



MISSOULA COUNTY ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Missoula County
Planning, Development & Sustainability
(406) 258-4657

Date:	November 19, 2025, 6:00 pm
Location:	Missoula County Courthouse, Sophie Moiese Room (in person) or TEAMS (virtually)
Members in Attendance:	Babak Rastgoufard, Andy Mefford, Rick Hall, Jennifer Schultz,
Members Absent:	Ben Yawakie

- I. **CALL TO ORDER [Time stamp –00:00:12]**
Chair, Babak Rastgoufard (Babak) called the meeting to order at 6:00 p.m.
- II. **ROLL CALL [Time stamp – 00:00:17]**
Jill Johnson called roll. Four regular members were present and a quorum was met.
- III. **APPROVAL OF MINUTES [Time stamp – 00:00:54]**
Rick Hall (Rick) moved, and Andy Mefford (Andy) seconded the approval of the September 17, 2025, meeting minutes as written. The motion passed unanimously.
- IV. **PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 00:01:30]**
There was no public comment on non-agenda items.
- V. **STAFF ANNOUNCEMENTS [Time stamp – 00:02:30]**
Karen Hughes (Karen), Director of Missoula County Planning, Development and Sustainability informed the Board that, as noted in her prior memo, she was available to answer any questions regarding the transition to a new Missoula County Consolidated Land Use Board (MCCLUB). In response to a question from Babak, Karen anticipates that the new land use board will begin in January 2026, with at least a one month of overlap during which current Board members may be asked to continue serving while the members of MCCLUB receive training. Karen noted that some Planning Board members may need to attend both training sessions and hearings in January and that this is less likely for Board of Adjustment members due to differing deadlines. Rick asked about the timing of interviews for MCCLUB, noting his travel in early 2026. Karen stated that most interviews will likely occur in December, with the Commissioners deciding whether to re-interview current members. Rick raised concerns about the overlap if the City's code work extends into January or February. Karen acknowledged the uncertainty and said the City is on a tight timeline, and coordination efforts with the City will continue to address any issues such as quorum challenges.

VIII. PUBLIC HEARINGS [Time stamp – 00:08:19]

a. Patrick Swart, Planner II, Missoula County - 505 Highton Street – Sign Variance

STAFF PRESENTATION [Time stamp – 00:08:42]

Patrick Swart (Patrick), Planner II with Missoula County Planning, Development & Sustainability, presented a sign variance request from Jagpreet Ghuman (Bobby) owner of 1 God, LLC and AAPSAN, LLC (collectively the Applicant). The Applicant desires to add a digital reader board to an existing legal nonconforming pole sign located at 505 Highton Street, Missoula (Highton Property) and has requested two variances from Section 10.6.C and Section 8.8.K.1, Table 13 of the Missoula County Zoning Regulations effective July 1, 2022 (Zoning Regulations).

Patrick provided a map and photos of the location, a general description the zoning designation and prior permitting history for the Highton Property. In accordance with the 2016 Missoula County Growth Policy (Growth Policy) and subject to the 2019 Missoula Area Land Use Element (Land Use Element), the Highton Property has a land use designation of Neighborhood Commercial, which aligns with its zoning designation of Neighborhood Center (NC) set forth in the Zoning Regulations. Located on the Highton Property are four businesses which include a gas station with fuel sales, a convenience store with a hot food counter, and a laundromat. An additional tenant space is also available.

The existing pole sign is located adjacent to the entrance of the Highton Property on the Highway 200 corridor and has existed since at least 2007. NC zoning allows one pole sign per lot frontage with a maximum sign height of 12 feet, a minimum sign clearance of 8 feet, and a maximum sign face area of 24 feet. Patrick noted that the existing sign is 23.5 feet tall, with a clearance measured from the bottom of the sign to the adjacent ground of 11 feet 6 inches and a sign face area of 84 square feet. Although the existing sign does not meet the standards for clearance and sign face, since the sign was constructed prior to the adoption of the Zoning Regulations it is considered a legal nonconforming sign.

Section 10.6.C of the Zoning Regulations states that non-conforming signs shall not be physically expanded, enlarged or extended in any manner. The Applicant is proposing to expand the existing sign by adding a 4 foot x 8 foot digital reader board to the existing pole sign structure, resulting in an additional 32 square feet per side. Such expansion creates an additional non-conformity.

Section 8.8.K.1, Table 13 of the Zoning Regulations requires minimum sign clearance for a pole sign in an NC zoning district to be 8 feet when measured from the bottom of the sign to the adjacent ground. The digital reader board proposed by the Applicant has sign clearance of 7 feet 6 inches, which is lower than the required clearance measured from bottom of the sign to the adjacent ground.

Patrick provided an image of the proposed sign and explained that the Applicant previously installed the proposed digital reader board without a permit and confirmed that the County did not pursue an enforcement action as the Applicant submitted the two variance requests with the goal of obtaining Board approval to allow the sign to remain as is.

Patrick acknowledged that the Board has heard several variance requests over the last several months, but as a refresher explained that for a variance to be approved, a variance must meet *all* of the review criteria set forth Section 11.6.C.1 subparts a.

through f. of the Zoning Regulations. Additionally, and in accordance with Section 11.6.C.2, “in making its decision, the Board of Adjustment shall demonstrate that the variance granted is the minimum variance that will make possible a reasonable use of the land, building or structure.” Patrick described the review criteria which must be met to approve the variance request as follows:

1. **The variance will not authorize a use that is not already allowed in the zoning district.** Although the Zoning Regulations require certain dimensional standards, NC zoning districts authorize the use of pole signs. Staff found that the variance request will not authorize a use that is not already allowed in the zoning district.
2. **The variance will not authorize additional density beyond what is allowed in the zoning district.** This is not applicable to the proposed project.
3. **Special conditions exist that are unique to the property, such as size, shape, topography or location, that do not apply to other lands in the same zoning classification.** The Highton Property is located in an NC zoning district, which zoning district runs along the entire Highway 200 corridor through East Missoula. Staff’s analysis found that the Highton Property is of similar size, shape and topography to the other parcels in the area and that the existing sign is fronted on Highway 200 and visible to traffic in both directions. There were no site constraints that limit the ability of the sign to function as intended based upon size, shape and topography of the Highton Property. Staff did not find that there were special conditions unique to the Highton Property that do not apply to other lands in the same zoning district.
4. **Literal enforcement of the provisions of the regulations will result in unnecessary hardship that is not of the Applicant’s own making.** When considering this review criteria, staff evaluated the conditions associated with the existing signage on the property as well the two pending variance requests. While the application materials discuss the limits of the Zoning Regulations as limiting parcels or project sites to four signs serving the multiple businesses located on the Highton Property, staff noted that the site already contains two nonconforming pole signs and two conforming wall signs. Both existing nonconforming signs already exceed the maximum sign face area restrictions by 60 square feet and surpass the maximum sign height restrictions. However, the Zoning Regulations do allow for copy changes to be made to the nonconforming signs without requiring a variance.

On November 18, 2024, the Applicant applied for a copy change to the existing nonconforming pole signs. The 2024 application materials acknowledged the existence of nonconforming signs and indicated that only copy changes would be made for purposes of complying with Section 10.6 of the Zoning Regulations, with no physical expansion proposed. A digital reader board was not contemplated in the plans submitted during the 2024 application process. The permit for copy changes was approved in January 2025.

Patrick noted that in staff’s evaluation, the second variance request to relax the minimum sign clearance set forth in Section 8.8.K.1, Table 13 of the Zoning Regulations was only necessitated by the Applicant’s variance request to expand the physical size of the nonconforming pole sign with the digital reader board.

Staff concluded that literal enforcement of the of the Zoning Regulations would not result in a hardship that is not of the Applicant's own making.

5. **Granting the variance will be in harmony with the general purpose and intent of these regulations and the Missoula County Growth Policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.** Patrick confirmed that the NC zoning district and the Growth Policy are consistent with one another. The NC zoning district is designed to support limited cluster commercial uses and is intended to be a transitional commercial area that is small in scale serving the residents of the neighborhood in which it is located. With regard to the first variance request, associated with expanding the size of a nonconforming sign, the sign regulations in NC zoning districts are intended to regulate the sign types and dimensions to ensure the signs that are installed meet the overall intended character of that zoning district.

When evaluating the second variance request associated with the minimum clearance regulations, the intent of the standards is to promote public health and safety by prohibiting signs from encroaching into pedestrian walkways, sidewalks, drive aisles, or obstructing site triangles from vehicles entering and exiting.

Staff concluded that the proposal to expand the size of nonconforming sign is not in harmony with the general purpose and intent Zoning Regulations and Growth Policy. Staff did, on the other hand, find that the request to vary from the minimum clearance requirements is in harmony Zoning Regulations and Growth Policy for the reason that due to the nature of this pole sign, being two vertical and parallel pole structures, there would be no element of the proposed sign that would project over a drive aisle, sidewalk or rights of way that could impact public safety.

6. **The request for the variance is not based on monetary factors.** In this instance, staff found that both variance requests are intended to accommodate the physical expansion of a nonconforming sign, which is intended to provide additional advertising space for the businesses located on the Highton Property. Staff concluded that the request for both variances appear to be based on monetary factors and potential for economic gain.

Patrick recommended denial of the variance requests as the approval of the variances could not be supported when evaluating all of the review criteria and the proposed variances were not necessary to allow for a reasonable use of the land. In making this recommendation, staff concluded that only two of the six evaluation criteria listed above were met in the Applicant's variance request from Section 10.6.C of the Zoning Regulations and only three of the six evaluation criteria listed above were met for the Applicant's variance request from Section 8.8.K.1, Table 13 of the Zoning Regulations.

Staff reported receiving one agency comment from the Public Works Building Department, which noted that the proposed sign modifications require building and electrical permits and must be designed by a Montana-licensed professional engineer. Three public comments were submitted prior to the hearing, all in opposition. One comment urged relocating the sign farther from the corner of Highton Street and Highway 200 to reduce illumination impacts on nearby apartments. Another stated that the variances do not meet the required criteria, citing the absence of special conditions, concerns about monetary motivation, and inconsistency with the Growth Policy. A nearby homeowner also opposed the requests, noting that the Applicant installed an

electronic sign without prior approval, asserting the variances are sought for economic gain, and expressing concern about light pollution affecting apartment residents.

See PowerPoint presentation slides.

BOARD DISCUSSION [Time stamp – 00:22:48]

The Board did not have initial questions for staff.

APPLICANT PRESENTATION [Time stamp – 00:22:58]

Applicant's representative, George Wheeler (George) of Paradigm 3 Architecture, stated his firm designed the new service station at the Highton Property. George had no further presentation, noting that staff's report was thorough and clarified that the application associated with the sign permit issued in January of 2025 had been submitted by CENEX, whose misunderstanding of the code and failure to coordinate with the project architect contributed to the current situation.

George stated that the Applicant was "begging for forgiveness" explaining that the digital reader board was added by the sign company to better advertise the businesses on site and acknowledged that the digital reader was not installed in compliance with Zoning Regulations. The Applicant, Bobby, explained to the Board that the intent in requesting the variances was to specifically advertise the Indian takeout restaurant and there was not adequate space to do so under the existing sign. The Applicant also responded to the public comment about lighting and indicated that he had contacted Northwestern Energy to adjust one of the lighting sources on site to reduce the impact to nearby residences.

A brief summary of the evaluation criteria reviewed by staff and staff's recommendation to deny the requests was provided to Bobby as he was unable to attend the staff presentation portion of the hearing. Although Bobby disagreed with staff's findings, he expressed a desire to find a solution and proposed reducing the size of the sign installed by CENEX. Before exploring other options with the Board, Babak asked to hear from the members of the public.

PUBLIC COMMENT [Time stamp – 00:33:24]

There was no public comment.

BOARD DISCUSSION [Time stamp – 00:33:58]

Andy asked staff for clarification as to whether the Applicant could re-work the labeling or advertising on the existing legally nonconforming pole sign without a variance so long as the dimensions remain the same and it remains an 84-square-foot pole. Patrick confirmed that copy changes are permitted, using the existing sign cabinets, as long as no physical expansion or structural alteration occurs and the changes meet the criteria in Section 10.6 of the Zoning Regulations. Additionally, staff noted that the Applicant's November 2024 permit covered such copy changes for the upper sign cabinets.

Andy further explored whether the digital reader board could be elevated or incorporated within the existing 84-square-foot sign envelope, so long as all building and electrical permits were obtained. Patrick indicated that the existing sign cabinets are 7 feet wide and the digital reader board is larger by an additional foot, so even if the digital reader board was relocated, it is inherently larger than the existing sign and extends an additional 6 inches on each side. A proposal to relocate the digital reader board would require staff's review of engineered plans demonstrating no expansion. Patrick indicated that engineered plans were not provided with the application submitted in August 2025 associated with the two variance requests subject of this

hearing and reiterated that if the Applicant is only proposing a copy change, housed within the same cabinet with no physical expansion, it would be approved.

Andy pointed out that the current sign is almost three times the size of what code requires, providing each business with almost 22 square feet of advertising space if shared equally and believes that there may be sufficient space with the existing legally non-conforming sign to avoid the necessity of a variance.

Babak asked for clarification and Patrick confirmed, that it is not necessarily the digital illumination of the sign, but rather a question of the structural alteration of a nonconforming sign that has resulted in the variance request and that if the Applicant works within the existing 84 square feet of sign area, with no structural changes, it is possible to meet the nonconforming sign requirements of the Zoning Regulations.

Rick inquired as to whether the advertised gas prices could be replaced with the digital reader board. The Applicant indicated that CENEX requires gas prices to be displayed and would not be able to make that swap, but CENEX is willing to decrease the size of its logo on the existing sign. The Applicant provided additional context about permit confusion with CENEX and expressed willingness to explore compliant solutions and indicated that he has contacted the reader board supplier to discuss options for a smaller sign. Babak acknowledged Applicant's willingness to find a solution for coming into compliance with the Zoning Regulations.

BOARD DELIBERATION [Time stamp – 00:46:33]

Rick acknowledged the benefits of the digital reader board and the unique qualities of an NC zoning district having a residential character in a commercial area, but noted the strict review criteria for granting a variance. Board deliberations reflected consensus that the proposed variance requests do not meet all of the required review criteria, particularly because the request would physically expand a nonconforming sign and such expansion is driven primarily by economic benefit. Board members also acknowledged the public comment received expressing concerns about the impacts on adjacent apartments associated with the illumination of the sign.

Following Board deliberation, Bobby mentioned that he was able to decrease the brightness of the sign and that the digital reader board has remained off for the last month, aside from a brief use during a community event. Board members encouraged the Applicant to work with staff to find alternatives that work within the existing nonconforming structure. Having no further questions, the Board proceeded with motions to deny both variance requests.

FIRST RECOMMENDED MOTION [Time stamp – 00:51:34]

Andy made the following motion, and Rick seconded the motion:

THAT the Board deny the variance request from Section 10.6.C of the Missoula County Zoning Regulations, to modify the existing nonconforming pole signs at 505 Highton Street.

BOARD DELIBERATION [Time stamp – 00:52:02]

There was no additional deliberation by the Board.

VOTE. With no further discussion, the Board voted by roll call, and the motion passed unanimously.

AYES - (4): Babak Rastgoufard, Rick Hall, Jennifer Schultz, Andy Mefford

NAYS - (0):

SECOND RECOMMENDED MOTION [Time stamp – 00:54:20]

Andy made the following motion, and Rick seconded the motion:

THAT the Board deny the request for a variance from the minimum sign clearances requirements in Section 8.8.K.1, Table 13, of the Missoula County Zoning Regulations.

BOARD DELIBERATION [Time stamp – 00:54:42]

There was no additional deliberation by the Board.

VOTE. With no further discussion, the Board voted by roll call, and the motion passed unanimously.

AYES - (4): Babak Rastgoufard, Rick Hall, Jennifer Schultz, Andy Mefford

NAYS - (0):

b. Kevin Dantic, Planner I, Missoula County – 3507 South 7th Street West – Special Exception

STAFF PRESENTATION [Time stamp – 00:55:50]

Kevin Dantic (Kevin), Planner I with Missoula County Planning, Development & Sustainability, presented a Special Exception request from Joshua Slotnick (Josh) and Kimberly (Kimberly) Murchison (collectively the Applicant) who are represented by Marias Hale of Eli & Associates, Inc. (Marias). For the record, it is noted that Joshua Slotnick is currently serving as an elected Commissioner on the Missoula Board of County Commissioners.

