

MISSOULA COUNTY ZONING BOARD OF ADJUSTMENT MINUTES
January 17, 2024 – 6:00 p.m. MST

Hybrid Meeting held in the Sophie Moiese Rm of the Missoula County Courthouse
and virtually over Microsoft Teams

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	APPLICANTS PRESENT
Ryan Schumacher Babak Rastgoufard Jonathan Haber Jennifer Schultz, 2 nd alt	Andy Mefford Benjamin Yawakie, 1 st alt	Zach Jones Tim Worley Karen Hughes Heather Powers Rachel Manning	Bill Nerison Vitality Simonovich Ivan Pasyuk

Application materials, staff reports, written comment, and meeting video are available for review at Missoula County Planning, Development & Sustainability (PDS). An administrative fee is required for photocopies. Digital agendas and corresponding documents may be found on the main board page in the Board Meeting Portal at [Zoning Board of Adjustment](#)

I. CALL TO ORDER

Mr. Rastgoufard, Chair, called the meeting to order at 6:02 p.m.

II. ROLL CALL

Ms. Manning called the roll. Three regular and one alternate members were present. With 4 members present a quorum was met. Second alternate, Jennifer Schultz, was promoted to voting member for the evening.

III. APPROVAL OF MINUTES

Ms. Schultz asked for clarification as to whether or not she had been promoted to voting member for the November 15, 2023, meeting. Mr. Rastgoufard stated no and explained there had been 4 regular members present and Ben Yawakie as first alternate was promoted as a voting member so Jennifer as second alternate was not.

Ms. Schultz moved, and Mr. Haber seconded approval of the November 15, 2023, minutes, as written. The motion passed by unanimous voice vote.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment.

V. STAFF ANNOUNCEMENTS

There were no staff announcements. Mr. Rastgoufard stated election of 2024 officers would be addressed under new business.

VI. PUBLIC HEARINGS

Missoula Slavic Pentecostal Church Special Exception Request

10275 Mullan Road Special Exception Request

Applicant: Missoula Slavic Pentecostal Church, represented by WRN Architects

Case Planner: Laura Collins, Planner I, Missoula County Department of Planning, Development and Sustainability (PDS). Zach Jones Planner I, PDS, provided the presentation.

Missoula County Department of Planning, Development & Sustainability (PDS) received a Special Exception Request from Missoula Slavic Pentecostal Church for property located at 10275 Mullan Rd and legally described as TYLER ADDITION, S09, T13 N, R20 W, Lot 1A, ACRES 6.46 OF LOT 1, LESS R W. and recorded in a deed at Book 391 Micro, Page 1463.

The applicant proposes to place another multi-purpose building on the subject property, which would be an expansion of the use for religious assembly. Section 2.3.D.3. of the Missoula County Zoning Regulations allows the use of religious assembly, if approved as a Special Exception. The applicant requests placing another multi-purpose building between the existing church and the north property line on this 6.46-acre tract.

The property is zoned AGRR 5 (Agriculture, Rural Residential), which allows religious assembly by Special Exception. This proposal will meet all other zoning requirements of this district, including building placement standards. Missoula County Agencies were contacted on December 20 to provide comment on the project.

The Board of Adjustment is authorized to grant Special Exception permits authorizing a use established as eligible in this district, but which requires a special degree of consideration and control to ensure such uses are consistent and compatible with the overall community character.

Please see attached staff slides for more details.

BOARD DISCUSSION ON SPECIAL EXCEPTION

Mr. Haber asked if the new building would be attached to the church or a separate dwelling unit.

Mr. Jones stated it would be an additional building not an additional dwelling unit.

Mr. Worley explained the reason for the special exception hearing. He went on to say the new building would be connected to the original sanctuary and was an expansion of a religious assembly use.

Mr. Haber asked if the building could be rented out to the public in the future.

Mr. Jones stated it was intended for congregational members. Mr. Jones asked if the applicant had input on any future public rental.

Mr. Rastgoufard asked if there were any further questions for Mr. Jones.

There were no further questions from the Board for Mr. Jones.

Mr. Rastgoufard asked the applicant to confirm who was going to use the building.

Mr. Pasyuk stated the usage of the additional building would be exclusive to church members. He stated there were no plans for any public rental.

