

CITY OF POLSON

BOARD OF ADJUSTMENT PUBLIC HEARING

COMMISSION CHAMBERS OR VIA ZOOM APRIL 7TH 2026 at 6:00 PM

Link to meeting: <https://us06web.zoom.us/j/8569626231?omn=84275717977>

dial in by phone: 253-215-8782, Meeting ID 856 962 6231

If you are unable to access the meeting via the attached link, please visit www.zoom.com and enter the meeting

1. CALL TO ORDER

Presiding Chair Larry Ashcraft

2. PLEDGE OF ALLEGIANCE

Presiding Chair Larry Ashcraft

3. APPROVAL OF PROPOSED AGENDA

Presiding Chair Larry Ashcraft

4. EX PARTE COMMUNICATIONS

Dave Michie (City Attorney)

5. ZONING VARIANCE – ORTWEIN FAMILY TRUST PROPOSED DETACHED GARAGE WHICH WILL BE LOCATED IN THE FRONT YARD  

6. ZONING VARIANCE – ROCKY ALLAN WHISMAN REVOCABLE TRUST PROPOSED SINGLE-FAMILY DWELLING EXTENDING INTO SETBACKS  

5. PUBLIC COMMENT On Items not on the agenda

6. ADJOURN

City of Polson encourages public participation in its public meetings and hearings. In doing so, the city holds its meetings in disability accessible facilities. Any person desiring accommodation for a disability should call the City Clerk at 883-8203 for more information. City Commission meetings are open to anyone wishing to attend in person at City Hall Commission Chambers.

**CITY OF POLSON
BOARD OF ADJUSTMENT
STAFF REPORT**

DATE: MARCH 31, 2026

PUBLIC HEARING: APRIL 7, 2026, 6:00 PM

APPLICATION TYPE: ZONING VARIANCE REQUEST (VA #25-01):
SETBACK REQUIREMENTS

APPLICANT: ROCKY ALLAN WHISMAN REVOCABLE TRUST
404 BAYVIEW DRIVE
POLSON, MT 59860

LOCATION: 296 BAYVIEW DRIVE

APPLICABLE REGULATIONS	PUBLIC NOTICE	WRITTEN PUBLIC COMMENTS
Polson Development Code: Sec. 6.02.200 – Low Density Residential Zoning District Sec. 6.03.320 – Zoning variances	<i>Lake County Leader</i> and adjoining landowners: March 12, 2026	See email attached

VARIANCE REQUEST:

Rocky Allan Whisman Revocable Trust, represented by Rocky Whisman of Polson, MT is requesting a variance to front (and/or rear) yard setback requirements. The request is associated with a proposed single-family dwelling with attached garage. The subject property is currently undeveloped, zoned Low Density Residential (LRZD), located at 296 Bayview Drive and legally described as Lot 12 of Fairway Properties.

STAFF RECOMMENDATION:

After review of the variance request, **staff has provided findings in recommendation of denial of the variance requests.** If the Board of Adjustment chooses to approve the variance, the Board shall be required to provide findings of fact in support of their decision.

The Board of Adjustment is encouraged to visit the site, ask questions, and request additional information (if necessary) from the Planning Department before the hearing.

DISCLAIMER: The Planning Department is an advisory agent and mediator between Boards/Commission and the applicant. The Planning Department covers the applicants' adherence to the Polson Development Code, the Polson Growth Policy, and other governmental standards. The Planning Department is not responsible and accepts no responsibility for the applicants' proposals, designs, plans/maps, calculations, etc. or lack thereof.

RECOMMENDED FINDINGS OF FACT:

A zoning variance request must be evaluated under the variance review criteria as set forth in Sec. 6.03.320(6) of the Polson Municipal Code. What follows is a staff analysis of each review criteria:

a. The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested.

The need for a variance to setback requirements is not the result from physical limitations or unique circumstances related to the lot, rather the need for a variance is the result of the applicant's proposed building plans. The application materials state that the applicant would like to upgrade to a newer version of the same house that he currently lives in a few doors down and did not realize when he purchased the lot and had his house plans prepared that the proposed plans as currently drawn would not fit onto the lot without extending into the front and/or rear yard setbacks.

Per records on file with the Lake County Clerk and Recorder, the 0.26-acre (11,433 sq ft) subject property is approximately 110-feet wide by 104-feet deep and was created in 1988 as part of Fairway Properties consisting of sixteen (16) lots ranging from 0.20 acres (8,527 sq ft) to 0.35 acres (15,372 sq ft). The configuration of the lot within the Low Density Residential Zoning District can accommodate other similarly sized single-family dwellings exceeding 1,500 square feet with attached garage(s) that meet setback requirements.

b. The failure to approve the variance will result in undue hardship because without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district.

Failure to approve the variance will not result in undue hardship because the configuration of the lot within the Low Density Residential Zoning District can accommodate other similarly sized single-family dwellings exceeding 1,500 square feet with attached garage(s) that meet setback requirements allowing reasonable use of the property and rights enjoyed by other properties similarly situated in the subdivision and in the district. Per records on file with the Lake County Clerk and Recorder, the 0.26-acre (11,433 sq ft) subject property is approximately 110-feet wide by 104-feet deep and was created in 1988 as part of Fairway Properties consisting of sixteen (16) lots ranging from 0.20 acres (8,527 sq ft) to 0.35 acres (15,372 sq ft).

c. The alleged hardship has not been created by action of the owner or occupants.