The Applicant desires to replace an existing legally nonconforming residential trailer home (or mobile home) with a proposed one-bedroom residence on a parcel of property located at 3507 South 7th Street West, Missoula (South 7th Property) and has requested a Special Exception under Section 2.3.E of the Zoning Regulations. Kevin provided a map and photos of the location and background associated with the proposed use of South 7th Property. The South 7th Property consists of 2.97 acres and contains one completed single family residential dwelling built in 1900, a mobile home, a garage with a second-floor accessory dwelling unit (ADU) and five accessory structures related to agricultural uses. The residential dwelling unit is classified as a single-family residence and served by a private well and an individually permitted septic system.

Consistent with the Rural Residential and Small Agriculture designation in the Land Use Element, which aims to preserve rural and semi-rural characteristics, the South 7th Property is zoned as Rural Residential, Small Agriculture (RRS 1). The purpose of the RRS 1 zoning district is to balance residential development with the preservation of natural landscapes in areas of the County where infrastructure may exist.

Section 2.3.E of the Zoning Regulations states that only one principal use is permitted per lot in RRS zoning districts; however, multiple principal uses may be permitted if approved as a Special Exception, excluding agriculture, open space, parks, passive recreation and minor utilities. The existing single-family residence is considered the principal use of the South 7th Property. Applicant's proposed project to replace the existing legal nonconforming residential trailer home with a proposed one-bedroom residence may be permitted if approved by Special Exception, as the one-bedroom residence would be classified as a second principal use.

Kevin described the existing conditions on the site, noting that the proposed one-bedroom residence will be positioned on the northwest corner of the parcel, replacing the 1973 mobile home. The proposal is for a two-story single-family residence with one bedroom, two bathrooms, an office, and a single-car garage, to be located in approximately the same area as the current mobile home.

Kevin explained that a Special Exception Permit shall not be approved unless the Board determines that the application meets *all* of the criteria outlined in Section 11.6(D)(2) of the Zoning Regulations as follows:

1. **The proposed use or development will be compatible with and will not substantially injure the value of adjoining property.** A family transfer exemption for the subject property was approved by the Missoula County Board of County Commissioners on March 13, 2025. The Special Exception request was submitted in connection with this family transfer, as the proposed one-bedroom residence will ultimately be situated on a separate lot. However, the family transfer cannot be filed until sanitation and subdivision review, associated with a new shared septic system, is completed. This process is expected to take several months and is currently in the permitting process with the Missoula City-County Health Department (Health Department) and the Montana Department of Environmental Quality (DEQ). The Applicant desires to begin construction of the proposed one-bedroom residence while construction equipment is already on site for the installation of a new shared septic system. The Special Exception would allow construction to proceed while equipment is available, reducing project costs and improving efficiency. The proposed one-bedroom residence will require permits from all relevant Missoula County departments, though no modifications to existing structures are proposed or required.

Staff found that ongoing impacts from the approval of the Special Exception would be negligible, with no increase in traffic anticipated since the new one-bedroom residence will replace an existing mobile home, and no public infrastructure modifications are proposed.

2. **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).** Staff reviewed applicable zoning considerations, noting that the RRS 1 zoning district is intended to balance rural residential development with preservation of natural landscapes. This zoning district, in which the South 7th Property is located, allows four types of residential buildings as well as small-scale agricultural activities, which is consistent with the activities of the surrounding parcels. Small scale commercial activities are also permitted in this zoning district.

The proposed use will not trigger new setbacks, bulk requirements, or density changes. Furthermore, the proposed one-bedroom residence conforms to lot dimensions, gross density, building placement, and building scale standards outlined in Section 2.3.E of the Zoning Regulations. In addition to the proposed project, the Applicant intends to construct a farm stand on the South 7th Property, which is permitted under the Zoning Regulations in this zoning district.

3. **The proposed use promotes the purpose and intent of the Tax Increment Financing (TIF) District, where applicable.** Staff has identified that the subject property is not located within a TIF District.

4. **Substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities.** The building elements required by Zoning Regulations apply to the proposed project. Accordingly, the proposed one-bedroom residence will comply with Table 5 of Section 3.4.C of the Zoning Regulations, including front porch standards, pedestrian access requirements, garage standards, and off-street parking requirements, which call for a minimum of one off-street parking space per Section 6.3.C.2. Landscaping is not required because such requirements only apply only when three or more dwelling units are located on a single lot. The proposed one-bedroom residence is considered a second dwelling unit. Kevin confirmed that Applicant also meets the hillside protection requirements set forth in Section 7.1 of the Zoning Regulations as the slopes on the are less than 5%. Additionally, South 7th Property is not located within the mapped floodplain and is not located within a riparian resource buffer.
5. **In reviewing a Special Exception application, the Board shall give due consideration to all of the factors listed in Section 11.6.D.1.a. through m. of the Zoning Regulations.** Kevin summarized the highlights of the Special Exception review criteria set forth in Section 11.6.D.1.a. through m. of the Zoning Regulations, noting that no increase in traffic or parking demand is anticipated because the new one-bedroom residence replaces a legally existing nonconforming mobile home. The proposed use will generate a similar volume of vehicle trips per day and it will meet the parking requirements. The one-bedroom residence will be also served by a private well and permitted septic system, and no new public infrastructure is needed.

Additionally, all applicable permits will be required prior to construction. The proposed siting of the new one-bedroom residence occupies approximately the same area on the parcel as the legally nonconforming mobile home, which will be removed, maintaining similar relationships with adjoining properties and complying with the Zoning Regulations. The proposed use meets the intent of the RRS 1 zoning district by replacing a legally existing nonconforming structure (historically used as a residence) with a conforming one-bedroom residence or second dwelling unit, consistent with common development patterns in the area. The second residence is only allowable at this time through the Special Exception process and will require coordination with all Missoula County departments before construction can begin, including septic approval from the Health Department. No impacts to the neighborhood character are anticipated.

Staff received the following agency comments: (i) the Montana Department of Transportation reported no impacts requiring mitigation, (ii) the Missoula Rural Fire District requested that the driveway be 16 feet wide with approximately 13 feet 6 inches of vertical clearance and (iii) Missoula County Public Works and the Building Department recommended coordination with all relevant departments. Staff confirmed that notices were sent to adjacent property owners and posted on the Missoula County Voice page, and no public comments were received from either source.

Kevin recommended approval of the Special Exception request, subject to the condition that Applicant obtain all necessary permits required by other agencies.

See PowerPoint presentation slides.

BOARD DISCUSSION [Time stamp – 01:07:17]

The Board did not have initial questions for staff.

APPLICANT PRESENTATION [Time stamp – 01:07:25]

The Applicant, Josh, attended the meeting and spoke on behalf of himself and his wife, Kimberly. Applicant thanked staff, particularly Kevin, for the thorough presentation and Marias for guidance throughout the process. Applicant expressed appreciation to the Board for their volunteer service.

Applicant explained that the Special Exception request is tied to a family transfer, noting that the new modest one-bedroom residence is intended for him and his wife so their son, daughter-in-law, and two young children can relocate from Anchorage, Alaska and live in the existing larger home. Josh emphasized that the proposed project is not intended for monetization or resale but to allow the family to live together, and he expressed hope that construction can proceed efficiently to minimize the personal and financial burdens on his son's family.

PUBLIC COMMENT [Time stamp – 01:09:14]

Joe Thiessen (Joe), a neighboring resident at 912 Grace Court, appeared in person and spoke in opposition to the proposal. Joe stated that when he purchased his property 27 years ago, he understood the existing mobile home on the Applicant's parcel to be grandfathered in and expected it would be removed once it no longer was occupied. Joe expressed concerns not only about the proposed one-bedroom residence, but the planned farm stand, noting potential parking issues along 7th Street where parking is currently prohibited, as well as safety impacts for pedestrians and cyclists.

Joe raised concerns regarding past flooding in the back field, where high water historically accumulated, and noted that the proposed drain field is located in that same area and referenced nearby basements and lift stations used by neighbors due to seasonal water issues. Joe further stated that, in his view, there are more than two residences on the property, citing an "internal studio" in the shop building with its own address. Joe also expressed concern that concentrating wastewater in the proposed drain field could encroach on the 100-foot radius around a neighboring well.

For these reasons, Joe opposed to the project and clarified that while he understands the Applicant's desire to bring their family together, questioned why the project appears to be moving forward more quickly than the established procedural timeline allows. Joe indicated that the review process, particularly for septic systems and drain fields, is intended to be completed before construction begins and expressed concerns that if construction starts early and the state later determines the drain field is inadequate, the Applicant may seek further leniency, setting what he considers an inappropriate precedent. Joe believes the project should pause until all state and local approvals, including Health Department septic review, are finalized.

Joe reiterated concerns about the number of dwelling units, stating that the existing home, the proposed home, and the studio space in the shop building would effectively create three residences supplied by one well and one septic system. Joe questioned why a Special Exception should be granted that he believes would not ordinarily be available to other residents and suggested that the nearly 3-acre parcel could be divided into separate lots instead of increasing intensity on a single lot. While Joe acknowledged he is not opposed to replacing the existing manufactured home itself, he emphasized that he opposes the current sequence and approach, stating that it feels rushed and not aligned with proper procedure.

Following Joe's comments, neighbor Rosa Nygaard, who resides at 1041 Grace Court, also spoke. Rosa agreed with many of the sewer and water concerns raised previously, noting that multiple households on Grace Court rely on shared wells and are therefore

sensitive to changes in groundwater conditions. Rosa echoed concerns about seasonal high water and the widespread use of sump pumps in the area. Rosa questioned the assertion that the project would have no traffic impacts, pointing out that development along 7th Street is increasing, with new homes and driveways being constructed nearby and believes that the added residential intensity in the surrounding area could negatively affect traffic patterns and neighborhood character. It was noted that many residents moved to the area because of the one-home-per-acre zoning and the rural character it provides. While not entirely opposed to another structure on the property, Rosa was concerned about how exceptions to zoning regulations may affect the community long-term and whether such exceptions could invite additional similar requests which may influence future development expectations in the area. Rosa agreed with Joe and questioned whether the almost 3-acre parcel could instead be divided into multiple lots to disperse density more evenly.

APPLICANT RESPONSE [Time stamp – 01:19:06]

Applicant, Josh began by expressing appreciation for the community's concerns, noting that if he were in their position, he would share the same questions regarding wells, septic systems, and traffic. Josh emphasized that these issues are valid and important and reported that the property's new septic system has been fully reviewed and permitted by the Health Department and the DEQ. The approval followed required groundwater monitoring and percolation testing and stated that he trusts these agencies performed all necessary due diligence, applied the law correctly, and considered isolation and mixing zones for neighboring properties before issuing the permit.

Josh addressed recurring concerns about water and wells, acknowledging that water is a limited resource and clarified that no new wells are being drilled for the proposed project, but rather the property already has two existing wells, which will supply the residential units. Rather, it is the septic system which is being upgraded to meet current standards. Josh noted that the project entails replacing a pre-existing mobile home trailer with a stick-built home and emphasized that the water infrastructure already existed, and there no increase in demand from additional wells is planned.

The mobile home was already located on the South 7th Property before the Applicant's family purchased it. When the family began exploring a family transfer and the idea of replacing the mobile home with a house for his son and his son's family, they learned that the old septic system was out of compliance. This discovery initiated the process of bringing the system up to code.

Applicant confirmed that the residential density on the property is not changing. One mobile home is being replaced with a one-bedroom residence, and the law also allows an ADU, which is located above the shop. Josh concluded by reiterating that all aspects of the project are in compliance with local and state requirements, that the septic system has been properly permitted, and no new wells will be added.

BOARD DISCUSSION [Time stamp – 01:21:08]

Andy asked several clarifying questions regarding the Applicant's request, focusing on existing uses, zoning rules, the status of an ADU, and the implications of a pending family transfer. Staff confirmed that the South 7th Property currently contains a mobile home, a single-family residence, and an ADU. Several Board members discussed the implications of the ADU, confirming that it does not create a second primary use and does not conflict with the Zoning Regulations. Only one principal use is allowed per parcel in the RRS 1 zoning district and it is the replacement of the legal nonconforming mobile home with a stick-built home that triggers the need for a Special Exception, as

the addition of a one-bedroom residence or dwelling would be considered a second principal use.

A key point of discussion concerned the family transfer, which, once finalized and recorded, would divide the property and eliminate the need for a Special Exception altogether. Following inquiry from Andy, the Applicant clarified that the final plat has not been filed because although the septic permit has been approved by the Health Department, the Certificate of Subdivision Approval (COSA) is in fact still pending with DEQ, as he previously misspoke. This process could take 4 to 12 months to be completed. Because of urgent timing considerations related to family needs, the Applicant sought the Special Exception to avoid delays. Andy raised concerns about the request for a Special Exception being solely for the convenience of time and that once the COSA was approved, a Special Exception would not be required because the family transfer could be completed.

Rick expressed support for this project as it creates generational living arrangement. Rick stated that he relocated from an agricultural region that automatically granted property owners the right to have an ADU and later those property owners often submitted subdivision requests so that children could live on the property. Rick views this project as an improvement to the South 7th Property and expressed support for the use of shared septic systems, noting that mobile homes are often added without proper septic sizing or approval. Overall, despite understanding concerns about the timing, Rick stated he was in favor of the project and the request for a Special Exception.

Babak supported the comments made by Andy and Rick. Andy then pointed out that by Applicant completing this process it converts a legally nonconforming use to a conforming use and agreed that the septic system upgrade is an improvement overall. Staff confirmed that by granting the Special Exception it makes the current configuration legally conforming during the interim period before the family transfer is completed, which family transfer would ultimately create another parcel and eliminate the need for a Special Exception.

Babak briefly played “devil’s advocate” taking an opposing stance and asked what would occur if no action were taken on the existing legally nonconforming structure. Babak noted that, over time, the structure would eventually exceed its useful life and be removed, which could naturally bring the property back into compliance, though people often try to maintain such structures as long as possible and asked staff to clarify what level of maintenance would be permitted if the structure remained. Staff confirmed normal maintenance and interior modifications would be allowed, with no expansion or changes to the footprint. Babak observed that doing nothing could eventually resolve the issue, but going through the current process brings the South 7th Property into compliance immediately and provides additional benefits such as septic review and improvements.

Although public comment was closed, Joe indicated that the mobile home trailer is no longer on site. The Applicant confirmed this, stating that during installation of the new septic system, the deteriorated trailer was demolished and hauled away within the last 10 days. Staff verified that its review of aerial mapping confirmed the mobile home trailer was on site as of September 3, 2025. With the trailer removed, the South 7th Property is temporarily in compliance, but construction of the one-bedroom residence still requires a Special Exception as it adds a second principal use while the family is pending.

Rosa then requested clarification as to how the parcel was being subdivided in the family transfer process. Staff identified that the family transfer would allow the

Applicant to transfer a 1-acre tract to an immediate family member. It was reiterated that once the family transfer is complete a Special Exception would not be required. Andy asked if granting the Special Exception could later allow unintended additional dwellings. Tim Worley, Senior Planner with Missoula County clarified that once the family transfer is recorded, future development would be governed strictly by zoning compliance, not by the temporary Special Exception and would not provide Applicant with an advantage to construct additional dwelling units in the future.

The Board had no further comments or questions for staff or the Applicant and proceeded with a motion to approve the Special Exception request.

RECOMMENDED MOTION [Time stamp – 01:44:04]

Rick made the following motion, and Jennifer seconded the motion:

THAT the Board of Adjustment approve the Special Exception Request from Joshua Slotnick and Kimberly Murchison to deviate from Chapter 2.3.E of the Missoula County Zoning Regulations, as presented in the application, subject to the Applicant obtaining 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.

BOARD DELIBERATION [Time stamp – 01:45:07]

There was no additional deliberation by the Board.

VOTE. With no further discussion, the Board voted by roll call, and the motion passed unanimously.

AYES - (4): Babak Rastgoufard, Rick Hall, Jennifer Schultz, Andy Mefford

NAYS - (0):

IX. COMMUNICATIONS & SPECIAL PRESENTATIONS [Time stamp – 01:45:41]

There were no communications or special presentations.

X. COMMITTEE REPORTS [Time stamp – 01:45:41]

There were no committee reports.