Mr. Rastgoufard clarified Mr. Haber's question and said the usage for the building was mentioned in the application. He confirmed the use of the building would be for members of the congregation.

Mr. Rastgoufard asked the applicant for a name for the record.

The applicant replied that his name is Mr. Ivan Pasyuk.

Mr. Rastgoufard asked if there were any further questions for staff or the applicant. He asked if there were any public questions.

There were no public questions.

Mr. Rastgoufard said approving the Special Exception Request seemed appropriate. He reiterated the intent of the applicant.

Board Motion:

That the Board of Adjustment approve the Special Exception Request to allow the construction of an additional building for religious assembly at 10275 Mullan Road as legally described as. This approval is based on the findings of facts and conclusions of law found in the staff report and public testimony and is subject to one condition.

Conditions

1. All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative. These permits may include, but are not limited to building, zoning compliance, electrical, mechanical, approach, and sanitation permits.

MOTION: Mr. Schumacher moved, and Ms. Schultz seconded the Special Exception Request.

The motion passed unanimously by roll call vote.

VII.COMMUNICATIONS & SPECIAL PRESENTATIONS

There were no communications or special presentations.

VIII.COMMITTEE REPORTS

There were no committee reports.

IX.OLD BUSINESS

There was no old business.

X.NEW BUSINESS

Mr. Rastgoufard said it was time to reappoint officers for 2024. He asked staff for current Board membership and officer status.

Karen Hughes, Director, Missoula County PDS, said the Commissioners' Office was short staffed and reappointments were being finalized. She said explained the administrative process and who was being seated and elevated. She also explained what the bylaws outline in terms of officer seats.

Mr. Rastgoufard said he'd be happy to remain Chair, but it was up to the collective decision of the Board. He said he'd like to nominate Mr. Mefford as Vice Chair, but realized Mr. Mefford was absent from this meeting.

Mr. Schumacher stated he was happy with the current makeup of the Board and thought Mr. Rastgoufard was doing a fantastic job.

Mr. Haber said silence was acquiescence.

Ms. Schultz said she was in support of Mr. Rastgoufard remaining Chair. She said he did an extraordinary job of running the meetings.

Mr. Rastgoufard said a motion should be put forth to elect the Chair. He said he deferred Vice Chair election to the next meeting.

MOTION: Mr. Schumacher made a motion to have Mr. Babak Rastgoufard remain Chair of the Missoula County Zoning Board of Adjustment.

The motion passed unanimously by voice vote.

Ms. Hughes encouraged the Board to discuss the opportunity of serving on this Board with others. She said there were open seats on the Zoning Board of Adjustment (BOA) and the Missoula Consolidated Planning Board (MCPB).

XI.COMMENTS FROM BOARD MEMBERS

Mr. Rastgoufard requested the Board training not be held in March due to spring break.

Ms. Hughes asked the Board for feedback on how they wanted to be trained. She said there were a few options for training. Training could be a basic outline and overview of their roles and responsibilities. Training could be tailored more specifically by answering Board questions and addressing topics of interest. Or the Board could reflect on prior training and staff would make appropriate adjustments according to their feedback. She said staff would do their best to accommodate this training.

Mr. Rastgoufard thanked staff for continued support, guidance, and education with the administrative process.

XII.ADJOURNMENT

The meeting adjourned at 6:40 p.m.

*Respectfully submitted,
Rachel Manning, Administrative Assistant, PDS
Please send any document requests to pds@missoulacounty.us*