The need for a variance to setback requirements is the result of the applicant's proposed building plans. The application materials state that the applicant would like to upgrade to a newer version of the same house that he currently lives in a few doors down and did not realize when he purchased the lot and had his house plans prepared that the proposed plans as currently drawn would not fit onto the lot without extending into the front and/or rear yard setbacks.

Per records on file with the Lake County Clerk and Recorder, the 0.26-acre (11,433 sq ft) subject property is approximately 110-feet wide by 104-feet deep and was created in 1988 as part of Fairway Properties consisting of sixteen (16) lots ranging from 0.20 acres (8,527 sq ft) to 0.35 acres (15,372 sq ft). The configuration of the lot within the Low Density Residential Zoning District can accommodate other similarly sized single-family dwellings exceeding 1,500 square feet with attached garage(s) that meet setback requirements.

d. Approval of the variance will not have a substantial adverse impact on neighboring properties or the public.

Approval of a variance will have an unknown adverse impact on neighboring properties and the public.

e. The variance is necessary to permit a reasonable conforming use.

The need for a variance is not necessary to permit a reasonable conforming use. Per records on file with the Lake County Clerk and Recorder, the 0.26-acre (11,433 sq ft) subject property is approximately 110-feet wide by 104-feet deep and was created in 1988 as part of Fairway Properties consisting of sixteen (16) lots ranging from 0.20 acres (8,527 sq ft) to 0.35 acres (15,372 sq ft). The configuration of the lot within the Low Density Residential Zoning District can accommodate other similarly sized single-family dwellings exceeding 1,500 square feet with attached garage(s) that meet setback requirements.

f. Granting of the variance will observe the spirit of these regulations and provide substantial justice.

The purpose of the Polson Development Code is to promote the health, safety, morals and general welfare of the people of the City of Polson. The need for a variance to setback requirements is not the result from physical limitations or unique circumstances related to the lot, rather the need for a variance is the result of the applicant's proposed building plans. The configuration of the lot within the Low Density Residential Zoning District can accommodate other similarly sized single-family dwellings exceeding 1,500 square feet with attached garage(s) that meet setback requirements. Granting of the variance is not required to observe the spirit of these regulations or provide substantial justice.

g. Additional findings may be required for variances in airport overlay zones and shoreline buffers.

The subject property is not located within an airport overlay zone and does not have shoreline.

h. Conditions may be attached to the approval of any variances, as provided in section 6.03.230

REVIEW PROCESS:

As this is a variance request from a provision of the Polson Development Code, the Board of Adjustment is required to conduct a public hearing and evaluate the request under the terms of the Polson Development Code (including, but not limited to Sec. 6.03.320) and any applicable State, Federal, and Tribal requirements.

The *Zoning variances* section of the Polson Development Code (Sec. 6.03.320) provides the following review criteria:

The Board of Adjustment shall approve a variance only upon finding that:

- a. The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested;*
- b. The failure to approve the variance will result in undue hardship because without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district;*
- c. The alleged hardship has not been created by action of the owner or occupants;*

- d. Approval of the variance will not have a substantial adverse impact on neighboring properties or the public;*
- e. The variance is necessary to permit a reasonable conforming use; and*
- f. Granting of the variance will observe the spirit of these regulations and provide substantial justice.*
- g. Additional findings may be required for variances in airport overlay zones and shoreline buffers.*
- h. Conditions may be attached to the approval of any variances, as provided in section 6.03.230*

After consideration of the staff report and input from the public, the Board of Adjustment will review and make a motion to approve, approve with Conditions, or deny the Variance request. Should the applicant or any person(s) aggrieved by the Board of Adjustment's decision decide to appeal the Board of Adjustment's decision, please refer to 76-2-327 MCA.

LOCATION / PROPERTY DESCRIPTION:

The subject property is currently undeveloped, zoned Low Density Residential (LRZD), located less than half a mile north of US Highway 93 off Bayview Drive between 294 and 304 Bayview Drive (to be assigned 296 Bayview Drive) and legally described as Lot 12 of Fairway Properties. Bayview Drive borders to the east and the golf course to the west. Per records on file with the Lake County Clerk and Recorder, the 0.26-acre (11,433 sq ft) subject property is approximately 110-feet wide by 104-feet deep and created in 1988 as part of Fairway Properties consisting of sixteen (16) lots ranging from 0.20 acres (8,527 sq ft) to 0.35 acres (15,372 sq ft). Neighboring properties include single-family residential uses.

PUBLIC COMMENT:

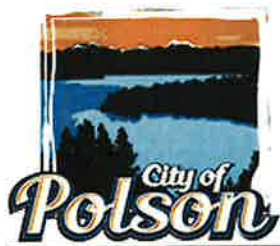
The variance request was publicly noticed and adjacent property owners were notified of the request. The City has received one written comment (email) to the variance request. See attached.