XI. OLD BUSINESS [Time stamp – 01:45:41]

There was no old business.

XII. NEW BUSINESS [Time stamp - 01:45:41]

Staff confirmed that there are items to be heard at the Board's December meeting.

XIII. COMMENTS FROM BOARD MEMBERS [Time stamp - 01:45:54]

There were no additional comments from Board members.

XIV. ADJOURNMENT [Time stamp – 01:45:59]

The meeting was adjourned at 7:46 p.m.

Missoula County Zoning Board of Adjustment November 19, 2025 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting at this link: <https://missoulacomt.portal.civicclerk.com/event/9736/media>.

Missoula County Zoning Board of Adjustment November 19, 2025 – Meeting Recording

JJ **Jill Johnson** 17:59

Calling the meeting to order and we have a roll call please.
Roll call Rick Hall.

RH **Richard Hall** 18:07

Present.

JJ **Jill Johnson** 18:09

Ben yawaki.
Ben is absent Jennifer Schulz.
Andy mefford.
Here babak raskefard.
Here, Mr. Chair, we have four regular Members present, and quorum has been met.
Thank you.
The next item on the agenda is the approval of minutes from the September 17th 2025 meeting.
Are there any edits or corrections to those minutes, or would anyone like to move that they be adopted as submitted?

RH **Richard Hall** 18:56

How will they be adopted as Samana?

JJ **Jill Johnson** 19:00

I'll 2nd.
OK.
All those in favor?
Aye.

RH **Richard Hall** 19:05

I.

JS Jennifer Schultz 19:06

Aye.

JJ Jill Johnson 19:07

Aye, any opposed.

OK.

Thank you.

The next item on the agenda is public comment on any non agenda items.

So if there's any member of the public here tonight, whether in person or virtually, who wishes to comment on anything other than the two agenda items, then the two agenda items are the signed variance for 5:05 heighten St. and then the special exception for.

3507 S 7th St.

Request. So again those are the two agenda items. If anyone here any member of the public here tonight would like to comment on anything other than those two items.

Now is your opportunity to do so.

Anyone do we have any members of the public attending virtually?

OK.

Uh.

Do you have any staff announcements tonight?

OK. Then we'll go to our first hearing, which is 505 heighten.

KH Karen Hughes 20:21

Sorry, this is Karen Hughes. I did have one quick announcement.

It's not really an announcement, it's just more the to let the board know that I had offered in my memo to the Board of adjustment about the Commission moving forward with the consolidate land use board that if I would come to this meeting and if there was any.

Questions that the board had.

Or any concerns. I'd be happy to address those.

Either now or at the end of the meeting.

JJ Jill Johnson 20:52

Thanks Karen.

The one question I had and and thanks for the communication earlier. It sounds like

there's going to be a transition period early 2026 to the extent you're able to predict or estimate as you know, when this board essentially would be dissolved and when the new body.

Would take over.

KH **Karen Hughes** 21:13

Sure. That's a great question.

We.

We anticipate the new board starting in January. There will be at least a one month overlap, hopefully no more than a one month overlap.

So we're asking.

We've asked each board to be willing to serve in their current roles while we train the new board members, some of which will be on the new board in their new role. So.

And none of the meetings would overlap. But there's a possibility that in January.

You might be asked to.

Some Members might be asked to attend the MC club meeting the consolidated Land Use Board for training and also.

Hear public hearing on an item that's coming before either the Board of Adjustment or the Planning Board, depending on which board you're from.

We know this is going to happen for the planning board.

So far it has not happened for the Board of adjustment, so the Planning board.

Will be hearing item as the Planning Board in January while also getting for any Members that are on the new board. They'll also get training so far that hasn't happened with the Board of Adjustment since most board of adjustment items don't have the kinds of deadlines the plan.

Board items have, I think that will you probably won't end up with for anyone who's ends up on the new board won't end up having two meetings, but we it's still a little too early to tell.

JJ **Jill Johnson** 22:53

Thank you, Rick.

RH **Richard Hall** 22:57

Karen, you know.

Of course.

Hang on a second.
Sorry about that.
Karen, you know I'm on the other.

KH **Karen Hughes** 23:12
Yeah.

RH **Richard Hall** 23:13
Planning board. Are there going to be interviews?
Are there going to be?
Do we know when they'll happen?
The reason I ask is that I'm going to be out of the country in January and February,
but available virtually, and I did express interest.
So just kind of curious.

KH **Karen Hughes** 23:30
Yeah.
I think most of the interviews will probably happen in December.
And I'm not sure the extent to which the Commissioners will feel the need to re
interview members that they've already interviewed that will be at their discretion.
It will also depend a little bit on who we end up with getting in the application pool
so.
So to be determined, Commissioners will make the decision and most likely,
interviews.
Will be held in December.
If they, if they hold them for people who've already served.

RH **Richard Hall** 24:08
And one other question, it seems to be kind of a little nebulous right now as to
when.
The Consolidated Planning board.
Were working on the code that may extend into January and even February. Would
they both serve concurrently if that happens, I mean the deadline is may.
So any ideas about that?

KH Karen Hughes 24:38

Well.

We the the city.

I don't know.

I'll I'll have another meeting soon with the city to talk coordination.

They, as you know, are on a pretty strict timeline, whether or not whether or not that can be accommodated by everyone involved remains to be seen.

If if we have to come up with a strategy to deal with that, we'll come up with a strategy to deal with that. But and I hear you, I understand what you're saying.

RH Richard Hall 25:10

Yeah, I mean, you know, I had a meeting last night.

I'll have a meeting tomorrow night. So we we will have 5 meetings this month for the consolidated board to try to get this done.

KH Karen Hughes 25:14

Right.

RH Richard Hall 25:20

So which is no problem.

KH Karen Hughes 25:21

I think we'll have a hard time getting a quorum.

Well, I think.

We I think there will be a problem because I think we'll have a hard time getting a quorum at some point.

So that's 'cause. Sean McCoy will take office as a City Councilman. And so yeah.

I know they're thinking about it. I think they're hoping that they don't have to deal with it because they'll follow their timeline.

RH Richard Hall 25:45

Thank you.

KH Karen Hughes 25:45

Yeah.

JJ Jill Johnson 25:52

Thanks Rick.

Thanks Karen.

Any other questions from board members?

OK. Then we will move to the first item on the agenda. The first public hearing which is 505 heighten street sign variance.

We have a staff report.

PS Patrick Swart 26:26

Alright, evening.

JJ Jill Johnson 26:26

Patrick, if you're oh, there you go.

PS Patrick Swart 26:27

Good evening everyone.

Sorry, it's just taking a moment here to get my PowerPoint pulled up.

Is that showing up on the screen for you?

JJ Jill Johnson 26:36

It is.

Thank you.

PS Patrick Swart 26:37

Perfect. Yep. So for the record, my name is Patrick Swart.

I'm planner with the office of Planning, Development and Sustainability, and tonight I'm presenting the staff report for its two separate variance requests for a property at 505 heighten St. and both requests are related to an existing sign on that property.

We could see on the screen here the properties outlined in Black and green.

We're on the East End of pardon me, the West End of East Missoula. It's directly off of Hwy. 200 and on the corner of Highton St. as well.

Properties Zoned neighborhood Center and the growth policy here.

It's the 2016 Missoula County Growth policy and is subject to the 2019 Missoula area land use element, which gives it a land use designation of.

Neighborhood commercial as well, which aligns with that zoning designation and current uses on the property.

It's a gas station.

Fuel sales.

There's a convenience store with a hot food counter, a laundromat, and then that building on site also has an empty tenant space at the moment.

So look at the site plan submitted with the application materials.

I did highlight the sign location here with a circle and an X.

You can see it's located right on the Highway 200 corridor.

Just adjacent to the entrance into the property off of Hwy. 200.

The existing sign we can see an image of here. It just took this image from the 2025 Google Maps Street View. We can see the sign is 23 1/2 feet tall, has a sign faced area of 84 square feet and a sign.

Clearance the measurement from the bottom of the sign face to the adjacent ground of 11 feet 6 inches. Based upon the research I was able to uncover.

The signs existed at this location at least since 2007.

In its current size and dimensions, it doesn't.

Meet the current regulations adopted in 2022 for Missoula County zoning, so it's considered a legal nonconforming sign.

Under the current neighborhood center pole sign standards, a pole sign can be a maximum of 12 feet tall, have a maximum sign face area of 24 square feet, and requires a minimum clearance of eight feet.

So it does meet the clearance requirements as is, but currently exceeds the sign face area and sign height limits set in the zoning.

So the applicants are proposing a addition of a A4 foot by 8 foot digital reader board to that existing pole sign structure.

So that would add 32 square feet of sign base area and that's 32 square feet per side.

You're allowed to have two sides on a pull sign, and in doing so this would be expanding that existing non conforming sign and creating additional non conformity with that.

Sign clearance requirements. This would put it down to seven feet 6 inches.

So 6 inches off of that minimum required.

And I will also note in the existing and proposed conditions you can see this image here. The sign had been installed on the structure already without a permit, so the the county didn't pursue enforcement action on this and and looking for a remedy,

the applicants are are Ch.

To request a couple of variances to see if they can get board approval to allow this to stay at the location as is.

The two specific sections of code zoning code that we're looking that they're requesting variances from.

The first is section 10.6 Point C which states non conforming signs shall not be physically expanded, enlarged or extended in any manner.

And the second section is section 8.8, point K .1 table 13. Specifically the minimum clearance requirements in that table 13, which requires that 8 feet of clearance.

So they'll be off by 6 inches there.

So that's the reason for the second request.

I just want to give a quick overview.

I know we've done a few.

Sign variances over the last few months, but it's just a refresher on the review criteria that staff evaluates these requests against in our staff report and what the board should be evaluating these requests against. The variances are required to meet all of the review criteria and 11 point.

Six Point C, point 1A through F and I'll go through each of those individual criteria and then in addition to that.

Yeah, if the board chooses to approve.

It must be demonstrated that the minimum variance that will make readable or that will make possible a reasonable use of the land building or structure, is what's being proposed.

Moving into the first criteria, we'll evaluate if these requests will not authorize the use that's not already authorized in the zoning district. As I mentioned, pull signs are permitted use in the NC Zoning district.

It does have those dimensional standards that need to be met, but the sign type is a permitted use. So our evaluation found that the proposal.

The proposed variances would not authorize.

Use that's not already authorized here in.

In the neighborhood center sounding district.

The next criteria asks if the variance will authorize additional density beyond what's allowed.

That's not applicable in this case, so we can skip past that one.

After that, we'll look at are there special conditions that exist that are unique to this

property, such as size, shape, topography or location, which do not apply to other lands in the same zoning classification.

So we can see the image on the left of the screen.

Here the property again is outlined in black and green.

It falls in that neighborhood center's outing district, which runs along the entirety of this Hwy. 200 corridor through E Missoula.

Our analysis of the property found it's got.

Similar size, shape and topography to those other parcels in NC, right along that corridor, we found that the existing sign.

Is fronted right onto Hwy. 200.

There is visible to traffic in both directions.

There weren't any sort of site constraints that limit the ability of that sign to function as intended based upon size, shape, topography, et cetera of this particular property.

So staff did not find that there were special conditions unique to this property.

Property that wouldn't apply to other lands in that zoning district.

We also evaluate if literal enforcement of the provisions of these regulations will result in an unnecessary hardship that's not of the applicant's own making. As I stated before, there's four existing businesses on the site and looking through the application materials they talked about the limits of the.

Regulations only allowing 4 signs per parcel or project site to accommodate those four businesses.

Staff noted that there are two non conforming pull signs that exist on the site.

Currently and to conforming wall signs in terms of the subject sign of the of the two variance requests, it exceeds the maximum sign face area for pull signs by 60 square feet and the regulations do allow these non conforming signs to go through copy changes without requiring a.

Variance.

The applicants applied for a copy change to that sign back in November of 2024 on that application.

And the materials did acknowledge that they were applying for a copy change in a nonconforming sign and stated it would comply with the section 10.6 regulations, which includes all of the standards for nonconforming signs, including the note that it can't be physically expanded.

And I I did note that that permit did not show the digital Reader board on those plans at that time.

In terms of minimum clearance, this is that variance request staff found is only necessitated.

By the other variants to expand it.

So, in short, the conclusions there are that little enforcement would not result in a hardship and that it is not in that it is of the applicant's own making.

We also evaluate compliance with the purpose and intent of the regulations and compliance with growth policy and if the request will be interest to the neighborhood and public welfare, the neighborhood Center, zoning District and growth policy, as I mentioned, are consistent with one another. That district is int. For limited cluster commercial uses, it's really intended to be this almost transitional commercial area that is small scale commercial serving the residents of the neighborhood that it's located in.

The specific sign regulations for the NC District are intended to regulate those sign types. The quantities and dimensions.

Really looking to make sure that signs that go up match the overall character and intent of that zoning district. When we look specifically at the minimum clearance regulations, the intent here is to promote public health and safety. Prohibiting things like signs encroaching into pedestrian walkways, sidewalks, drive a.

Or.

Obstructing site triangles from vehicles entering and exiting.

That location.

Staff found that the proposal to expand the nonconforming sign is not in harmony with the general purpose and intent of the Missoula County Zoning Regulations and growth policy, but did, on the other hand, find that the request to vary from the minimum clearance requirements is in harmony the.

Reason for that really is because of the nature of this poll sign, we have the two vertical and parallel poll structures with the sign faces sandwiched in between.

So there isn't any element of that sign that's.

Projecting over a Dr. aisle or sidewalk or or any area there, so we didn't see any harm or that it was contrary to the intent of the regulations for that particular variance.

And then the last of the review criteria is evaluating if the request is based on monetary factors or potential for economic gain. In this instance, staff found that both variances are intended to accommodate the physical expansion of that nonconforming sign, which is intended intended to provide additional ad.

Space for those businesses on site.

So the conclusion there is that the request for both variances appear to be based on monetary factors and potential for economic gain.

There's just a quick recap of the two specific variance requests and the criteria and conclusions.

We found that the request to expand the legal nonconforming sign met two of the six review criteria in the request to vary from the minimum clearance requirements, met three of the six criteria.

Looking at the evaluation, if it's the minimum variance necessary. As I noted, the property has two existing nonconforming wall or two existing conforming wall signs and two existing non conforming pull signs.

Both non conforming pull signs exceed the maximum sign height and sign face area for pole signs in the districts, and they're permitted to do copy changes to those already enlarged signs without requiring a variance.

So the proposed variances are not necessary to allow for.

Essentially, a reasonable use of those signs per our evaluation.

We only received one agency comment regarding this. These two requests and that was from the public Works Building Department, just noting that the proposed modifications do require building and electrical permits and that the plans would be required to be prepared by a Montana licensed professional engineer.

And then prior to the hearing, we had received three public comments.

All three were not in favor of the variance requests.

The first stated that the sign should be moved to the corner of Highton and Hwy. 200 away from the adjacent apartment building, noting that new lighted pricing and message boards will create too much unwanted illumination pollution into the dwelling units in the apartment building and will be.

Very disruptive of the residents there in.

Beck and comment received stated the variance does not meet any of the exceptions.

Criteria, particularly the special conditions that warrant a bigger sign or motivation for a larger sign that is not based upon monetary factors, and they stated neither do I understand how a larger sign would be in harmony with our growth policy and requested the board not approve the vari.

And last comment that came in prior to the hearing is that they're opposed to this variance.

Request that instead of. They're a homeowner that lives nearby the gas station. The

gas station owner was aware of the new sign ordinances.

And should have requested the sign variance prior to construction of the electronic sign, they stated.

The variance request is absolutely for monetary purposes.

It is advertising so that people will come to his store and spend more money and they say to the folks that live in the apartment building should not have to deal with the light pollution from his sign and they look forward to the sign being taken down.

With that board, I staff is recommending denial of both variance requests.

Do have recommended motions which I can pull back up when we get to that point in the meeting if that's the direction you choose to move in.

JJ Jill Johnson 40:27

Thank you, Patrick.

Before we hear from the applicant or applicants representative, are there any questions?

Do members of the board have any questions for staff at this time?

Initial questions, that is.

OK. Is the applicant or applicants representative here?

GW George Wheeler 40:51

Applicants representative is here.

This is George Weaver with paradigm architecture.

We designed the new service station there at five O 5 heighten.

JJ Jill Johnson 41:02

Thank you, Mr. Wheeler.