Missoula Slavic Pentecostal Church Special Exception Request

BOA DATE: JANUARY 17, 2024

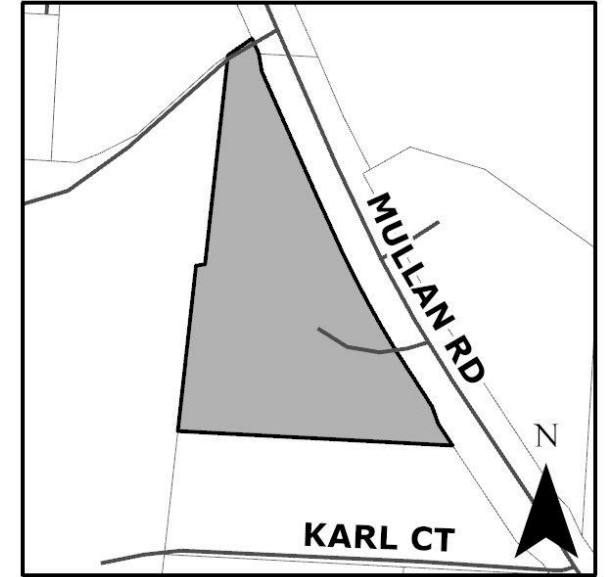
LOCATION: 10275 MULLAN RD 59808

CASE PLANNER: LAURA COLLINS, PLANNER I

HEARING: ZACH JONES, PLANNER I

APPLICANT: MISSOULA SLAVIC PENTECOSTAL CHURCH

REPRESENTATIVE: WRN ARCHITECTS



Request

“Missoula Slavic Pentecostal Church proposes to build a second multi-purpose building on our property at 10275 Mullan Rd that will be used by the existing congregation to celebrate weddings, holiday events, etc. The congregation currently does not have a gathering space adequate for its needs.”

Special Exception

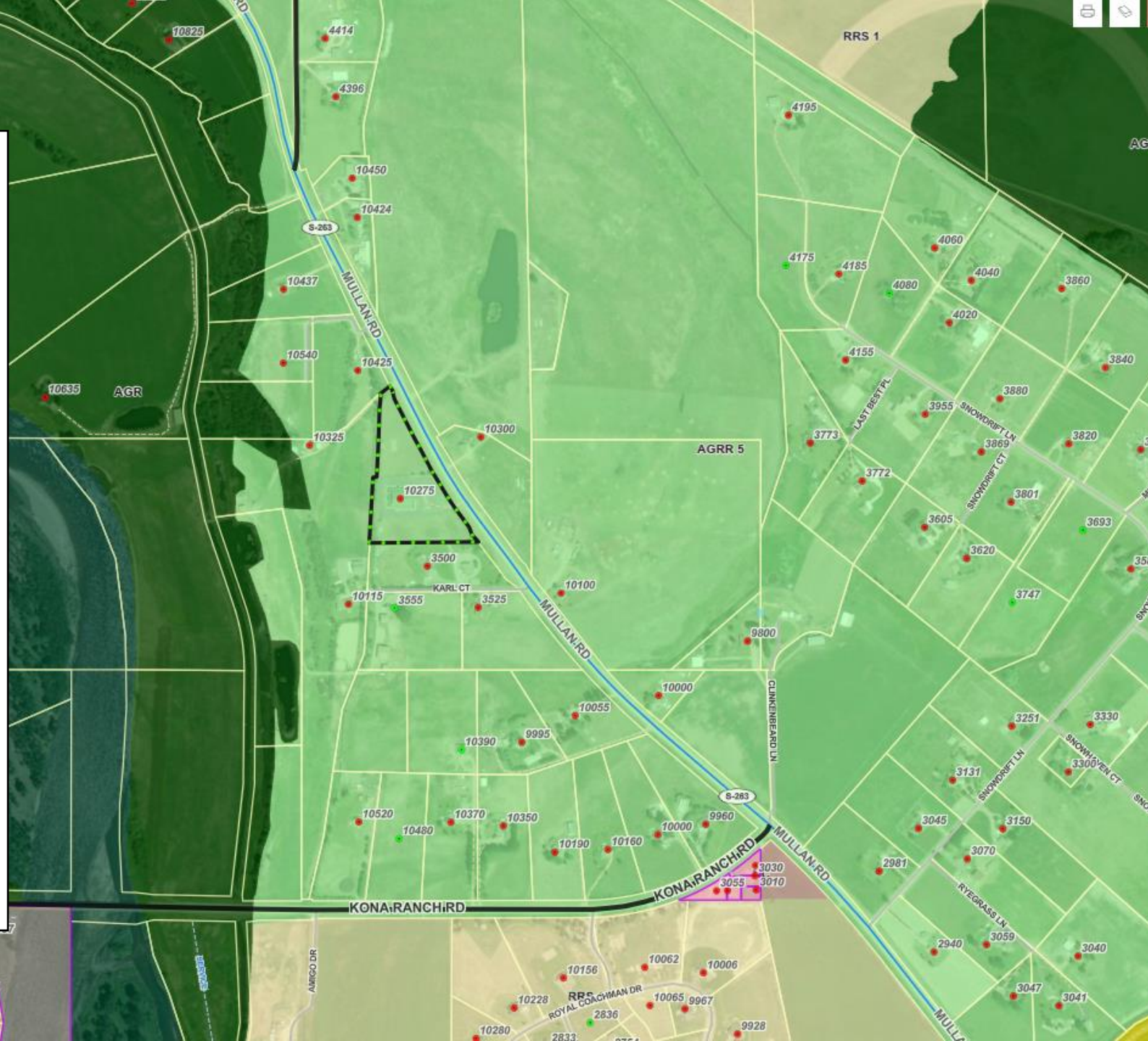
- **Religious Assembly:** Religious services and facilities involving public assembly customary to that occurring in synagogues, temples, mosques, and churches.
- The property is zoned Agriculture, Rural Residential 5 (AGRR 5) which permits religious assembly if approved by special exception. (Section 2.4.G Table 5)
- The applicant proposes a new facility in addition to the existing church for congregation events; This is an expansion of use.
- The existing church was approved by special exception under the previous CA-3 zoning, as a quasi-public use, on April 23, 2003

