

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Thursday, May 18, 2023**

9:00 a.m.

Room 105 Courthouse Annex, Cascade County Commissioners Chambers
& Via Zoom (an online platform, see www.cascadecountymt.gov for more information)

- [1]SUP #008-2023
- [2]SUP #009-2023
- [3]SUP #010-2023
- [4]SUP #011-2023

SUBJECT PROPERTIES INFORMATION	
Name of Applicant & Owner:	MV Investments 200 Choteau Ave NE Great Falls, MT, 59404
Legal Description(s):	Foothills Ranch No. 4, in Section 24, Township 20 North, Range 04 East, P.M.M Cascade County, MT. (mother parcel)
Block and Lot#:	[1] Block 4, Lot 1 [2] Block 4, Lot 2 [3] Block 4, Lot 3 [4] Block 4, Lot 4
Geo-Code(s):	02-3016-24-1-01-01-0000 (mother parcel)
Parcel Number(s):	2645600 (mother parcel)
Existing Zoning:	Suburban Residential 2 (SR-2)
Acreage:	[1] 2.266 [2] 2.399 [3] 2.488 [4] 2.415
Surrounding Land Uses/Zoning:	North: Residential/SR-2 South: Residential/SR-2 East: Residential/SR-2 West: Agricultural/SR-2
Current Land Use:	Undeveloped
Applicable Regulations:	Cascade County Zoning Regulations (CCZR) §§ 7.3.4(1) ¹ , 7.2.4(4), & 10
Requested Action:	Approval of a Special Use Permit (SUP) to allow a second dwelling/duplex on the subject properties

¹ CCZR § 7.3.4 “Uses Permitted Upon Issuance of a Special Use Permit: (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts. Pursuant to CCZR § 7.2.4(4), under the RR-5 District, allows a second dwelling upon the issuance of a SUP.



General Information:

The Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) Application from MV Investments to allow a “Second Dwelling”, namely duplex, on each of the Subject Properties. The Applicant is requesting that a SUP be granted as required by Sections 7.3.4(1) and 10 of the CCZR.

The Applicant submitted their SUP Applications on March 31st, 2023. Additional information was requested and received on April 27th; at that time the applications were deemed sufficient. Public Notice was published in the Great Falls Tribune on May 7th and May 14th of 2023. Notice was sent to interested agencies and adjacent property owners on May 4th, 2023.

The property taxes are current and there are no known violations of Cascade County ordinances or regulations on the Subject Property. Foothills Ranch No. 4 received Final Plat approval by the Cascade County Commissioners on May 9, 2023.

Findings with Respect to the SUP Analysis Criteria:

The Planning & GIS Department provides that the following analysis, findings, and conclusion for each of the required criteria provided under the controlling sections of the CCZR are in the Findings of Fact and Conclusions for SUP #008-2023, #009-2023, #010-2023, and #011-2023, and hereby incorporated by reference into this Staff Report and attached.

Section 10.7 Operations:

Operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Staff: Based on the information provided by the Applicant the proposed use will not be more objectionable by reason of noise, fumes, vibration, or flashing lights, than would be the operation of any permitted use.

Recommendation:

Based on the information provided, the Planning and GIS Department recommends conditional approval of this SUP.

Motions:

The following motions are provided for the Board's consideration:

- A. Move that Special Use Permit #008-2023, #009-2023, #010-2023, and #011-2023 to allow a Second Dwelling on the respective Subject Properties be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Move the Board to adopt the Staff Report in its entirety and **approve** Special Use Permits #08-2023, #009-2023, #010-2023, and #011-2023 to allow a Second Dwelling on the respective Subject Properties subject to the following conditions:
 1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with the respective laws, rule, regulations, and ordinances.
 2. Applicant obtains address for the second dwelling from the GIS department for E911 purposes.
 3. No structure can be greater than 150 feet to prevent interference with the

Malmstrom Air Force Base runway.

Attachments:

- Findings of Fact & Conclusions for SUPs #008-2023, #009-2023, #010-2023, & #011-2023
- Special Use Permit Application
- Vicinity & Zoning Map
- Applicable Zoning Regulations
- Comment(s)

cc: Applicant(s)
County Attorney's Office