And do you have any comments or presentation that any, anything you'd like the board to consider before we deliberate?

GW George Wheeler 41:12

I I do not the application and the presentation by Patrick was very thorough.

The only consideration that I would ask is that we we did not do the sign permit.

The permit was done through SYNEX, the new gas station partners that I do not think understood the code and it was not run by paradigm architecture before being

submitted or.

This kerfuffle would not have happened so.

JJ Jill Johnson 41:37

I understand you just alluded to staff's report being, I think you said it was thorough. Obviously, staff's findings would and recommendation are to deny. This that both requests. I'm assuming you feel differently.

GW George Wheeler 41:57

We would love to see the request go through, but we are understanding that we are begging for forgiveness instead of asking for permission at this point.

The the sign is intended to be able to allow the public to know what is available at that location.

Being the limits of having non conforming signs and trying to keep those.

Really hamper the idea of being able to advertise all four businesses that are available.

So the reader board was added by the sign company as time went on.

And.

That was their solution for it.

Probably not the best solution, obviously is we needed to stay within our zoning conformities that we missed.

JJ Jill Johnson 42:43

OK.

Thank you.

Is there anything else you wanted to add?

I don't wanna cut you short.

GW George Wheeler 42:49

No, I don't have anything else to add and I do not know if the owner is available, he said he was going to try to join the meeting, but I don't see.

Him on here at the moment so.

JJ Jill Johnson 43:01

There's a couple people in the room, OK?

GW **George Wheeler** 43:02
Nope. Actually he just joined.
At least I believe.
Yep.

JJ **Jill Johnson** 43:19
Sorry I can't see the on the screen.
I see it just says one of two, so someone else must have joined.
I don't think he did just join.
I will unmute him if he we'll go ahead and get him unmuted so.

GW **George Wheeler** 43:27
OK.

JJ **Jill Johnson** 43:33
For the individual who just joined, I'm sorry I can't see your name on the screen.
We are in the middle of the hearing for the sign variance request at 505. Heighten St.
staff has just presented their report.
We heard from your representative.
If if you have anything you wish to add or comment or present, now is your
opportunity to do so.
And I believe his name is Mr. I might butcher this name, gooman. He may need to
unmute himself.
All right, Mr. Gomen, if you're Bobby, OK?

GW **George Wheeler** 44:07
You can call him Bobby.

JG **Jagpreet Ghuman(Bobby)** 44:09
Oops, sorry.
And just the whole reason for my request for the variances. I I want to advertise my
business 'cause I have a like a Indian restaurant takeout restaurant inside which I
don't have any space to advertise like.
Cause of the limited?
Signs that are allowed.

So.

I'm just it's the that's the reason behind it.

So requesting for that variance.

JJ Jill Johnson 44:49

Thank you, Mr.

JG Jagpreet Ghuman(Bobby) 44:49

Then also, yes, Sir. Also on the note of like a couple of comments that I've read from the community. So I called in Northwest energy today about that.

I've they have put up on that on their poll, so they're coming in.

They say 5 to 10 business days and they're gonna look into that. So it's not.

A real I'm gonna try to have them move it where it's not affecting my neighborhood in here.

JJ Jill Johnson 45:23

I'm sorry, can you repeat that last part?

Something about northwestern energy and and moving the sign or I apologize. I didn't quite follow.

JG Jagpreet Ghuman(Bobby) 45:28

No, no, not that.

It's not about the sign, it's it's. It's those comments we got of about the variance, like the lighting that's affecting.

JJ Jill Johnson 45:36

This delighting on the.

JG Jagpreet Ghuman(Bobby) 45:42

For those two comments, like you know about my like from the neighborhood like that, that were against my variance.

From two of the property owners in the neighborhood or tenants like public comments, I'm I'm referring to that.

JJ Jill Johnson 46:03
OK, no, I I'm following you now I understand.

JG Jagpreet Ghuman(Bobby) 46:04
Yeah. Yes, Sir.

JJ Jill Johnson 46:09
Hopefully you've had a chance to read the staff report.
I know you.
You missed the presentation this evening, but.

JG Jagpreet Ghuman(Bobby) 46:15
Sorry.

JJ Jill Johnson 46:16
There are.
That's that's fine.
There, there are certain criteria that that staff address that the board is required to consider.
When deciding whether to approve or deny the two variance request.

JG Jagpreet Ghuman(Bobby) 46:31
Yes, Sir.

JJ Jill Johnson 46:32
And several of the.
Criteria staff did not.
Didn't find those criteria had been met and therefore the conclusion was that the board should move to deny these requests.
And so I just want to make sure that you have an opportunity if you.
Disagree or have any with those staff findings and recommendations. This would be the opportunity to.
Enlighten the board or educate the board as to to why you would.
Reach a different conclusion with regard to those criteria that staff found to be missing.

JG Jagpreet Ghuman(Bobby) 47:16

Oh.

So it's it's a commercial this.

JJ Jill Johnson 47:21

And if it's helpful, if it's helpful, I could have staff.

I think do we have a is there a slide on the PowerPoint that shows the criteria?

Maybe one of the early slides that shows that what we need to evaluate the request against.

PS Patrick Swart 47:37

Yeah, I I can pull up the the specific criteria again.

I'll share my screen here.

JJ Jill Johnson 47:43

And if and if the if there's nothing more to add that, that's fine.

I mean, I don't wanna.

I just wanna make sure you have that opportunity.

Thank you, Patrick.

So so this here is the.

Criteria evaluation or findings and recommendations. The these are to me, let me rephrase that.

Before us on the screen is the full list of criteria.

There's it's color-coded.

The ones in green staff found to have been those criteria were met.

The the ones in Red staff found were not met and therefore the recommendation, recommendations and findings from staff is that.

That the board deny these requests.

So there's two different requests.

I think to a large extent the second request is is sort of derivative or contingent on the 1st request, but maybe I'm wrong about that. But in any event, this is the first request to modify the existing or to excuse me to enlarge the.

The structure.

And I guess we could just go on the, the, I know the applicant's representative stated that he disagreed.

And and but I just didn't know.

You know, as the as the owner, if you wanted to add anything to that.

JG Jagpreet Ghuman(Bobby) 49:32

Sorry, I thought my I was saying something, but I was muted.

So I disagree with that.

And is it possible? Like if we make our signs smaller, the one that that's done by senex like the my guest sign and?

And get this sign above the limits that are allowed.

That way, like you know, I'm not crossing any line.

JJ Jill Johnson 50:09

I think I I follow what you're saying.

You know what we if if you wish to.

I.

I guess I would say let's, let's come back to that and let's hear from the the members of the public and let the board deliberate. If it's because at this point, I don't know.

JG Jagpreet Ghuman(Bobby) 50:21

Mm-hmm.

JJ Jill Johnson 50:28

If the board is inclined to grant or deny the request.

If if the board is inclined to deny the request, then perhaps.

The request can be resubmitted in some form that would be.

You know that would that would.

Match these criteria.

Or would fulfill these criteria.

But that's that's what I would recommend doing at this point.

JG Jagpreet Ghuman(Bobby) 50:59

Check.

JJ Jill Johnson 51:02

Are there?

I guess before we go to questions from the board, are there any members of the public here tonight that wish to comment on this on these two proposed proposed? Excuse me, variance requests.

OK. Is there anyone does no one in the room is here to comment.

Is there anyone attending virtually who wishes to comment on this? Request.

OK, at this time.

I'll ask the members of the board if they have any questions for any any questions for staff or the applicant or applicants representative.

I'm gonna have a question for Patrick and and I think it sort of maybe alludes to.

Bobby's lead in there. If I understood correctly, there's 84 square feet of frontage or sign square footage.

And that's not what's on the table today.

And it's a legally nonconforming sign.

And he said he could copy change that. So if I understand that correctly, am I led to believe?

Or understand that they could rework that existing poll sign at the height and dimensions it is.

With changes to the labeling or advertising on that sign, as long as it doesn't vary from those dimensions that it is today.

PS

Patrick Swart 52:46

In large part, yes, that's correct.

They can do copy changes as long as it doesn't result in a physical expansion or structural alteration. It needs to meet those nonconforming criterias in section 10.6 of the zoning code.

But if they can stay within those criteria, using those existing sign cabinets that are there and just switch out the the copy within those sign cabinets and not run afoul of any of the 10.6 criteria.

That's permitted and that was achieved. That was taken care of and done with the. November 2024 zoning compliance permit that was applied for.

They demonstrated that they would just be changing the the sign face copy within those existing cabinets, not expanding it. And and that was reviewed and approved.

JJ Jill Johnson 53:36

And I guess a little follow up to that.

It's possible this electronic reader board is not what's really being discussed, so it's possible that reader board on an application could be elevated if you will not increase the above the 84 square feet, get a building, get electrical permit, but still maybe be integrated within those two.

Poles.

PS Patrick Swart 54:01

We'd have to evaluate engineered plans on that.

I just we didn't receive engineered plans with the variance requests. The one thing that gives me a little bit of pause with that is looking at the existing conditions, the sign cabinets that, that, that are up there now are 7 feet wide and the reader board is an.

JJ Jill Johnson 54:08

Under.

PS Patrick Swart 54:20

Additional foot wide.

So we'd have to, I guess.

Look holistically and see if they could demonstrate that it's not being a physical expansion of of that existing sign face area.

But.

I guess with without seeing those plans, I my initial gut reaction is that would be considered a physical expansion.

We're putting a new.

Sign Structure Reader board attached to fixed on there that extends that sign face area by 6 inches on either side.

It kind of wraps around the pole and if I could share my screen you can kinda see what I'm talking about with the.

Post conditions.

JJ Jill Johnson 54:59

Yeah. And I and I follow 'cause, you've got a sign that was 12 feet tall or something

and seven feet wide, I believe is what it showed.

And you're saying that reward is overlapping those polls?

Probably 6 inches aside or something then.

PS Patrick Swart 55:14

Right. So the existing cabinets, they did the copy changes on up above the the reader board.

Here you can see our sandwich between those the cabinets between the poles where this proposed digital reader board kind of overlaps the poles on both sides.

JJ Jill Johnson 55:32

And and so were the. This reader board works.

Or not, maybe is still debated, and that wasn't what was submitted. Obviously in this sign change, but theoretically there is a possibility they could rework those posts and maintain the 12 by 7 and the dimensions off of the ground, the 11/6 it had the 12 by 7.

Maintain that 84 square feet in some configuration under a new permit for the sign electrical engineering, and that is a possibility that could be permitted without a variance of any.

Possibly.

PS Patrick Swart 56:05

Possibly, yeah, depending on on the plans received, we'd obviously have to review and see what's being proposed.

But if it's if it's essentially the rule is there.

If it's a copy change and it's housed within that same cabinet and we don't have any dimensional physical expansion, no structural alteration it, it would be approved.

JJ Jill Johnson 56:26

And I know Rick, sorry.

And you have more.

No, I I think that's that's maybe a possibility to explore it. It seems like you know for the current regulation, the sign is like three times what code requires. If there's four businesses, each business, if you allocated it equally has almost 22 square foot of space avail.

To them, which is almost what the whole sign ordinance would permit on the whole property.

So it seems like possibly there's enough with this legally non conforming sign in place that possibly could be worked with to avoid a variance to to me kind of on the surface is what I'm sort of feeling the the 7 1/2 or the 8 feet is.

Kind of *** for tat for me.

Honestly, I I'm not sure based on the grade and other things. I don't think that's the biggest issue.

I think it's more about.

The square footage and that sort of thing.

And and that Electronic reader board I guess is sort of one of the things I'm not sure. How that's there hasn't really been a discussion about the change of that electronic reader board, I guess and that sort of thing.

But yeah, that's what I was just gonna clarify 'cause. I mean, I I was same as as Bobby and same as you, Andy.

And I know Rick, you've got your hand up.

I I apologize.

I'll get you in a second, but I I just wanted to confirm.

I mean, obviously it would be based on the plans and what's exactly submitted engineered plans. But I mean I look at what's what was done via the copy change, everything above the electronic reader and it looks like.

I don't know what the proper term would be, but the.

The prices there are, you know, electronically illuminated as opposed to, you know, the old style where you'd, you know, someone would go out there with, you know, what those things are called with a little suction cup on a pole and and change the numbers manually. So I just.

Wanted to confirm with staff that if they work within the existing 84 square feet and again no structural alterations.

And again, you're assuming that you know.

I'm asking you to opine on something that you don't have in front of you.

That would have a lot more detail.

Yeah, but it sounds like.

Adding an electronic signboard in and of itself would not, would not run afoul of the zoning as long as they stayed within the existing non conforming structure.

Hopefully my question OK.

PS Patrick Swart 58:45

Correct. Yeah, if they.

Yeah, correct.

If they can meet the the non conforming sign requirements and install an electronic reader board sign face within that existing cabinet that doesn't result in a physical expansion or structural alteration which they achieved that with these price changers, that it was a different it was digital but it.

Was a different digital price changer prior to the the copy change update.

So it is it is possible.

To achieve that, within the the confines of the.

Non conforming sign regulations I guess.

The limitations of those regulations.

JJ Jill Johnson 59:22

Thanks. I appreciate that. And and Rick has been patiently waiting.

RH Richard Hall 59:30

Couple things.

One I was.

I was wondering if the owner could tell us.

Are those?

Gas prices required by your contract with CENEX.

JG Jagpreet Ghuman(Bobby) 59:43

Yes, Sir. Yes.

RH Richard Hall 59:45

Cow. So you can't really replace them with the reader border.

JG Jagpreet Ghuman(Bobby) 59:51

No, no.

RH Richard Hall 59:52

OK.

Thank you.

JG Jagpreet Ghuman(Bobby) 59:53

But they're willing to decrease so 'cause this whole can I take few minutes, Sir, to explain from the start. So exactly what happened when we were building this place?

RH Richard Hall 1:00:01

Sure. Yeah. Please, please.

JG Jagpreet Ghuman(Bobby) 1:00:09

My supplier, they hired that company that took the permit back in November 2024 and I was in contact with the Senex because they were the middle people.

I was dealing with so.

At the first point, they they were the one who were offering me all the, you know, the whole sign that's being done by senex above the reader board.

And they were also giving me bids for the reader board too.

But I didn't like the their equipment and pricing, so I told them, like, you know, I will shop around for the reader board and you guys just do the talk like top part. But the problem I came across, I was under the impression that they have taken the.

Permit for the whole 9 yards.

That includes 'cause we I have documentation of emails.

I think I have submitted it with Miss Patrick and that in the follow-ups like you know they were giving me the sizes and all that for the reader board. But when they took the permit and they also didn't tell us anything about it that we have only.

Taken the permit for the top part and we also mentioned that you know there's no change happening.

It's just a copy.

And that that was the confusion.

It didn't came to me and that's why I had a local vendor that I went with for the reader board and I was under the impression that.

We already pulled the permit through through that company and that's why we gave him OK to install it and that's that's kind of my bad.

I apologize for that because I don't go across any lines when I because I was rebuilding.

This place, so we follow the laws and all that. But that was a bad on my side.

RH Richard Hall 1:02:03

Sure.

JG Jagpreet Ghuman(Bobby) 1:02:10

And some part is belongs to that quality company that did that job.

RH Richard Hall 1:02:10

Yeah.

OK, OK. But that that was my only question and I'll save my the rest for comments when we're up to that point.

JG Jagpreet Ghuman(Bobby) 1:02:18

Yes.

Yep. And I did talk to sennex about, and they're willing to address that. You know, that sinix on the top because it's quite big.

So they're willing to help me with that and they they can make that smaller and we can adjust the whole sign like it it will be under the limits. Only request I will have is a only hard part would be to get a sign that's like 7 feet.

Wide.

Because because it's a gonna be.

Like hard.

I don't if the company who installed this like if they will be willing to take this back and get me a 7 feed I can check with them about it if that's.

The case.

RH Richard Hall 1:03:09

Thank you.

JG Jagpreet Ghuman(Bobby) 1:03:11

Yes, Sir.

JJ Jill Johnson 1:03:13

And yeah, thank you for that. That background in history and also your thoughts on what you know next steps might be if the board were to deny the request?

I think yeah, that would be. It sounds like that would be one option to find a reader board.

That would be 7 feet wide or I guess if that's not, I don't know if they make them that in that format.

If not, then I guess you would have to seek a variance request, albeit a a much different one.

I suppose and.