Zoning:

- Agriculture, Rural Residential (AGRR 5)
- 6.46 Acres
- Existing church on site

Surrounding Zoning:

- West: Agriculture Reserve (AGR)
- South (of Kona Rd): Rural Residential, Small Agriculture 1 (RRS 1)



Agriculture, Rural Residential (AGRR 5)

“The purpose of this district is to balance rural residential development with the preservation of natural landscapes in areas where infrastructure may exist and services are proximal...

Development character remains rural in nature even as low-density residential development mixes with larger tracts of land used for active agricultural production and supported uses...”



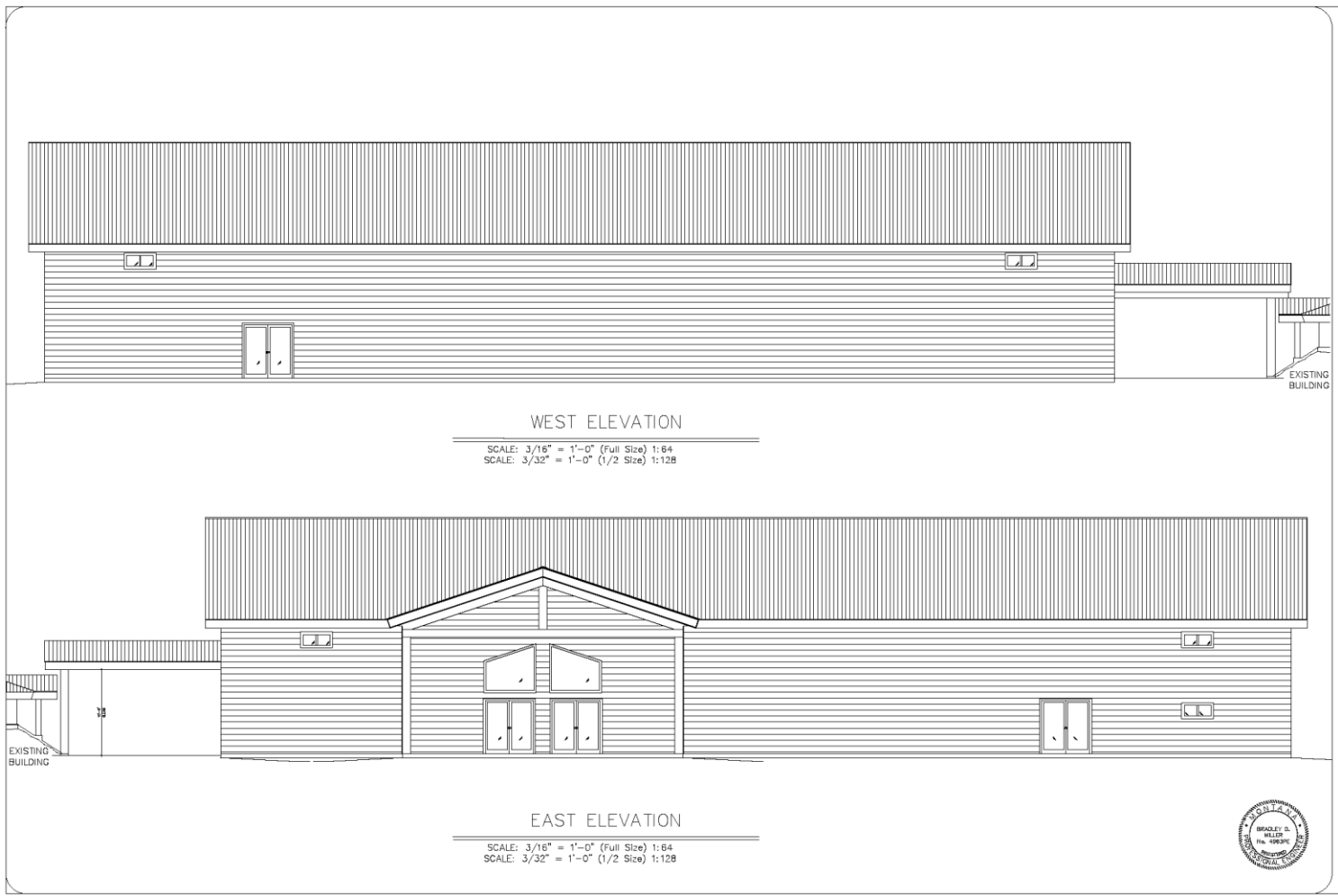
Special Exception Review Criteria

- The proposed use or development will be compatible with and will not substantially injure the value of adjoining property
- The proposed use preserves the character of the district, and the property is suitable for the use proposed (e.g., can meet the bulk and dimensional standards without requiring a variance).
- The proposed use promotes the purpose and intent of the TIF Special District, where applicable.

Special Exception Review Criteria (cont)

- Substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities.
- Review Criteria Listed in Section 11.6.D.1.a-m of the Missoula County Zoning Regulations.





DATE: 5/15/2023	DATE: 5/15/2023
SCALE: As Shown	SCALE: As Shown
DESIGN BY: BDM	DESIGN BY: BDM
SHEET NO. 1	SHEET NO. 1
SIDE ELEVATION VIEWS	
Missoula Slavic Pentecostal Church	
10275 Mullan Rd, Missoula, MT 59808	
SUNDANCE ENGINEERING	
BRADLEY D. MILLER, P.E.	
9125 S. JEFFERSON AVE.	
FLORENCE, MONTANA 59833	
(406)241-4776	
DATE: 5/15/2023	DATE: 5/15/2023
SCALE: As Shown	SCALE: As Shown
DESIGN BY: BDM	DESIGN BY: BDM
SHEET NO. 1	SHEET NO. 1
SIDE ELEVATION VIEWS	