STAFF ANALYSIS:

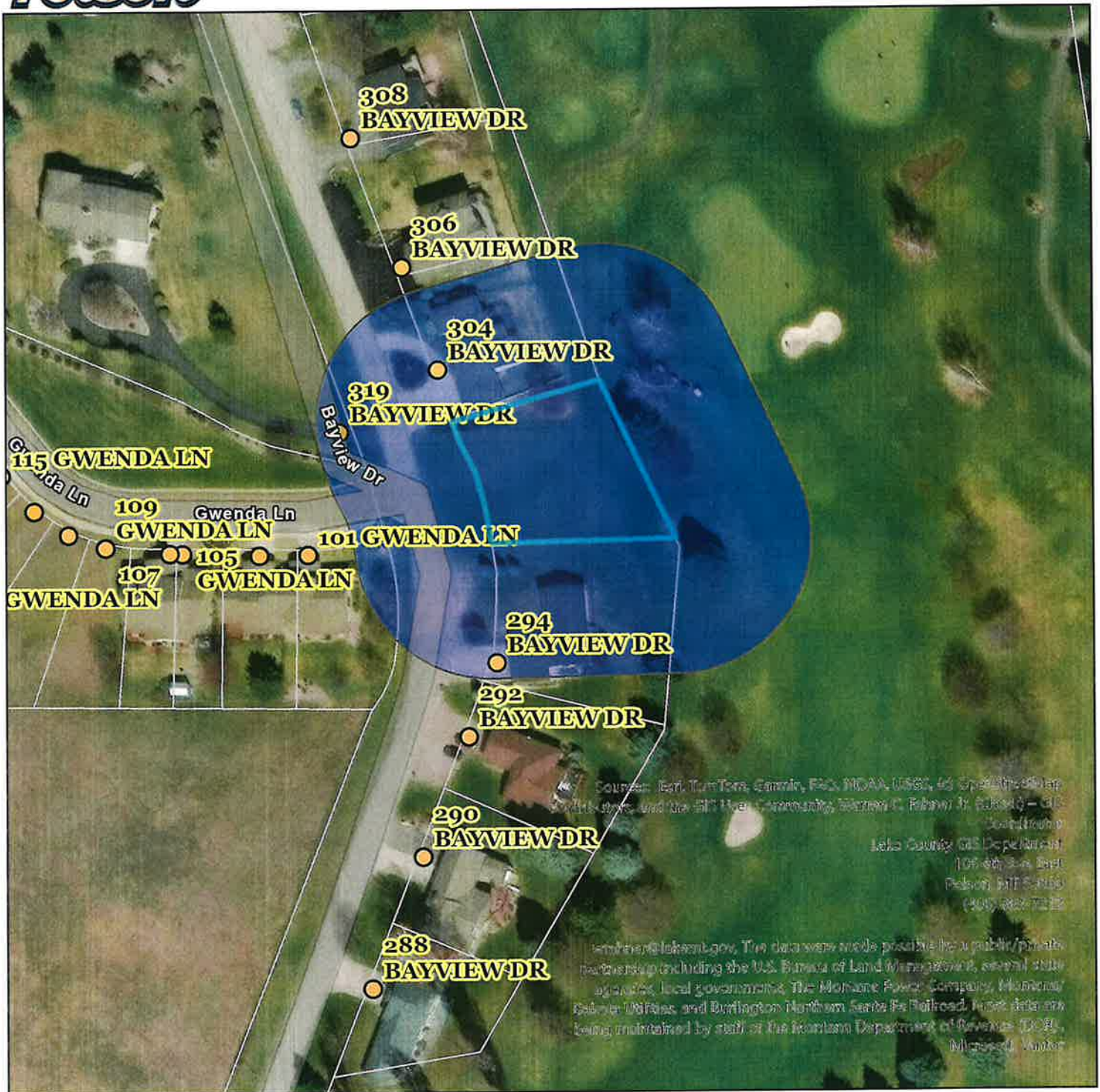
A detailed staff analysis of the variance review criteria as set forth in Sec. 6.03.320(6) can be found under the Recommended Findings of Fact above. In summary, the need for a variance is the result of the applicant's proposed building plans. The application materials state that the applicant would like to upgrade to a newer version of the same house that he currently lives in a few doors down and did not realize when he purchased the lot and had his house plans prepared that the proposed plans as currently drawn would not fit onto the lot without extending 4-feet into the front and/or rear setbacks.

Per records on file with the Lake County Clerk and Recorder, the 0.26-acre (11,433 sq ft) subject property is approximately 110-feet wide by 104-feet deep and was created in 1988 as part of Fairway Properties consisting of sixteen (16) lots ranging from 0.20 acres (8,527 sq ft) to 0.35 acres (15,372 sq ft). The configuration of the lot within the Low Density Residential Zoning District can accommodate other similarly sized single-family dwellings exceeding 1,500 square feet with attached garage(s) outside of setbacks.

After review of the variance request, staff does not believe the variance request meets the minimum review criteria outlined in Sec. 6.03.320 and have provided findings in recommendation of denial of the variance request. If the Board of Adjustment chooses to approve the variance, the Board shall be required to provide findings of fact in support of their decision.



296 Bayview Dr. Vicinity Map



0 25 50 100 150 200
Feet



Map provided by
City of Polson GIS Department

The City of Polson, MT provides these maps and map data "as-is," without warranty of accuracy, timeliness, or completeness. They are not to be taken as legal surveys or descriptions, and may contain errors. Originating from various city, county, state, and federal sources, these maps and data should not be used for precise navigation or measurement purposes. The City of Polson, MT, along with its officers and employees, assumes no liability for any loss or damage resulting from their use. Users bear all responsibility for decisions or actions based on these materials.

Rocky Whisman

404 Bayview Dr

Polson, MT. 59860

(406) 250-4367

FAIRWAY PROPERTIES, LOT 12

VARIANCE REQUESTED:

See attached drawing.