But you know that's something you would you would work out with with staff if if the variance request tonight are denied.

Are there any other questions from members of the board or staff or the applicant or applicant's representative?

OK, hearing no questions.

I guess we'll, we'll open it up for board deliberations.

Any initial thoughts or comments from the board to the board regarding the request? Rick, go ahead.

RH **Richard Hall** 1:04:26

Well, first I want to say that Jace has phenomenal lamb Curry.

I drive by that location daily and the sign just that the the reader board just suddenly appeared. When you know when the when the location was new.

It you know, it's got some unique qualities in that it is directly in front of apartments, it is in an NC.

Umm.

But I sure do like seeing what's on the menu every day when I drive by. But.

You know under the variance requirements, it definitely is to advertise to increase revenue.

It it's not meeting, not checking the boxes required for the variance.

And I'm happy that the owner has an alternative because.

It is pretty bright.

But you know it's a commercial location, so.

Yeah, I'm inclined to deny the variance because it just doesn't meet the requirements.

I would agree too.

7 feet 8 feet 6 inches on each side.

That's the sort of variance I probably wouldn't have a problem with if it fit into the

sign cabinet that was already there, especially since it's sort of a grandfathered thing.
So that's my comments.
Thanks.

JJ **Jill Johnson** 1:06:04
Thank you, Rick.

RH **Richard Hall** 1:06:04
It.

JJ **Jill Johnson** 1:06:07
Did I cut you off?

RH **Richard Hall** 1:06:07
And please, please don't stop my lamb Curry. If I rule against it.

JG **Jagpreet Ghuman(Bobby)** 1:06:11
No, Sir. You're always welcome.

JJ **Jill Johnson** 1:06:17
Any other comments from board members?
At this point that I agree.
With what?
Rick had said in regards to the request not meeting all of the criteria.
And Andy's questions before and Bobby's question even before that, I was thinking the same thing.
Are there?
Are there opportunities for the owner, the applicant to work within the existing 84 square feet and hopefully achieve close to what they want?
Obviously they're not going to get the exact structure that's there.
Right now, the nonconform, the additional nonconforming, the one that is subject to the variance, but.
Yeah, it seems to me. I'm. I'm so for those reasons.
Everything that Rick said and from the staff report, I'm also inclined to.
Vote against these two requests, but and hopefully you know, sounds like the the

owner and staff can can work out something that might.

Might get them there.

Any other?

Any other comments or?

Thoughts from other members of the board?

Jennifer.

JS Jennifer Schultz 1:07:53

I only I agree with you guys as well.

I think that it's just important to hear what the Community members were saying too, and so I have concerns about, you know, the brightness or things that might be appearing in someone's window. What you know from from the from the light.

So I think.

Just hopefully they can figure out a way to make this.

Sign work for for Bobby, but also.

Just keeping it in mind that you know, the folks that live right there.

That might be impacted by the light pollution.

That's all.

JJ Jill Johnson 1:08:33

Thank you.

Is there anything in here you don't have to? If you? No, I think I got. It's pretty clear to me and I'm I'm in alignment with everyone else here, so OK.

Patrick. Yeah, still here if you can put the proposed motions back on on the screen, that would be helpful.

And then I guess I would ask if anyone on the board would like to.

I guess we'll have to do both, even though the second seems a little derivative, but.

Should we do these one at a time?

Probably. I guess we'll do it one at a time. If anyone would like to to move on the 1st variance request, that would be great to make a motion, I should say.

I could take a stab at it and read it on the screen. I moved to deny the variance request from section 10.6 C of the Missoula County Zoning Regulations to modify the existing non conforming pole signs at 505 Highton St.

Thank you. Andy, is there a second?

RH Richard Hall 1:09:42

I'll second it.

JJ Jill Johnson 1:09:44

Thank you, Rick.

Any further deliberation from the board on the motion?

OK, I always get confused so.

I guess all those in favor would be voting to deny the request.

That's correct.

All right, let's do because because it's a little backwards. Let's do a roll call, please.

So again if.

JG Jagpreet Ghuman(Bobby) 1:10:10

Can can I say something?

JJ Jill Johnson 1:10:14

You're go ahead please.

JG Jagpreet Ghuman(Bobby) 1:10:16

Yes. So about the lighting, like the brightness of the sign, I do have like a app for it and which is set up to like.

When it's dark outside I it it minimized to like 10% of the light and I have scheduled it accordingly but.

From last you know month or so I I've been keeping it off just because it was a mistake on my side to get that sign up there.

So just to respect the you guys concern about it, so I keep kept it off only one day I I turned it on because I was doing a celebration there for a free vegetarian meals all day out of my restaurant.

On November.

5th I did.

That's the day I used it for a little bit just to have my community come in and celebrate with me.

Thank you.

JJ Jill Johnson 1:11:16

Thank you.

So we have a a motion on the floor.

Again, vote in favor of the motion would be to deny the variance request.

So can we have a roll call?

Please roll call vote Jennifer Schultz.

JS Jennifer Schultz 1:11:34

Aye.

JJ Jill Johnson 1:11:37

Rick Hall.

RH Richard Hall 1:11:39

Yes.

JJ Jill Johnson 1:11:41

Andy meford.

Yes, babak raskefard.

Yes, Mr. Chair, the first motion to deny the variance passes unanimously.

Thank you.

And there's a second variance request.

Would anyone like to make a motion on the second variance request?

I move to deny the request for a variance from the minimum signed clearances clearance requirements in section 8.8 K-1 Table 13 of the Missoula County Zoning Regulations.

Thank you. Andy, is there a second?

RH Richard Hall 1:12:21

I'll second it again.

JJ Jill Johnson 1:12:24

Thank you, Rick.

Any further deliberation from the board regarding the motion?

OK. And just once again, a a vote in favor of the motion is a vote to deny the variance request?

Let's just do the same process.
Please roll call vote Rick Hall.

RH **Richard Hall** 1:12:46
Yes.

JJ **Jill Johnson** 1:12:48
Jennifer Schulz.

JS **Jennifer Schultz** 1:12:50
Yes.

JJ **Jill Johnson** 1:12:51
Andy Mefford, Babek raskepard Mr. Cher. The second motion passes unanimously.
Thank you.
I wanna thank the the applicant and and his his representative. While your variance requests were denied it, it does sound like there's some.
Some ability to work with staff and come up with a different proposal that would not need to come before this board or the board that's gonna succeed this board, or if it does, you know the new proposal does require some variance, perhaps on a very minor.
Scale, you know 6 inches type of thing.
With that, we'll move to the second item hearing public hearing tonight.
That is, 3507 S 7th St.
West.
Special exemption and I understand we have a staff report.
Good evening. For the record, my name is Kevin Dantic planner with the Missoula County Department of Planning, Development and Sustainability.
This evening I'll be presenting the 3507 S 7th St.
West.
Special exception request.
This is brought forth by Marias Hale from Eli and Associates on behalf of Joshua Slotnick and Kimberly Murchison.
Before you is the subject property location 3507 S 7th St.
West.

It's located in the Orchard Homes area of the Missoula Valley, approximately 1.5 miles West of Reserve St. and approximately .7 miles east of Clemens Rd.

Access to the properties via South.

7th St.

West, which is a public roadway.

Some background on the property in the proposed use. The subject property is 2.97 acres and contains one completed residential dwelling build 1900, a garage with an upstairs Adu and five accessory structures related to agricultural uses, per Kama data, the residential structure is classified as.

A single family residence served by a private well and an individual.

Permitted septic system.

The property is zoned rural residential small agricultural.

Culture RRS 1 surrounded with the same zoning, except to the South, the southern property boundary borders apart.

One citizen initiated zoning District 7, otherwise known as CDD Seven, that Zda is restricted also to residential, agricultural and horticultural uses only. The purpose of the Rs zoning district is to balance rural residential development with the preservation of natural landscapes.

In areas of the county.

Agricultural land uses also abound at a smaller scale, and the development character does remain rural in nature.

The 2019 Missoula Land use Element 2016 comp plan also identifies this geographical area as a rural residential small agriculture aiming to preserve rural and semi rural characteristics such as larger lots, small scale agricultural uses.

The applicants proposed to replace an existing legal.

Non conforming residential residential trailer home with a proposed one bedroom residence on the property section 2.3 point east of the Missoula County Zoning regulations allow this use in the Rs zoning district only if approved by a special exception. Only one principal use is permitted per lot.

In this district, with the exception of agriculture, open space parks.

Passive recreation minor utilities that second home.

Would be classified as a second principle. Use.

Before you are the existing conditions on the site, the proposed single family residence outlined here moved a little bit.

In white will be located on the northwest corner of the parcel and will replacing the

1973 mobile home.

Proposed conditions.

The proposal is for a single family residence.

Right here in the northwest corner, yet again, approximately the same area as that mobile home.

It's a two-story home, one bedroom, 2 Bath, an office, single car garage.

Request for a special exception permit shall not be approved unless and until the Board of Adjustment finds the application demonstrates all the following, per the Missoula County Zoning Regulations, section 11.6, point B .2.

Number one, a little bit of a background, a family transfer exception for the subject property was approved by the Missoula County Board of County Commissioners on March 13th, 2025.

The special exception proposals associated with the family transfer through which the 2nd dwelling unit will be situated on a separate lot.

The family transfer cannot be filed until sanitation and subdivision review is complete, which may take several months, and that is not complete.

The property owners are seeking to initiate construction of that second dwelling unit while construction equipment is on site for the installation of a new shared septic system that's currently.

Currently in the permitting stages with the Missoula City County Health Department.

This special exception will allow construction to take place with the equipment on site and reduce project costs and improve efficiency.

That proposed second dwelling unit on the property will require permitting from all applicable Missoula County departments. Modifications to the existing structures are not proposed and will not be required to accommodate the proposed use.

Staff has found that ongoing impacts resulting from the approval of the special exception will be negligible.

No increase in traffic is anticipated as the proposed single family home will be replacing an existing home.

No public, no public infrastructure modifications are proposed.

#2 the Rs zoning District's primary intent is to balance rural residential development with the preservation of natural landscapes.

This district allows four types of residential buildings.

Its primary residential small eager cultural activities are present and the surrounding parcels do reflect that intent of the zoning classification.

Commercial activities, when allowed, they're small in scope. They're primarily agriculturally based.

Slopes on the parcel, or less than 5% proposed use will not result in any new required setbacks. Bulk requirements density considerations.

As mobility standards, the plan structure does conform to lot dimensions and gross density. Building placement, building scale standards as set forth in the section 2.3 point east of the zoning regulations, only permitted uses are allowed. In addition to this new single family residence, the applicants INT.

To build a farm stand on the parcel in the near future, which is allowed under current zoning regulations.

#3 the building elements required by zoning regulations, will apply to the special exception. The new single family residence shall adhere to Table 5 of section 3.4 Point C, with a building requirements such as front porch, pedestrian access, garage requirements, off street parking at the site.

Is required per section 6.3 Point C .2.

And the proposed single family residence required to provide a minimum of one off street parking.

Space landscaping's not required.

Landscaping is only required when the development results in three or more total dwelling units on a single lot or project site.

Section 7.1 in the Missoula County Zoning regulations requires protection from impacts of hillside development.

The parcel is situated on track again, that contains slopes of less than 5%.

There's no floodplain maps on the property, and the tract is not located within a riparian resource buffer.

Next, I'd like to discuss some highlights of the special exception criteria that are applicable in this case. These review criteria are listed in section 11.6, point D, point 1A through M of the Missoula County Zoning Regulations.

Staff has identified there are no anticipated increases in traffic and parking demand associated with the proposed use due to the new single family home replacing an existing nonconforming residence.

The proposed use is projected to generate the same amount of vehicle trips per day and parking requirements as other approved uses in the zoning district.

The proposed use is served by a private well and a permitted individual septic system.

No new public infrastructure will be required to meet the demand of the proposed project. All applicable permits will be required by county agencies prior to the construction of the proposed residence.

#3, according to the special exception.

Application the proposed siding of a new single family residence will occupy essentially the same area of the parcel as the legal nonconforming structure that will be removed.

The relationship to adjoining and surrounding properties will essentially be unchanged and will adhere to current zoning regulations.

#4 the proposed use meets the intent of that RRS zoning district by replacing illegal, non conforming structure with a single family residential dwelling, which is common within the zoning district.

The second unit is allowed in the zoning district conforms with zoning regulations. The proposed use will necessitate coordination with all applicable Missoula County departments before construction can commence, including septic approval from the Missoula County Health Department.

No impacts on the character of the neighborhood are anticipated and #5 the proposed second dwelling unit is only allowed through this special exception process.

Again, the dwelling unit is replacing a legal nonconforming.

Structure on the property that has been used as a residence in the past.

This was sent out for agency comment.

Montana Department of Transportation noted that there are no impacts that would require mitigation.

Missoula Roll Fire District prefers the driveway be 16 feet wide, with a vertical clearance of about 13 feet and six inches.

And of course, the Missoula County Public Works Building Department would like consultation with all departments, did send out letters to adjacent property owners and the Missoula County Voice page.

And no responses were received from either the mailing or the voice page itself.

Umm staff is recommending approval. The requested special exception, based on findings of facts.

Conclusion of law presented in the Staff Report, subject to one condition of approval.

All that other necessary permits will be administered by other agencies other than PDS will be obtained by the property owner or designated representative.

Those permits may include, but are not limited to, building zoning, compliance, electrical, mechanical approach and sanitation permits.

In conclusion, I have a recommended motion on the screen before you, the applicant and their representative are present. If you have any questions.

Thank you, Kevin. Before we hear from the applicant or applicant representative, are there any initial questions from members of the Board for staff?

OK.

I see the applicant in the room.

I don't know if the landowner, his representative or their representative, I should say, have anything they want to add or comment.

Thanks a lot.

I'm Josh Sotnik, my wife and I, Kim Mergesen own this property, 3507 S 7th West and the first thing I want to say is really just thanks, Kevin.

That was super thorough. Complete, accurate, fantastic.

Thank you for that. I want to thank Marias for shepherding me and Kim through this process.

I also want to acknowledge you all who volunteer and are serving our community well after 5:00.

So thanks for that.

One thing I just want to add to this.

As Kevin noted, this is about a family transfer.

My son and his wife and two small children live in Anchorage, and as soon as this project is complete, they will be moving into our house, a larger house and my wife and I will be living in this modest house, for one anybody's wondering. Like, why go? Through all the hassle of building a new house and make it a one bedroom house with an office, it's because it's for two old people, the young people and children who live in the bigger house. This is not about.

Monetizing anything, creating a lot for sale, really even saving money.

I totally appreciate the efficiencies of having equipment on site.

The Big deal for us is getting our son and children here and acknowledging the kind of human cost of for them, of changing jobs, taking out mortgages, moving children, all of that, and we would like to get that done swiftly and have our whole family together as soon.

As possible.

With Adam happy to answer any questions or if it gets real technical, we'll get right.

Again, thank you for your time tonight.

Thank you.

Are there any members of the public here in person or virtually who wish to comment on the special exemption request?

You could approach the podium and just state your name for the record, would appreciate it.

Hi, my name is Joe Thiessen.

I live at 912 Grace Court, which is totally or to the West of the property that Slotnick's have. When we purchased our home about 27 years ago, we understood that that trailer was grandfathered in as a the Gallagher's had moved it in for his.

Mother-in-law.

And when the zoning changed back then, it was grandfather.

Weather in so we understood it that once that traitor was lived in and the people moved out, it would be going away.

So, and I do feel.

You know, and it's not just a house that they're planning on building, it's the farm stand that I understand as well, which.

Having the farm stand, you have people that will stop along the 7th St. and currently there's no parking allowed.

So I don't see any mentions to deal with parking for people that are biking or walking along 7th St.

I do find it interesting that there's the flight plane.

When I knew the Gallagher's that lived there, the he had mentioned in the back fields in some cases in high water it would accumulate water in his back field.

Surprisingly, that's where the drain field is now.

When I built my home, knowing that information, I put in 1/2 basement.

People around me didn't weren't aware of that problem, so a lot of them have some lift stations in their basements.

Or that time of the season to lift out the excess water.

I would like to point out.

They're trying to say that there's only two residents on this property while the shop leaving behind to the West of that house, there's people that stay in the the internal studio, as you call it.

And that building actually has a separate address, so I would argue that.

There just previously.