Missoula Slavic Pentecostal Church	
10275 Mullan Rd, Missoula, MT 59808	
SUNDANCE ENGINEERING	
BRADLEY D. MILLER, P.E.	
9125 S. JEFFERSON AVE.	
FLORENCE, MONTANA 59833	
(406)241-4776	

A7



Agency Comment

With regards to the proposal for a new facility, Sanitarian Kyle Crapster drafted a septic determination for this project in 2022 (attached).

The determination stated this project would not be considered increased use to the septic system as the church and new structure would not be used simultaneously. However, due to the size of the population served by the utilities on the property, the water and wastewater system are considered public utilities and are regulated by DEQ. Before connection of any new structure(s) to the systems, DEQ must be contacted. DEQ approval must be provided before a local septic permit can be issued for connection.

- Kevin Howe, MPH

Agency Comment

Building should be ok with this work proceeding if they apply for building, electrical (Licensed UCO Electrician), plumbing (Licensed Master Plumber) and mechanical permits

- Rita Hagler, PW

Agency Comment

Having reviewed the plans for this addition, both the fire area and occupancy load exceed limits allowed by the International Fire Code and will require a fire sprinkler system installed per NFPA 13 standards for a class 3 assembly occupancy.

-Pete Giardino, MRFD

Public Comment

No public comments were received.

Staff Recommended Motion:

I move to **approve** the Special Exception Request to allow the construction of an additional building for religious assembly at 10275 Mullan Road.

Conditions

1. All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative. These permits may include, but are not limited to, building, zoning compliance, electrical, mechanical, approach, and sanitation permits.