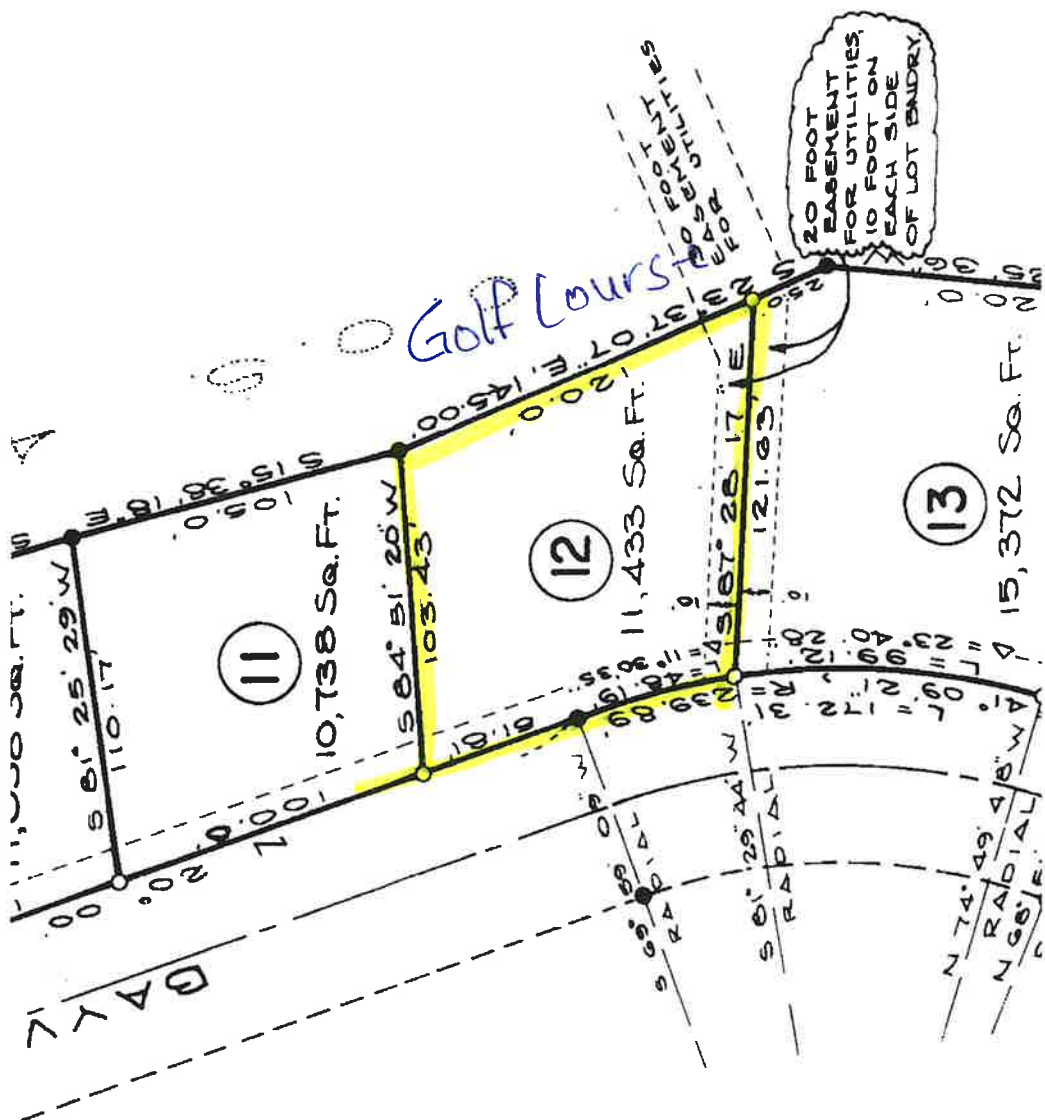
The footprint of the house will not fit on the lot with the current setbacks. I need all the length in the garage.

I'm requesting the following:

- 1) Move the house forward 4 feet. (preferred choice)
- 2) Split the difference. Move the house 2 feet forward, so it is 2 feet in the rear and 2 feet out front.
- 3) Leave as per drawing, 4 feet in the rear.

This lot backs up to the number one hole on the golf course. It is the last lot in Fairways properties.