See, there was 3 structures that had septic lines that drained out into that field.
Now when?
If if you look on page 12:50 of your.
Exemption applications.
The neighbor to the east has a well, and when you concentrate.
The the Gray water into that one area it's gonna saturate and it is gonna encroach or encroach in on.
That 100 foot radius of that neighbor's well.
So basically in a nutshell, I'm against this.
Thank you.
Thank you for your comments and and just to clarify, it's my understanding that the any farm stand, that's that's not before us the the only issue before us would be.
The exemption to allow the quote UN quote additional use.
The additional use being triggered by the fact that there would be a second dwelling unit.
But staff can correct me if I misstated that.
That is correct.
Tonight we are here for solely the 2nd principal structure on the lot and I don't, OK.
Thank you. I don't mean to minimize your other concerns.
I just want to declare that that's fine. I don't any say on the on the. You know I have 4 kids myself and I understand why I bring them home and stuff, but we have a process in place.
I don't understand why hurry it up.
Just because it's convenient.
I almost why is it almost being forced on us?
Why not go through the proper channels, the proper procedures and make sure it's done correctly?
Because if he starts on the structure and the state comes and says no, the the drain field will not.
Support what you're putting into it. Then where does it go from there?
Oh, we already have.
So then they'll file for another.
Leniency. No, I say.
Stop it right now until everything gets approved.
And at that point, if the state approves it and the county Sewage Water Department

approve it, I'm OK with it.

I don't understand why it's trying to be hurried through.

A process that's in place.

Just.

To to comply with one individual. That's not what this is about.

Thank you and thank you before you leave.

I just wanna.

I don't want.

I don't wanna put words in your mouth, but I just wanna.

Hopefully correctly summarize what you said that you're not necessarily opposed to replacing the current.

Manufactured home or trailer with the new structure. But you're you're concerned with the sequencing of events here and it just again, I don't wanna, it sounds bad the way it's being forced.

If it's, I mean, if it's all up on the up and up.

Why are we trying to rush it?

So if I have to say I'm against the dwelling, yes, I'm against it. I'm against having three homes supplied it by one well and one septic system. I'm against it.

He's got almost 3 acres there.

Divided equally into three lots and sell it.

I don't care.

What is being proposed I know.

Nobody else would be able to do it.

So why should we allow for one individual to be able to do it?

Thank you.

Thank you.

Is there anything else?

Nope, I'm done.

Thank you.

Thank you.

Are there any other members of the public here who wish to comment on the special exemption request?

We can approach the podium and is the podium on it is, yeah, just state your name for the record. Hi, I'm Rosa nygaard.

I live at 1041 Grace Court, kind of adjacent to the area at the back end.

Stuck in a lot of.

What Joe has already said about the concerns with the sewer and the water, the one thing is we have shared wells in Grace Court, concerned about more wells being dug in the area, the impacts to the water and we do many of us like he said.

Have the sump pumps so we know that there are times when the water is a problem, but I also take exception with the idea that there's no traffic issues.

As we densify where those houses are at, there's also new development that's just happening on the other side of 7th. And it's like driveways are almost one after the other and have some concerns about what that will do to our area.

And the traffic patterns?

And we do value, we moved out there for the reason of having our land and our homes and one home per acre.

It was.

That was one of the reasons a lot of us live out there. Is that zoning and protecting that.

So it really needs to be clear what does this mean going forward.

This is an exception.

How many other exceptions?

Is the criteria.

The boundaries of the criteria enough not to have a lot of people trying to attempt this because.

There is 3 acres there almost 2.9. Could it not be divided?

So there's one structure per those acres.

And dispersed some of the intensity that's there.

Just some thoughts.

Not completely opposed to another structure, but it's just where it is on that land base.

Thank you.

Thank you.

Come back to the applicant in a minute, but are there any other members of the public who wish to to comment?

Doesn't look like anyone in is here in person who wishes anyone else I should say who wishes to provide public comment. Is there anyone attending virtually who wishes to comment?

Right. I believe the the landowner has some.

Additional information or that he would like the the board to.

So now that'd be helpful.

Thank you.

Thanks a lot and I really I want to say thanks.

I appreciate your concerns. If I was in your shoes, I would have the same concerns about wells and septic and traffic, and I totally appreciate that.

We have received a permit for our septic system, so that's been approved by our city, County Health Department and by the DEQ.

We went through our groundwater monitoring perk, testing that we have a permit, so I will I will trust.

That the city, County Health Department and DEQ did their due diligence and followed the law and we have applied and received the permit, which took into account isolation zones and mixing zones from the neighbors.

The issue of wells was brought up again. A really good issue.

Water is a a pretty tight commodity.

There are no new wells being drilled.

There are two existing wells on this property. These two existing wells will supply the residential units.

Again with this as a replacement of a trailer with a a stick frame house, there was already water there.

There are already two wells.

We are upgrading the septic.

The existence of the trailer predated my family buying this property, and when we began to look into a family transfer and replacing the trailer with a house and having my son and his family move here, we discovered that the septic was completely out of compliance and at that.

Point began the process in bringing it into compliance.

Last piece is that the density isn't changing.

There's there was a trailer and now there's going to be a house. The law allows for an Adu.

That's what is above the shop.

So I feel like we're we're in compliance with all things and there will be no new wells and the septic has been approved by the state and the and the county. Thanks.

Thank you.

Do members of the board have any questions for staff or the applicant?

I have a couple.

A clarification.

So right now there is.

And these numbers may seem like they're changing a little bit, but there's a trailer on the property.

There's a single family residence and an Adu.

The rule says that you can have one primary.

Use per parcel.

And right now, what is triggering that with this replacement is the stick frame house replacing the trailer and having the primary single family.

The Adu is a permission to put in that zoning district and is not a competing use, so it doesn't make a third use, I guess is what I'm asking.

That is correct. OK.

The other question or maybe the follow up I have is if the family transfer gets executed and goes through, it actually makes this project more compliant. Once that plat is filed then this this actually doesn't need a special exception.

It wouldn't be here today that is correct.

Something the applicant just said is, I believe, he said.

They have DEQ approval.

Well, you you said you had DEQ approval in a family transfer approved?

So if you have that, my question is why don't you just file the plot?

Great question and maybe I misspoke.

I was referring to the septic permit and we're waiting on the Cosa before it can all be finished and my desire and my family's desire to do this was entirely around saving time, given that it could take four months to 12 months to finish the Cosa.

And like I said, they're my son's family is kind of hanging out there with these larger things around mortgages and moving and switching jobs and all of that.

But eventually, hopefully, by Midsummer the We would the Cosa would be approved, and we would actually have two plots of land, one with a small house and one with the larger house.

Yeah. And so I I guess that's where because you had said the, the, the DEQ would approve the septic which the DEQ actually hasn't approved the septic there and the Senate, the Health department.

Correct, I misspoke 'cause if you have those, those are your two key pieces. If you have the family transfer in your pocket and you have the DEQ approval in your

pocket, you file up, clean up a few things. You could go record this plat and you don't even.

Need to be here.

You're right.

We're we're just.

It's a timing issue.

It's a convenience of time to an efficiency, and once that's executed, this actually doesn't even need the special exception.

Why it's here is to accelerate that process.

Time and efficiency correct, which I I wish there was lots of things that were more time inefficient.

This is my day job and time and efficiency.

It would be lovely.

I mean, I have many clients who are struggling with time and efficiency in this process and they would love to a lot of them have relief in that timing and efficiency.

I can assure you I've had many clients be disappointed by missing construction seasons and foundations and.

Waiting 12 months is a reasonable time to get a Cosa.

Which is sort of, I think, ludicrous to go through that process, but point of it is, I guess the other side, I look at this, this particular application is in the event that family transfer does not get filed.

There's sort of no worse for the wear because there is if that family transfer was not filed, they would still have a legal non conforming use on the property, I suppose because you'd have two primary structures on that property which you have today.

The Adu doesn't count against.

That.

And there would be a betterment in the septic because the septic has gone in as a better septic.

So from the sanitation perspective and the wells and the sanitation, that's kind of it's kind of a push.

There's no increase going on there other than maybe bedroom counts which changes flows, but I I just that was I guess the question I had is about that Adu, if the Adu is one per acre theoretically, then you have two primary uses on that 1.97.

Acre parcel. That's done. But that is not a compliance problem.

The Adu itself is essentially out of the equation.

So it kind of comes down to, I mean at the end of the day, you're totally correct.

OK. Thanks.

Thank you, Andy.

Any other questions from members of the board for staff or the applicant?

I'll just.

I don't have any questions other than the ones that Andy already raised.

Clarifying.

You know those issues about won the Adu, which I think was my understanding already, but I was.

I did have the same questions about.

You know, once you know.

If if time wasn't an issue, we would, we wouldn't be hearing this and I think anyway I don't get into the deliberation side of things, but.

Any other questions from board members?

I guess.

At this point.

Open it up to the board for any deliberations, any.

Thoughts or considerations that fellow board members should take into account,

Rick?

RH **Richard Hall** 1:44:46

Thank you.

And Andy, great questions too.

I you know, I I look relocated here from an agricultural area where small farms, hobby farms, we would call them.

Had an automatic right to an accessory dwelling, and frequently we would get subdivision requests when the owners of the property got to a certain age so that their kids.

It's good move and work the property.

And you know, I think that's a a great.

I love the idea of generational property and having your family there for you as we get older.

I don't see how the dwelling replacing the trailer is not an upgrade.

I mean, I'm not an improvement to the property, I mean.

And.

And I'm also a fan of shared septic.

And I think.

Mr. Slotnick found out that people frequently just throw trailers on property without sizing the septic or even getting approval to connect it to the septic.

And.

So I'm.

Yeah, I don't.

It makes sense to me. I mean I.

I understand the timing. Why we've got it. And so I'm in favor of this.

JJ

Jill Johnson 1:46:29

Thank you, Rick, any other?

Comments or thoughts from other board members?

I'll just, I'll just chime in and say I I agree with everything that that Rick and Andy said and his and his questions and and the timing that is sort of an unusual.

You know, in terms of, you know that is even before us. But I think as Rick said, the fact of the matter is if we do nothing.

There's essentially if you count the Adu, you could count that or not count that, but you essentially have these two structures for residential use are gonna remain on the property.

In in in essence, this would.

You know, arguably improve the the one dwelling and then the the septic's already been improved I.

Yeah, mindful of the the comments from the.

Neighbors as well.

And that that's why I was asking, you know, is it?

Is it? Is it a question of?

You know the the order in which things are going or is it just the fact that there's gonna be another structure? But that's to me again, that's mitigated by the fact that it's not a additional structure, it's just replacing one structure with, you know, a one bedroom.

Stick home as you know you're not looking to build a four bedroom.

7 bath structure or anything like that.

And it looked like you.

You were about to chime in here.

I did.

Thank you.

Back.

You know, like I said, the timing is always frustrating to land owners, developers, people trying to get people moved in, you know, get projects going, financing interest. Those are all those are.

The time is money, I guess, and so I certainly appreciate that desire to accelerate. And and as I think about this, the one thing I I see is there's a process and that's why we're here tonight and he's asked to go through that process to accelerate that timing. And with approval of this, it would actually take a legally nonconforming. I mean property and make it conforming, would it?

Not with a special exception granted on this property.

This property would not be no longer non conforming, but we would be conforming. Is that true?

That is correct.

There would be a zoning document that would be recorded and placed in public record for this property. So to some degree you know there is this this side benefit, if you will an applicant has come forward, went through a process, paid a fee, put the put the proper.

And the application before the.

Process to get vetted and if they never swap that out, it actually makes this property compliant.

So it's actually moving the needle towards compliance by doing nothing.

It.

And I think, you know, there's a betterment in the septic.

I don't think the impacts to the neighborhood from the wells and septic the wells are staying where they were. The withdrawal from the wells that demand on that aquifer, other things are static at this point.

They haven't changed.

Some Septics has probably gotten.

Gotten better? There was probably some septic out there, antiquated from the 1900s that were probably far from today's standards.

And that's an improvement.

I see they've been proposed to presby, which is an advancement system, actually reduces some nitrogen.

Theoretically, we don't give them credit for it now, unfortunately, but there's some background out there that there's presby systems actually reduce nitrogen into the aquifer, which is favorable.

It appears they've met the setbacks. They've done the groundwater monitoring and those things.

So I think everything that's going on here is a better man and actually moves it from a non conforming legally non conforming to conforming status and have vetted that through that process.

So I think I can be in favor of supporting that.

I agree Andy with with everything you say.

I just want to play devil's advocate for a second, if, if hypothetically.

Nothing were done.

One could argue that in terms of moving it towards moving the needle towards legal compliance at at some point in time, the existing structure would.

Exceed its useful life and then would be removed and then then they would. You know, that's another way of of moving the needle.

I mean, it might take years and I I don't mean to suggest that Mister Slotnick would do this, but a lot of times, you know, when people are faced with that situation, they're not going to move the structure.

They'll do anything they can to to keep it in place.

I just want to confirm with staff that if if the structure were to remain.

What improvements, if any, are permitted to the, you know, if just operation and maintenance, routine maintenance, you know if it?

The roof is failing or something like that.

I mean, I assume it could be. There's some maintenance that would be allowed, in other words.

But but I maybe I'm wrong about that.

That's that's my question.

And this is the structure that is being replaced.

Is that correct, correct, correct. If yeah, if nothing were done, you know how long could that structure?

As long as it's. Obviously if there's no sub, if there's no, the family transfer doesn't go through and it's still 1 partial and.

You know, there's no intent to build a new house.

Stick home there.

And the existing structure be maintained in any capacity.

Yes, interior normal maintenance would be perfectly acceptable.

No enlargement of the structure, no change in the footprint.

Yes, but interior modifications, normal maintenance would be acceptable.

OK.

I just wanted to clarify and I agree with what what Andy said.

I just wanted to, like I said, play that play the devil's advocate for a second, and I appreciate that 'cause one solution could be is you do nothing.

Eventually that trailer demises.

So you like everything.

It's returning to the Earth eventually, or a fire or other things could return this to compliance by the removal or the inability to maintain that structure. So the do nothing option waited out.

Eventually it could return to compliance over time, I suppose.

And then they would only have the ability to build the one structure with the 80.

But by going through this process and vetting it, then it does make it compliant as well today.

So that legal non conforming status is kind of lifted or that that cloud is lifted, I guess by going through this process and vetting that.

And arguably, by going through the process, there's been some benefit not just to the landowner but to to the surrounding land owners with regard to, you know, looking more closely at the septic and improving that and so forth.

You know, while while the public comment period is closed, I did see that someone.

You wanna?

He's already picking it up.

OK.

The the the the comment from the the gentleman was that the the trailer is no longer present, correct.

I don't know if that changes the calculus for for other board members, I'll let. I guess we could ask the the applicant or staff if that that is a correct statement.

Oh, I guess we'll hear from the applicant.

Probably probably the best best person to.

Totally correct. The our septic installer is an excavator and he's out there installing the new septic as we speak and had him take down the remove the trailer as well.

It was too old to be hauled away, so it was crushed and put in dump trucks and hauled off.

That was just the last couple weeks or so, 10 days.

Appreciate the clarification.

Good staff had identified that as of the.

Most recent aerial mapping of this area.

The structure was there on September 3rd this year.

Again, we're good.

Any I I guess that sort of brings it back to that conversation we were having earlier, eventually time. So now it it's a it's not it's now compliant as it stands today. So approving this second structure is if that family transfer never gets recorded for whatever reason then.

We're permitting something.

I believe there would probably be, as you said, that existing legally non conforming status has now probably been lifted.

Correct. So adding this second house would require this variance because they're not.

It's it's a change of structure, change of footprint, change of dimensions and all that that is correct.

And and and again, while the public comment period is closed. I I did hear it did look like another individual had.

If you can, you can. You and these are these are comments you could.

You could raise questions and the board can consider you know, just like before you know if there's a question the board can wait, yeah.

Sorry.

Sorry.

To understand there is a family transfer in progress so that the land is being divided.

Anyway, is that correct?

And that is that is my understanding.

I'll let staff again is a couple of public comment, but I do think it's important to to clarify.

You know what?

What is before us and what the situation is, but I I and how is that being subdivided?

Or divided out by acres.

Staff has identified that the family transfer exemption was approved at the board of

County Commissioners meeting on March 13th of 2025.

That.

In essence, would let the applicants transfer a minimum one acre tract via family transfer to an immediate family member.

