BOARD DISCUSSION:

The board and staff discussed the need to review the lengthy comments that were received that day. It was determined that it would be appropriate to continue the hearing to the next scheduled meeting date of June 7, 2016.

BOARD ACTION:

- A motion was made by Klempel to continue the hearing to the next scheduled meeting date of June 7, 2016. The motion was seconded by Noble.

The Board discussed appropriate times for returning comments so that both parties could have adequate time to review and respond.

✓ The motion was approved (4-0) on a roll call vote.

SUMMARY:

The Board of Adjustments heard public comment and determined that the amount of written comments required additional time to read and consider and therefore the application should be continued at the next regular Board of Adjustment meeting. No findings of fact or conditions were adopted at this time.