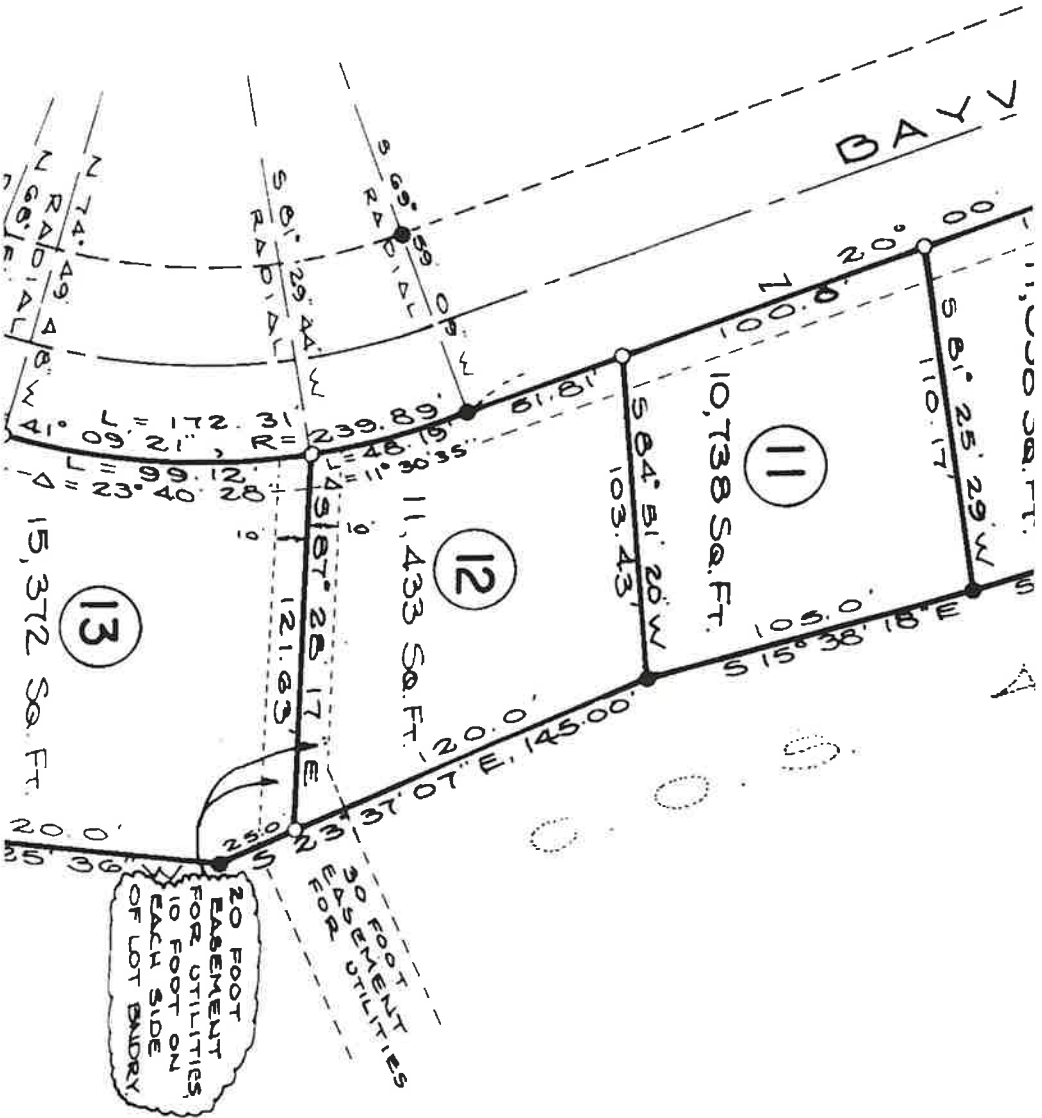
(LOT 12) Where it is located, it is very far from the fairway. It's located where no golf balls or golfers will go. Rocky Whisman Thank you!



I, Patricia
 the following order was,
4th day of Feb
 "Inasmuch as dedication
 be unsuitable, uneconom-
 playground purposes," it
 tion for park and playgr
Twiler Flowers
 tion 76-3-606 M.C.A.
 In Witness Whe
 of 1981, 198

We certify tha
 Fairway Properties Subdi

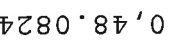
Fairway Properties



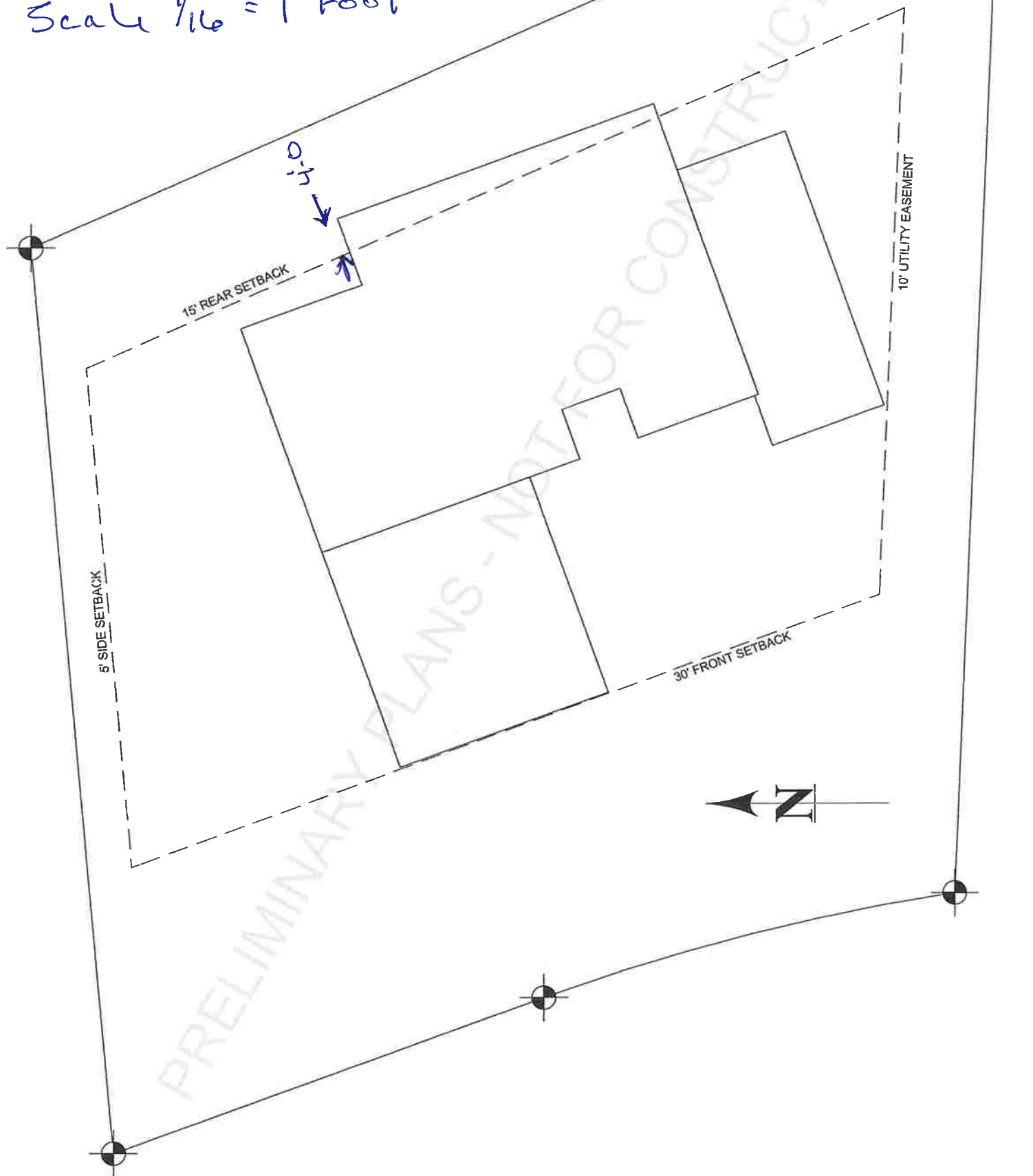
I, John A. H.
 the following order was,
 day of April
 "Inasmuch as dedication
 be unsuitable, uneconomical
 playground purposes," it
 tion for park and playg
Twelve Hundred
 tion 76-3-606 M.C.A.
 In Witness Where
 of John A. H., 192