And at which point, as as Andy was alluding to, at which point once that's filed and completed and filed a record, then there would be no special exception.

Exemption required. That is correct.

I keep hating to belabor stuff, but I guess I'm going to ask this question.

So if the board approves a special exception on this three acre piece of dirt.

And this family transfer is recorded. Is there some residual effect of this approval that could prevent another structure a second structure to go on the one acre and have two dwellings on that one acre which wouldn't comply with zoning? And theoretically, if it's one acre, I mean we.

We're kind of on that borderline and I don't know, doesn't look like this plot's even taking the road to centerline.

So there might be enough acreage to find.

Two acres on the 1.96 acres, if you will, that, could there be a second dwelling added on to the 1.96 acre piece because of this special exception approval?

No, there wouldn't be if it was 1.96 acres, there would only be one dwelling unit allowed per zoning regulations, because it'd be short of the two required.

But if there's two acres that could, with this permission, grant that in the future.

Not as proposed. The family transfer tract itself is one acre, correct.

I I'm I'm thinking more about because this three acre piece is under the microscope.

Gets an A special exception.

To.

And we have a clear project in mind, which is put it here and that's what I I think start discussion.

But I'm just saying is there?

Some.

Loophole or crack?

That would say this three acres now could come put a second dwelling on the 1.96 acres later and and I'm going to say that there might be a way that they could find 2 acres. There might be a way that that 1.96.

Turns to two and is there.

Then it meets zoning 2 houses 2 acres.

And they could put a second dwelling on that parcel because of the special exception without coming back to this board and proposing a project.

Back.

I think let me just I I don't think we're communicating yet.

I see blank stairs.

Maybe I'm not very clear.

You know, hypothetically the board approves the special exemption. The family transfer goes through.

Let's just assume that even though it's depicted today as 2.96, let's just assume that it's actually 3.0 acre parcel that then gets divided into A1 acre parcel and A2 acre parcel.

What, then is the status of the special exemption that we've?

That that we potentially could grant.

Today, or we could deny.

But it looks like Tim was gonna.

Let us know Tim Worley from PDS.

The special exception only as a placeholder until they file this family transfer and then everything from that point on is about zoning compliance.

So the special exception doesn't give them kind of like a leg up on a on an additional dwelling unit from the time they file the family transfer onward.

It's all about zoning compliance.

So yeah, this is only about having two dwelling units.

On a parcel.

At present, so yeah, it doesn't give them any sort of foot in the door for an additional dwelling unit.

Thank you, Tim.

Any other?

Comments, questions, deliberations from board members.

All right, Kevin, do you mind?

Anyone wants to either move for the proposal from staff or if it seems like folks are in favor of granting the exemption.

But if you know someone can move that, we deny it. But in the event that someone wants to move, that we.

Approve the special exemption.

Can we have that language please?

Recommended motion is on the screen before you.

Thank you.

Would anyone like to make a motion?

RH **Richard Hall** 2:01:41

I'll give it a shot.

I move the Board of adjustment. I move that the Board of Adjustment approves the special exception request from Joshua Slotnick and Kimberly Murchison to deviate from chapter 2.3 point east of the Missoula County Zoning Regulations as presented in the application, subject to the recommended condition as.

Conditions as presented.

JJ **Jill Johnson** 2:02:11

Those conditions are that sufficient?

That is no.

Why don't we just read it for completeness sake?

RH **Richard Hall** 2:02:18

Sure.

Condition is that 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 permit.

JJ **Jill Johnson** 2:02:42

Thank you. Rick. Is there a second?

JS **Jennifer Schultz** 2:02:45

I would second.

JJ **Jill Johnson** 2:02:47

Thank you.

Any further?

Excuse me.

Further deliberation from members of the board on the motion that's before us now.

All right. Can we move to A roll call vote, please.

Roll call vote Rick Hall.

RH **Richard Hall** 2:03:04
In favor.

JJ **Jill Johnson** 2:03:05
Jennifer Schulz.

JS **Jennifer Schultz** 2:03:07
Yes.

JJ **Jill Johnson** 2:03:08
Andy meford.
Yes, babe. Graskeffard.
Yes, Mr. chair. The motion to approve the special exception has passed unanimously.
Thank you.
You have your exemption.
Are there any communications and special Presentations, committee reports, old business or new business?
No, we do have items on the agenda for December at this time.
Was gonna ask, OK.
Any other comments from board members?
Thank you everyone.
We are adjourned 746.



Missoula
C O U N T Y

505 Highton St. Sign Variance Requests

Date: November 19, 2025

Applicant: 1God, LLC & AAPSAN, LLC.

Owner: 1God, LLC & AAPSAN, LLC.

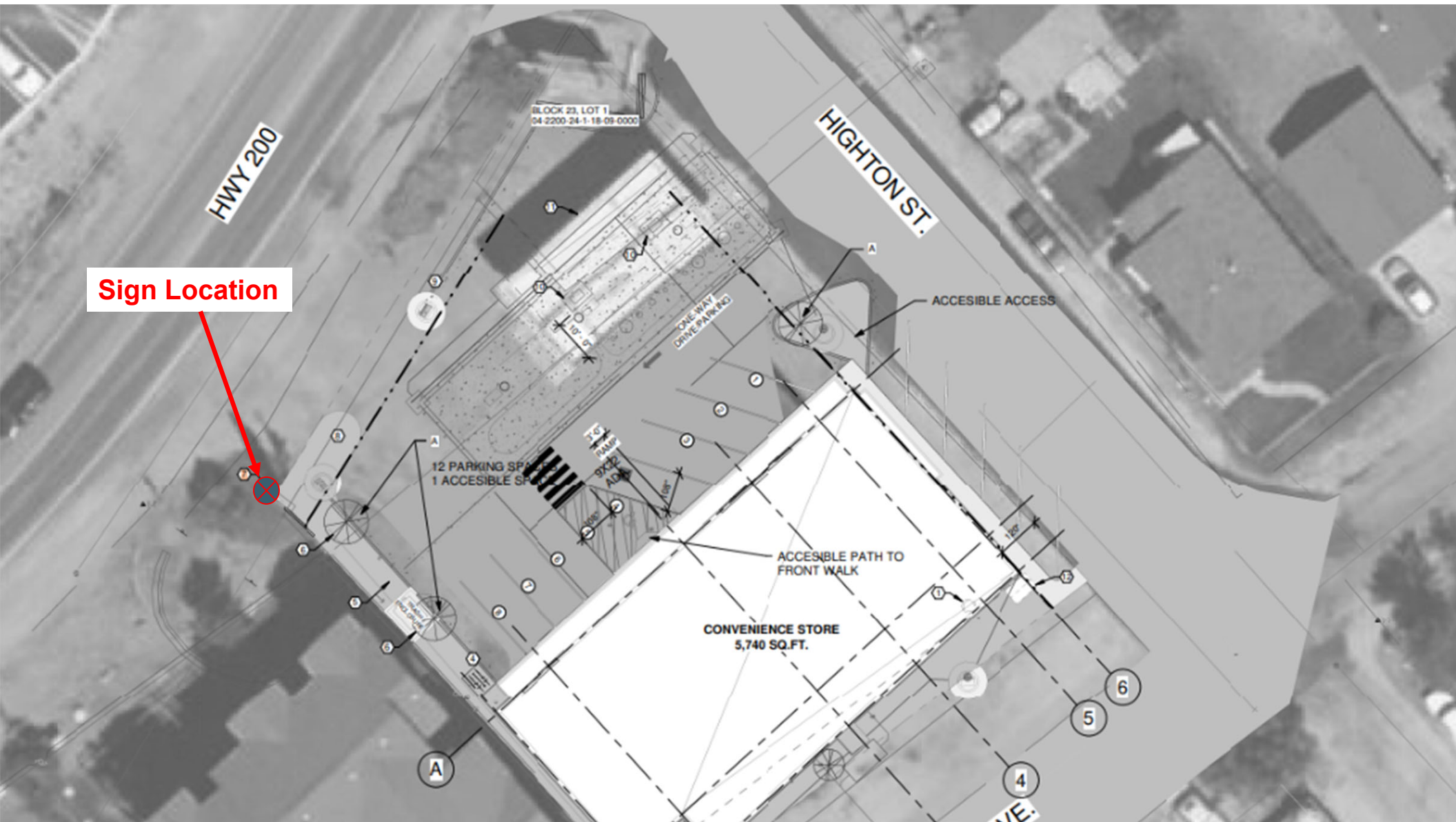
Planner: Patrick Swart



505 Highton St.

Background

- Zoned Neighborhood Center (NC)
- Growth policy
 - 2016 Missoula County Growth Policy
 - 2019 Missoula Area Land Use Element
- Current Uses
 - Gas Station Fuel Sales
 - Convenience Store/Hot Food Counter
 - Laundromat
 - Empty tenant space



Sign Location

HWY 200

HIGHTON ST.

BLOCK 23, LOT 1
04-2200-24-1-18-09-0000

ACCESSIBLE ACCESS

12 PARKING SPACES
1 ACCESSIBLE SPACE

TUG PUMP
5'x12' ADP

ACCESSIBLE PATH TO
FRONT WALK

CONVENIENCE STORE
5,740 SQ.FT.

A

4

5

6

Existing Sign Conditions

- Existing since at least 2007
 - Legal Nonconforming
- NC Pole Sign Standards (8.8.K.1, Table 13)
 - Maximum Height – 12 ft.
 - Max Sign Face Area – 24 sq. ft.
 - Minimum Clearance – 8 ft.



Proposal

- Add a 4'x8' digital reader board to the existing pole sign structure



Variance Requests

Missoula County Zoning Regulation Section 10.6.C

- Nonconforming signs shall not be physically expanded, enlarged, or extended in any manner.

Missoula County Zoning Regulation Section 8.8.K.1, Table 13, Minimum Clearance Requirements

- The minimum clearance requirements for a pole sign in the NC zoning district is 8 feet.

Requirements for Granting a Variance

11.6.C.1

The variance must meet all the review criteria in 11.6.C.1.a-f.

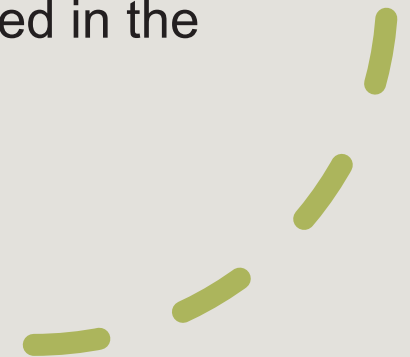


11.6.C.2

“In making its decision, the Board of Adjustment shall demonstrate that the variance granted is the minimum variance that will make possible a reasonable use of the land, building, or structure.”

The proposed variance will not authorize a use that is not already authorized in the zoning district

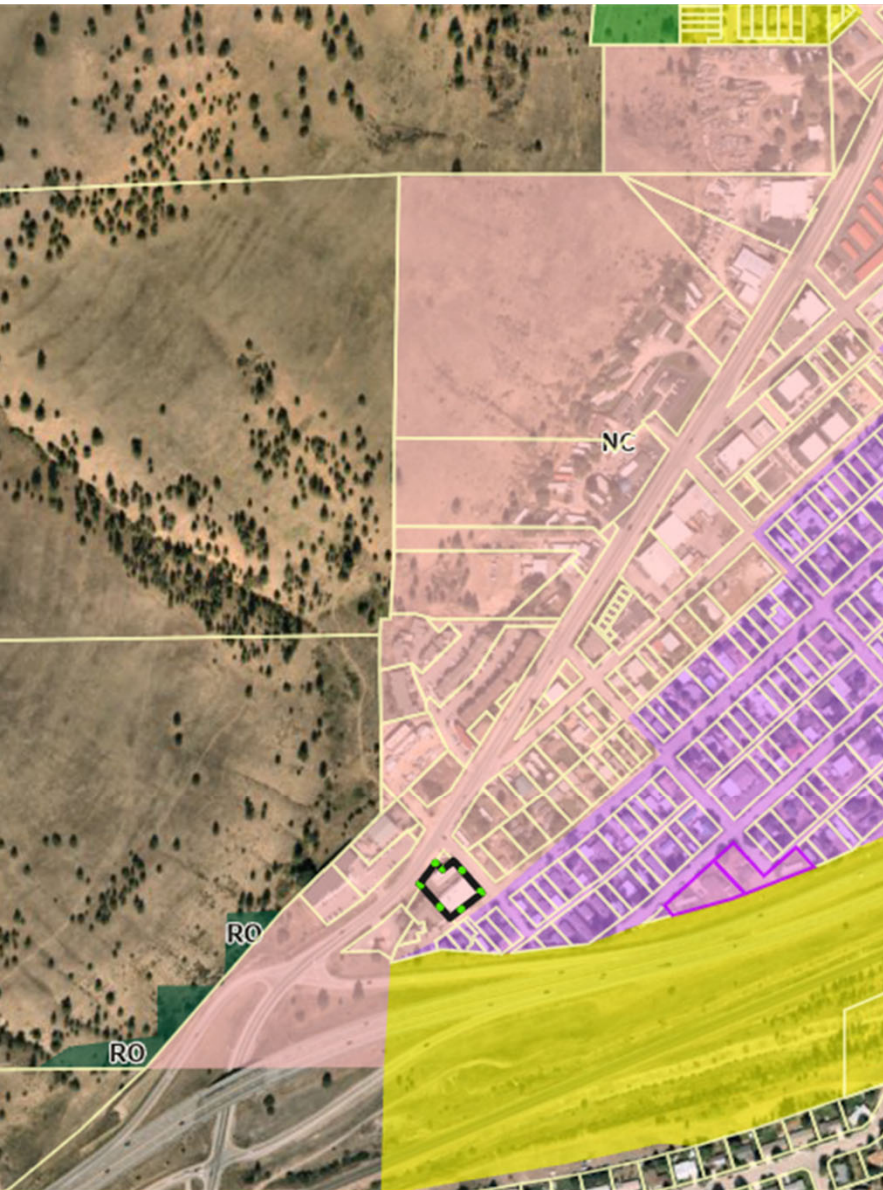
- **NC Pole Sign Standards (8.8.K.1, Table 13)**
 - Permitted sign type in NC
 - Maximum Height – 12 ft.
 - Max Sign Face Area – 24 sq. ft.
 - Minimum Clearance – 8 ft.
- **Conclusion**
 - The proposed variance will not authorize a use that is not already authorized in the zoning district





**The proposed variance will
not authorize additional
density beyond what is
allowed in the zoning district**

Not applicable



Special Conditions exist that are unique to the property such as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.

- **Findings**

- Similar size, shape, and topography to NC parcels on HWY 200.
- Existing sign
 - Adjacent to Hwy 200
 - Visible to road users.

- **Conclusion**

- Special conditions unique to the property which do not apply to other lands in the same zoning district do not exist.

Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making.

- **Four on site businesses**
 - Fuel Sales, Convenience Store/Hot Food Counter, Laundromat, and empty tenant space
- **NC Sign Regulations**
 - 4 Signs per parcel/project site
- **Existing Signs**
 - Two nonconforming pole signs
 - Two wall signs
- **Existing Nonconforming sign**
 - Exceeds maximum sign face area by 60 sq. ft.
 - Regulations permit copy changes to nonconforming signs without a variance

Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making.

- **LZ24056493 (11/18/24)**

- Copy change for the legal nonconforming signs
- Acknowledged nonconforming sign requirements in Section 10.6
- Did not show the digital reader board

- **Minimum Clearance**

- Only necessary because of the other variance request to expand the nonconforming sign.

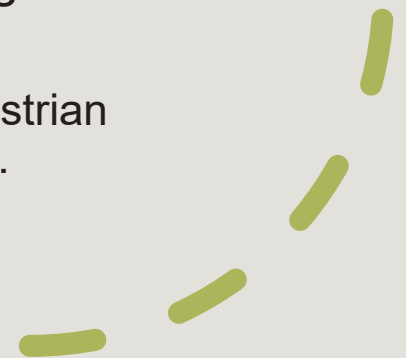
- **Conclusion**

- Literal enforcement of the zoning will not result in unnecessary hardship that is not of the applicants own making.

Compliance with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or public welfare.

- **NC Zoning and Growth Policy**

- Zoning consistent with the growth policy
- NC is for limited cluster commercial uses that serve nearby residents.
- Sign regulations for NC are intended to regulate sign types, quantities, and dimensions to ensure signage meets the overall intended character of the zoning district.
- Minimum Clearance regulations
 - Promote public health and safety
 - Prohibit sign obstructions in pedestrian walkways, drive aisles, ROW, etc.



