

STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Thursday, September 21, 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)

SUP #023-2023

SUBJECT PROPERTY INFORMATION	
Name of Applicant/Owner:	Joseph Boso 3 Scenic Valley Ln Cascade, MT, 59421
Legal Description(s):	University Addition, Lots 4-8, Block 7, Section 15, Township 20 North, Range 003 East
Geo-Code(s):	02-3015-15-2-04-08-0000
Parcel Number(s):	2273400
Existing Zoning:	Suburban Residential 1 (SR-1)
Acreage:	.34
Surrounding Land Uses/Zoning:	North: Vacant/ SR-1 South: Residential/ SR-1 East: Residential/ SR-1 West: Residential/ SR-1
Current Land Use:	Residential
Applicable Regulations:	CCZR §§ 7.2.4(5), 7.3.4(1), & 10
Requested Action:	Allow accessory building (garage) without a principal use



General Information:

The Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) Application from Joseph Boso to allow an “accessory building without a principal use” on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.2.4(5), 7.3.4(1) and 10 of the CCZR.

The Applicant submitted their SUP Application on August 24, 2023. Public Notice was published in the Great Falls Tribune on September 10 and September 17 of 2023. Notice was sent to interested agencies and adjacent property owners on September 7, 2023.

The property taxes are current and there are no known violations of Cascade County ordinances or regulations on the Subject Property.

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 #023-2023, 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 023-2023 to allow an accessory building (garage) without a principal use on Parcel #2273400 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 Permit #023-2023 to allow an accessory building (garage) without a principal use on Parcel #2273400 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, rules, regulations, and ordinances.
 2. The applicant obtains an address for the structure for E911 purposes.
 3. No structure on the property may exceed 500 feet in height.
 4. Applicant must complete an Amended Plat aggregating Lots 4 through 8 of the platted University Addition and file with the Clerk and Recorder's Office prior to the start of construction.
 5. The Applicant must comply with the *Storm Water Discharge & Erosion Control Plan* to install and maintain Best Management Practices (BMPs) prior to and throughout construction activities until all soil disturbing activities are completed, and a vegetative cover has been established with a density of at least 70% of the pre-disturbed area, or permanent BMPs have been installed.

Attachments:

- Findings of Fact & Conclusions for SUP 023-2023
- Special Use Permit Application
- Vicinity & Zoning Map
- University Addition Plat
- Applicable Zoning Regulations
- Comment(s)

cc: Applicant(s)
County Attorney's Office