We certify the
 Fairway Properties Subdi

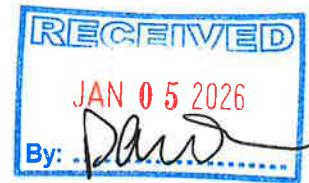




Rocky Whisman
Fairway Properties
Lot. 12
Scale $\frac{1}{16}" = 1 \text{ Foot}$



Rocky Whisman



HARDSHIP:

I purchased this property in September of 2025. It was not for sale. I researched the property and found the owner. He did not want to sell, so I had to overpay (approximately \$20,000.00). Plus I spent \$3200.00 on house plans. I called him on Thursday, and we closed on the following Monday. He wanted to close quickly.

The house that I was planning on building on this lot is the same one that I currently live in. This house is just a few doors down (404 Bayview Dr). This is the perfect house for me, but it was built in the 90's. I wanted to upgrade to a newer version. This is why I overpaid for the lot. I assumed that my house would fit the lot and that I would not have a problem. I believe the problem with lot 12, it is on a slight curve, causing an additional setback on the front. I can make the garage shorter, but my truck will not fit in the garage. It's a 2-bedroom house, and there is no way to make the house smaller.

I did not purchase this for an investment. So, if I can't get a variance, I will not be able to sell the property because I overpaid.

Thank you!

Rocky Whisman

Rocky Whisman

404 Bayview Dr

Polson, MT. 59860

(406) 250-4367

FAIRWAY PROPERTIES, LOT 12

VARIANCE REQUESTED:

See attached drawing.

The footprint of the house will not fit on the lot with the current setbacks. I need all the length in the garage.

I'm requesting the following:

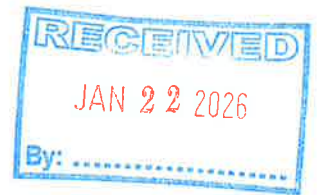
1) Move the house forward 4 feet. (preferred choice)

This lot backs up to the number one hole on the golf course. It is the last lot in Fairways properties.

(LOT 12) Where it is located, it is very far from the fairway. It's located where no golf balls or golfers will go. Rocky Whisman Thank you!

