

# CITY OF WHITEFISH BOARD OF ADJUSTMENT

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**Date:** Tuesday, May 3, 2022

**Place:** City Council Chambers

**Recorded By:** Dabney Langellier

**Members Present:**

Phil Boland  
Ian Hasson  
Parker Kelly  
Doug Peppmeier

**Members Absent:**

Mike Kelley  
John Peschel  
Scott Wurster

**Staff Present:**

Dave Taylor

A. CALL TO ORDER & ROLL CALL

**Summary:** The Committee Vice-Chair, Doug Peppmeier called the meeting to order at 6:03 pm.

B. APPROVAL OF MINUTES FROM APRIL 5, 2022

**Summary:** Members reviewed the minutes of April 5, 2022.

**ACTION:** Parker made a motion to approve the Minutes of April 5, 2022. Ian seconded and all were in favor. The motion passed unanimously.

C. COMMUNICATION FROM THE PUBLIC

**Summary:** None

D. UNFINISHED BUSINESS

**Summary:** None

E. PUBLIC HEARINGS

1. WZV 22-02 – MONICA MOLINA & BRIAN TOMKIEL

**Summary:** The applicants are requesting a variance to the side yard setback for a second level addition and the front yard setback for a roof replacement at 415 Kalispell Avenue.

Dave provided a summary of the application and staff report:

- The applicants are not increasing the footprint of the home, but they are increasing the volume of the building in the nonconforming setbacks, which would be 5 feet into the side yard setback and 5 feet into the front.
- The property is zoned WR-2 with a 25-foot setback in the front, 10 feet on the sides, and 20 feet in the rear.
- The property was 2 lots combined into a single lot. The existing home is about 1,050 square feet, plus a finished basement.

- One public comment letter was received in opposition to the proposed variance from the owner at 441 Kalispell Ave. The neighbor is concerned about the second story impacting their views and snow sliding off the roof and hitting their property.

Variance conditions to be met:

- The property is currently developed with a single-family home. Therefore, strict compliance will not limit reasonable use of the property. However, any remodel or addition is limited due to the required setbacks.
- The existing home was built before the setback requirements. Strict compliance of the regulations may deprive the owners of the right to modernize their home.
- The hardship is the result of circumstances over which the applicant has no control because the structure, lot configuration, and size were all in place prior to our current zoning standards.
- This hardship is peculiar to this property and other lots within the area.
- The applicants are not claiming an economic hardship.
- The proposed variance could impact the views of the neighboring properties, but will not adversely affect the neighboring properties.
- The applicants have demonstrated this is the minimum needed to alleviate the hardship. The addition is only vertical in nature and the addition is to add a second level master bedroom only.

**Recommendation:** Staff is recommending the Board approve the variance WZV 22-02 with the three conditions listed in the report.

Dave confirmed for members of the Board, the only comment received on this proposed variance was regarding the views and snow removal.

Aaron Wallace with Montana Creative was present and noted the following:

- The applicants approached Montana Creative with the desire to add a second story master suite. Upon having the property surveyed, it revealed the home was within the setbacks.
- The setback goes about 5 feet into the home. In order to go vertically off that line, there is nothing to support the load.
- We would like to go straight up from the outside wall. In addition, the roof has to come off anyways for this project. The proposal is to put a whole new roof on in the same place, but to vault it on the inside, which causes the encroachment on the front yard setback.
- Structurally, it would be very difficult to make this work without the 5 foot encroachment on the side and the front.
- The snow currently already sheds to the side. There will not be any further impact, the snow will just be shed from a little higher.
- There are some other options for the owners to add a second story. Therefore, the neighbors will be impacted visually whether the variance is approved or not. But we felt this was the best solution for the owners in adding a second story. It will be easier structurally and will look better physically, then something off set.

Members further discussed the following items with Aaron:

- The front porch will stay as is. Just the roof will change.
- In the rear, there is an existing covered patio. That will be removed and replaced with a second story deck. It is not extending further to the rear of the property, but will go into the side yard setback as well.

The applicants and owners, Brian Tomkiel and Monica Molina were present and noted the following:

- There are many 2 story homes in the neighborhood. This will be similar in character.

- The neighbor with concerns regarding the view should not be impacted visually, as their home is set to the back of the lot.

Catlin Jones of 411 Kalispell Ave provided her support for the proposed variance. She also has a 2 story home next door. The owners have seen that any snow build up is properly removed, even when they are not in town. The second story should not impact the neighbors view based on where the home is situated.

Dave Taylor provided further information on roof overhangs from the Board members' previous request:

- It shall be the responsibility of the property owner that no snow or stormwater is able to fall or flow on adjacent properties.
- Roofs shall be no less than 3 feet from the adjacent property line.
- This structure will be more than 3 feet from the property line, so it meets that requirement.

**ACTION:** Parker made a motion to approve variance application WZV 22-02. Phil seconded the motion for approval, and all were in favor. The motion passed unanimously.

F. NEW BUSINESS

**Summary:** None.

G. GOOD AND WELFARE

1. MATTERS FROM BOARD

**Summary:** None.

2. MATTERS FROM STAFF

**Summary:** No additional variance applications have been submitted at this time.

H. ADJOURNMENT

**Summary:** The meeting adjourned at 6:22 pm.