**Compliance with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or public welfare.
(Continued)**

- **Conclusion**

- The proposal to expand the nonconforming sign is not in harmony with the general purpose and intent of the Missoula County Zoning Regulations and the Missoula County Growth Policy
- The proposal to vary from the minimum clearance requirements is in harmony with the general purpose and intent of the Missoula County Zoning Regulations and the Missoula County Growth Policy

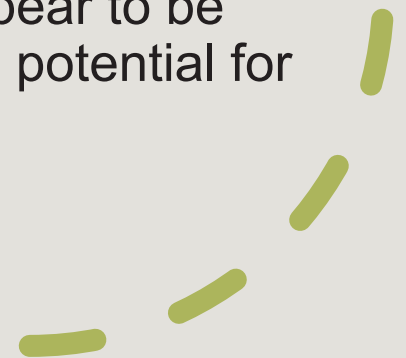
The request for the variance is not based on monetary factors or potential economic gain.

- **Staff findings**

- Both variances are intended to accommodate the physical expansion of a nonconforming sign.
- The digital sign is intended to provide additional advertising for the onsite businesses.

- **Conclusion**

- The request both variances appear to be based on monetary factors and potential for economic gain.



Variance Review Criteria (Variance from 10.6.C)

- The proposed variance will not authorize a use that is not already authorized in the zoning district.
- The proposed variance will not authorize additional density beyond what is allowed in the zoning district.
- Special Conditions exist that are unique to the property such as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.
- Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making.
- Granting the variance will be in harmony with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or otherwise detrimental to public welfare.
- The request for the variance is not based on monetary factors or potential economic gain.

Variance Review Criteria (Variance from 8.8.K.1, Table 13)

- The proposed variance will not authorize a use that is not already authorized in the zoning district.
- The proposed variance will not authorize additional density beyond what is allowed in the zoning district.
- Special Conditions exist that are unique to the property such as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.
- Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making.
- Granting the variance will be in harmony with the purpose and intent of the regulations and growth policy and will not be injurious to the neighborhood or otherwise detrimental to public welfare.
- The request for the variance is not based on monetary factors or potential economic gain.

11.6.C.2 Minimum Variance Necessary

- Staff findings

- The property has two existing conforming wall signs and two existing nonconforming pole signs.
- Both nonconforming pole signs exceed the maximum sign height and maximum sign face area requirements for pole signs in NC.
- Nonconforming signs may have copy changes

- Conclusions

- The proposed variances are not necessary to allow for a reasonable use of the land or existing sign structure.

Agency Comment

- PW Building

- The proposed modifications require building and electrical permits
- Plans must be prepared by a Montana Licensed Professional Engineer

Public Comments

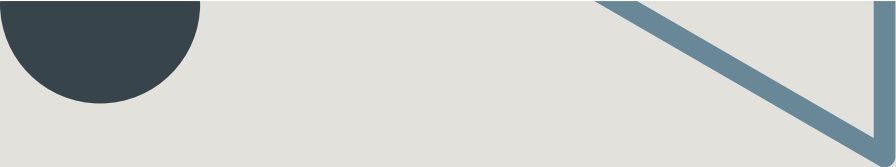
- 11/11/25 – “This sign should be move to the corner of Highton and Hwy 200, away from the adjacent apartment building. The new lighted pricing and message board will create too much unwanted illumination pollution into the dwelling units of the apartment buildings and be very disruptive of the residents therein”

Public Comments

- 11/13/25 – “This variance does not meet any of the exception criteria, particularly special conditions that warrant a bigger sign or motivation for a larger sign that is not based on monetary factors. Neither do I understand how a larger sign would be in harmony with our growth policy. Please vote no on this variance request.”

Public Comments

- 11/19/25 – “I am opposed to this variance request. I am a home owner that lives nearby the gas station. The gas station owner was aware of the new sign ordinances, and should have requested this sign variance prior to construction of the electronic sign. The variance request is absolutely for monetary purposes - it is advertising so that people will come to his store and spend more money. The folks that live in the apartment buildings should not have to deal with the light pollution from his sign and I look forward to them taking it down.”



Recommended Motion

I move to **Deny** the variance request from Section 10.6.C of the Missoula County Zoning Regulations, to modify the existing nonconforming pole signs at 505 Highton Street.

I move to **Deny** the request for a variance from the minimum sign clearances requirements in Section 8.8.K.1, Table 13, of the Missoula County Zoning Regulations.





3507 S 7TH ST. W SPECIAL EXCEPTION REQUEST

Date: November 19th, 2025 BOA Hearing

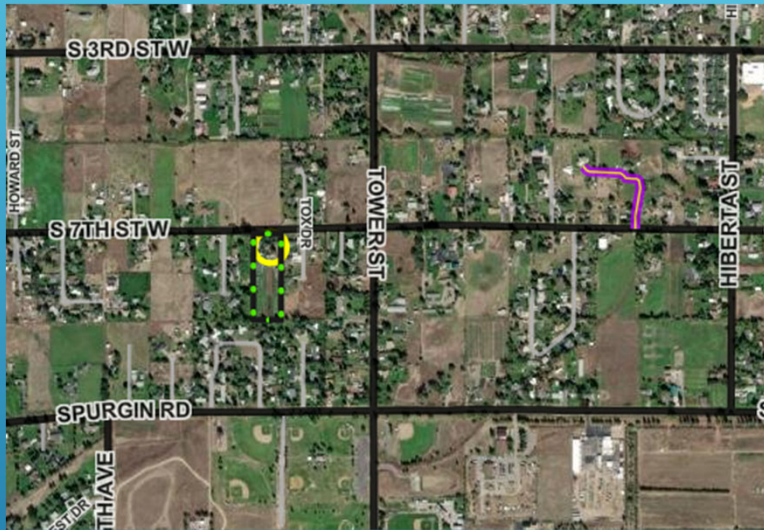
Property Location: 3507 S 7th St. W

Applicant/ Owner: Joshua Slotnick and Kimberly Murchison

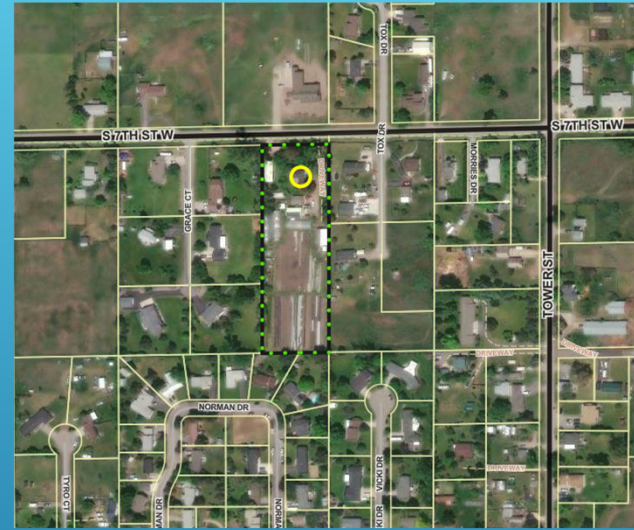
Technical Representative: Marias Hale, Eli & Associates Inc.

Planner: Kevin Dantic

1.25 miles west of Reserve St.



Access via S 7th St. W



LOCATION

BACKGROUND

Property is zoned Rural Residential, Small Agriculture (RRS 1)



Classified as Rural Residential, Small Agriculture under the 2019 Missoula Land Use Element, 2016 Comprehensive Plan



Aims to preserve rural and semi-rural characteristics



Special exception needed for non-conforming use per Missoula County Zoning Regulations Chapter 2.3.E

EXISTING CONDITIONS

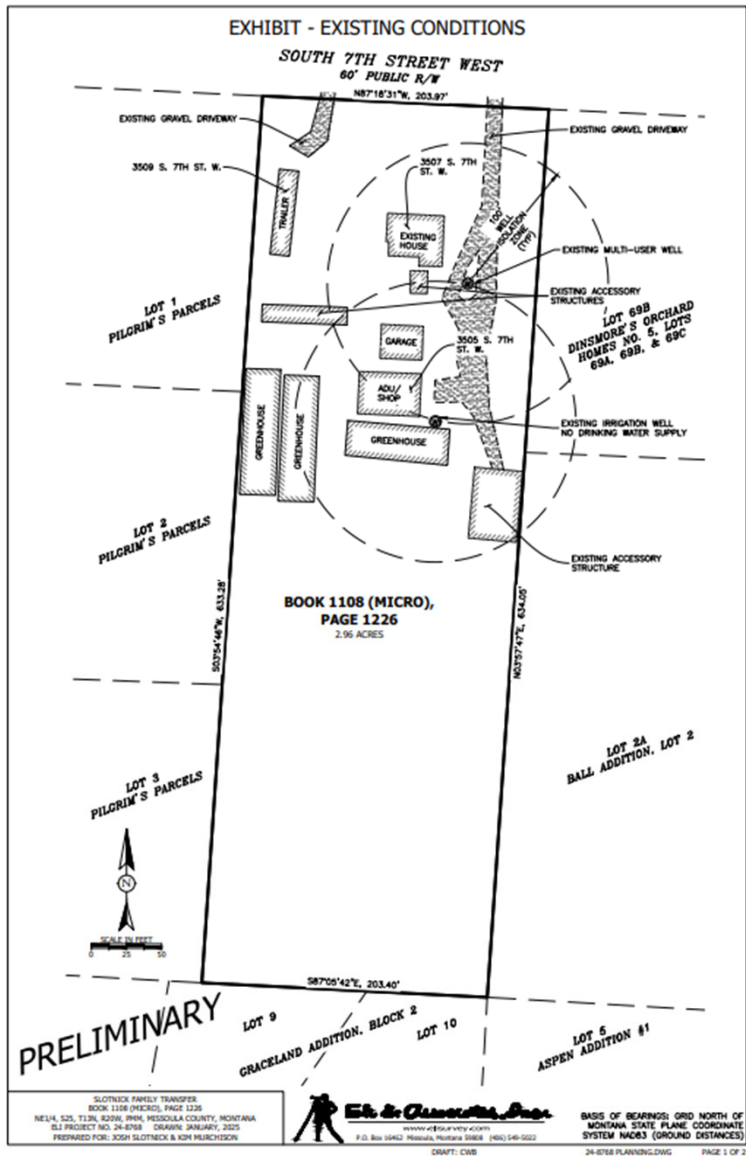


EXHIBIT - PROPOSED CONDITIONS

SOUTH 7TH STREET WEST
60' PUBLIC R/W
N87°18'31"W, 203.97'

PROPOSED DRIVEWAY

3509 S. 7TH ST. W.

10.0'

29.5'

PROPOSED HOUSE

EXISTING HOUSE

PROPOSED SEPTIC AND SOGGING TANKS

GARAGE

ADU / SHOP

GREENHOUSE

PRESSURIZED TRANSPORT LINE

PROPOSED SHAPED DRAINFIELD AND REPLACEMENT AREA

587°05'42"E, 203.40'

EXISTING GRAVEL DRIVEWAY

3507 S. 7TH ST. W.

EXISTING MULTI-USER WELL

EXISTING ACCESSORY STRUCTURES

LOT 1 PILGRIM'S PARCELS

LOT 2 PILGRIM'S PARCELS

LOT 3 PILGRIM'S PARCELS

LOT 2A BALL ADDITION, LOT 2

EXISTING IRRIGATION WELL NO DRINKING WATER SUPPLY

EXISTING ACCESSORY STRUCTURE

BOOK 1108 (MICRO),
PAGE 1226
2.96 ACRES

507°54'46"W, 633.28'

607°37'47"E, 634.60'

3505 S. 7TH ST. W.

LOT 698
DINSVORE'S ORCHARD
ROMES NO. 5, LOTS
69A, 69B, & 69C

SCALE IN FEET
0 25 50

N

PRELIMINARY

LOT 9

GRACKLAND ADDITION, BLOCK 2

LOT 10

LOT 5

ASPEN ADDITION #1

SLOTRUCK FAMILY TRUSTEES
BOOK 1108 (MICRO), PAGE 1226
NE1/4, S25, T3N, R20W, 100N, MISSOULA COUNTY, MONTANA
BLJ PROJECT NO. 24-0088 DRAFTER: OCTOBER, 2025
PREPARED FOR: JOSH SLOTRUCK & KIM HUNTER

Ed. & Associates, Inc.
www.edassociates.com
P.O. Box 1000 Missoula, Montana 59801 (406) 546-0000

DRAFT: 196

24-0088 PLANNING CDWG PAGE: 2 OF 2

CRITERIA FOR REVIEW

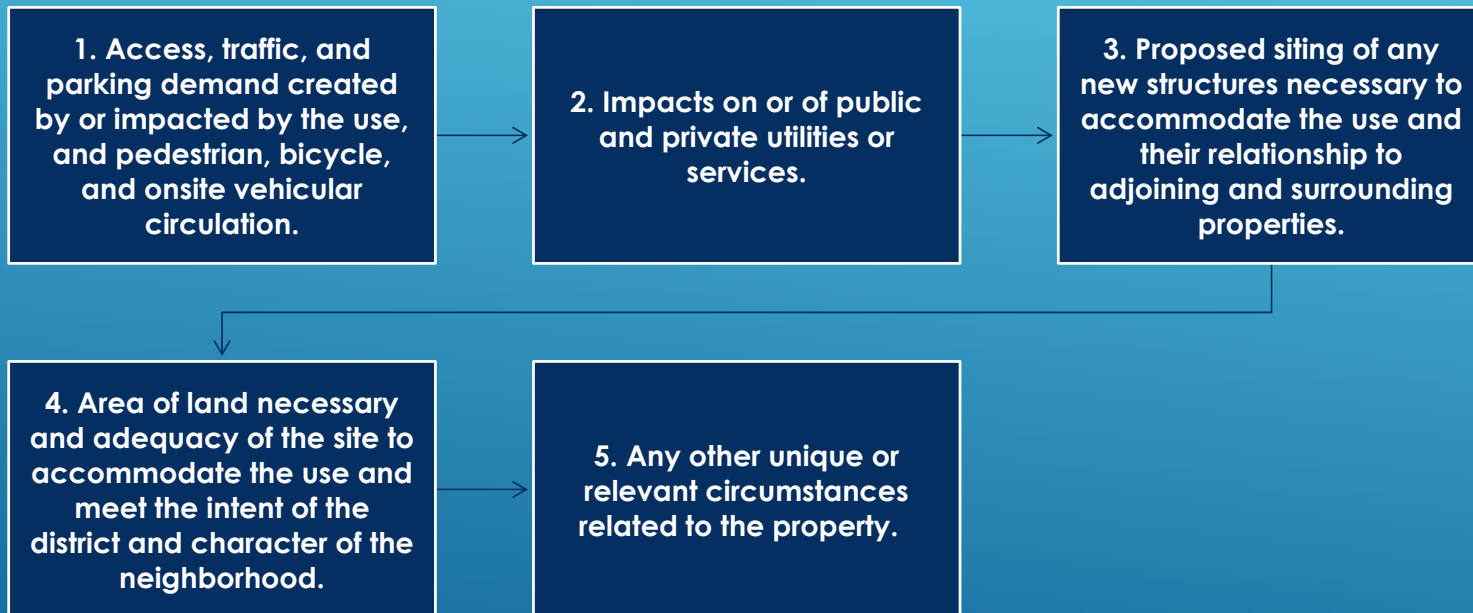
1. The proposed use/development will be compatible with and will not substantially injure the value of adjoining property

2. The proposed use preserves the character of the district, and the property is suitable for the use proposed.

3. Substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities.

The review criteria listed in section 11.6.D.1.a-m of the Missoula County Zoning Regulations have been given due consideration.

SPECIAL EXCEPTION CRITERIA



STAFF RECOMMENDATION

- Staff recommends **Approval** of the requested Special Exception based on the Findings of Fact and Conclusions of Law presented in the Staff Report, subject to one condition of approval

STAFF RECOMMENDED CONDITION

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.

RECOMMENDED MOTION

I move the Board of Adjustment to **approve** the Special Exception Request from Joshua Slotnick and Kimberly Murchison to deviate from Chapter 2.3.E of the Missoula County Zoning Regulations, as presented in the application, subject to the recommended condition as presented.