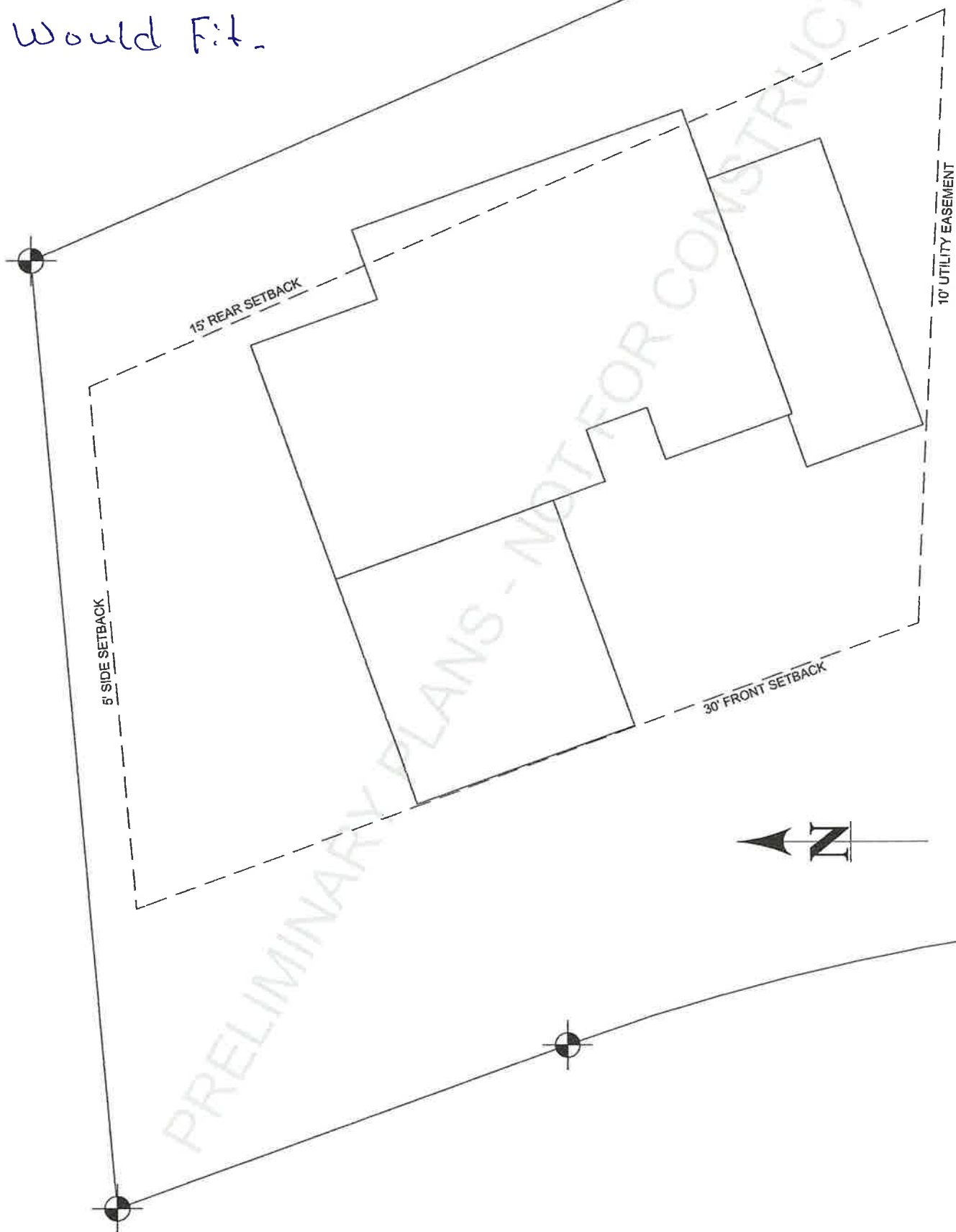
NOTE: There are multiple homes on TIMBER WOLF Dr. that are less than 30 feet from the road. Timber Wolf Dr. is directly ~~of~~ Bayview Dr.

off



Would like to move forward 4'-0".

Would also move the house over
to the North so South
would fit.



Notice of Public Hearing

Notice is hereby given that the Polson Board of Adjustment will on Tuesday, the 7th day of April, 2026, at 6:00 p.m. in the Polson City Hall, 106 1st Street East, Polson, Montana, hold a public hearing for the purpose of a requested zoning variance to setback requirements. The request is made by Rocky Allan Whisman Revocable Trust, represented by Rocky Whisman of Polson, MT and is associated with a proposed single-family dwelling with attached garage which would extend into the front (and/or rear) yard setback(s). The subject property is currently undeveloped, zoned Low Density Residential (LRZD), located between 294 and 304 Bayview Drive and legally described as Lot 12 of Fairway Properties.

The Polson Board of Adjustment will take public testimony and review the proposed variance request. Following public testimony, the Board of Adjustment will vote to approve, conditionally approve, or deny the variance request. This public notice is made pursuant to 76-2-326 MCA and Sec. 06.03.320 PMC.

Contact the City of Polson Planner at 106 1st Street East, Polson, Montana 59860; by email at dbrunson@cityofpolson.com; or call 406-883-8214 to obtain further information. The application is available for review at City Hall.

Contact the Polson City Clerk at Polson City Hall, 106 1st Street East, Polson, Montana, 59860; by email at cityclerk@cityofpolson.com; or call 406-883-8203 to request an accommodation.

Dated at Polson, Montana this 9th day of March, 2026.

Cora Pritt
Polson City Clerk
Polson, MT

Publication dates: March 12th, 2026

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael Merchant



9590 9402 7139 1251 6043 42

2. Article Number (Transfer from service label)

9 1640 0001 7142 9897

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature] ☐ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barbara Stunaker



9590 9402 7139 1251 6044 03

2. Article Number (Transfer from service label)

019 1640 0001 7142 9873

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature] ☐ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Susan ReKsten  9590 9402 7139 1251 6043 80 2. Article Number (Transfer from service label) 019 1640 0001 7142 9880	A. Signature X ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500) ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: City of Polson Rocky Whisman  9590 9402 7139 1251 6043 97 2. Article Number (Transfer from service label) 7019 1640 0001 7142 9910	A. Signature X <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500) ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lou Riem Rev Trust



9590 9402 7139 1251 6043 59

2. Article Number (Transfer from service label)

019 1640 0001 7142 9903

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Monica Z...*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



Outlook

RE: 296 Bayview Dr. Zoning Variance

From montom@bresnan.net <montom@bresnan.net>

Date Tue 3/24/2026 10:50 AM

To Dawn Brunson <dbrunson@cityofpolson.com>

There are 13 or 14 houses on this side of the street that have all been built in compliance. While I don't have a major objection, I wonder why Rocky can't build on the last lot within the compliances. At the least if a variance is given, maybe he could set the house so that it's only two feet out in the back and two feet out in the front.

Tom Lovrien

From: "Dawn Brunson" <dbrunson@cityofpolson.com>

To: <montom@bresnan.net>

Sent: March 18, 2026 at 4:15 PM MDT

Subject: 296 Bayview Dr. Zoning Variance

Hi Tom,

It was nice speaking with you today.

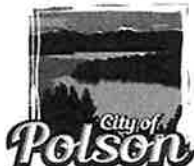
I have attached the notice to this email.

Please call with any questions or concerns.

Thanks,

Dawn

Dawn Brunson - Planner I
Planning and Building Department
City of Polson
106 1st Street E. Polson, MT. 59860
T: 406-883-8214



City of Polson, Montana
Like us on Facebook

FAIRWAY PROPERTIES

311706

A SUBDIVISION OF PORTIONS OF THE SE 1/4 NW 1/4 AND NE 1/4 SW 1/4 OF SECTION 2, TOWNSHIP 22 NORTH, RANGE 20 WEST, P.M.M.

LAKE COUNTY, MONTANA

JANUARY, 1988

SCALE: 1" = 50'

● - DENOTES MONUMENTS OF RECORD PER C.O.S. 4008 (FOUND)
○ - DENOTES 9/8" REBAR W/CAP MARKED WESTER 41305 (SET)

CERTIFICATE OF DEDICATION

We, the undersigned property owners, do hereby certify that we have caused to be surveyed, subdivided and platted into lots shown by the Plat hereunto included, the following described tract of land to-wit:

A portion of the Southeast one-quarter of the Northwest one-quarter, (S.E. 1/4 N.W. 1/4) and Northeast one-quarter of the Southwest one-quarter (N.E. 1/4 S.W. 1/4) of Section (2), Township (22) North, Range (20) West, P.M.M., Lake County, Montana, more particularly described as follows:

Commencing at the Southeast corner of the N.W. 1/4 S.E. 1/4 of said Section 2, T.22 N., R.20 W., P.M.M.; thence S.89°43'32"W., 1996.16 feet along the South boundary of the county road; thence N.E. 1/4 S.W. 1/4 of said Section 2 to the Easterly right-of-way boundary of the county road; thence N.E. 1/4 S.W. 1/4 of said right-of-way boundary on a compound curve to the left with a radius of 1491.36 feet and a central angle of 22°33'49" for a distance of 55.13 feet; thence continuing along said right-of-way boundary on a compound curve to the left with a radius of 1491.36 feet and a central angle of 8°27'56" for a distance of 220.35 feet; thence N.21°43'32"E., 63.39 feet along said right-of-way boundary; thence N.21°08'30"E., 370.88 feet along said right-of-way boundary to the true point of beginning of the tract to be herein described; thence N.80°18'19"E., 100.00 feet; thence N.31°19'11"E., 272.24 feet; thence N.5°25'36"E., 120.00 feet; thence N.23°37'07"W., 145.00 feet; thence N.15°38'18"W., 105.00 feet; thence N.17°43'13"W., 100.00 feet; thence N.15°11'57"W., 95.00 feet; thence N.16°34'57"W., 190.00 feet; thence N.10°16'57"W., 300.00 feet; thence S.80°17'26"W., 115.00 feet to the Easterly right-of-way boundary of the county road; thence S.94°2'34"E., 419.49 feet along said right-of-way boundary; thence Southeasterly along said right-of-way boundary on a curve to the left with a radius of 1634.25 feet and a central angle of 10°18'17" for a distance of 293.92 feet; thence S.20°00'51"E., 327.83 feet along said right-of-way boundary; thence Southeasterly and Southwesterly along said right-of-way boundary on a curve to the right with a radius of 239.89 feet and a central angle of 41°09'21" for a distance of 172.31 feet; thence S.21°08'30"W., 295.00 feet along said right-of-way boundary to the true point of beginning, containing (3.99) Acres.

The above described tract of land is to be known and designated as Fairway Properties Subdivision, Lake County, Montana.

Dated this 8th day of April, 1988

J. M. BROWN, JR., as to an undivided 25.20% interest; JEAN O. BROWN, as to an undivided 25.20% interest; CHESTER CHASTEK, RICHARD CHASTEK AND WILLIAM NIXON as Trustees under a trust for the benefit of Barbara Jean Huguenin as to an undivided 12.40% interest; unto Chester Chastek, Richard Chastek and William Nixon as Trustees under a trust for the benefit of Jacqueline G. Brown as to an undivided 12.40% interest; Chester Chastek, Richard Chastek, and William Nixon as Trustees under a trust for the benefit of Josephine H. Brown as to an undivided 12.40% interest and Chester Chastek, Richard Chastek, and William Nixon as Trustees under a trust for the benefit of Patricia E. Brown as to an undivided 12.40% interest; all as Tenants-in-Common.

J.M. Brown, Jr. by Barbara Jean Huguenin
J. M. BROWN, JR.
By: BARBARA JEAN HUGUENIN
Attorney-in-Fact
JEAN O. BROWN
By: BARBARA JEAN HUGUENIN
Attorney-in-Fact
Richard Chastek
RICHARD CHASTEK
Trustee for Trusts

STATE OF Idaho)
County of Laramie) ss.

On this 8th day of April, 1988, before me the undersigned a Notary Public for the State of Idaho, personally appeared BARBARA JEAN HUGUENIN, known to me to be the person whose name is subscribed to the within instrument as the Attorney-in-Fact of J. M. BROWN, JR. and JEAN O. BROWN, and acknowledged to me that she subscribed the names of J. M. BROWN, JR. and JEAN O. BROWN thereto as principal and her own name as Attorney-in-Fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Idaho
Residing at: Post Falls, ID
My Commission Expires: 2-24-94

STATE OF Idaho)
County of Laramie) ss.

On this 8th day of April, 1988, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared RICHARD CHASTEK and W. W. NIXON, known to me to be the persons whose names are subscribed to the within instrument as Trustees for the Trusts named herein, and acknowledged to me that they subscribed their names as principals and as Trustees for the named Trusts.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Idaho
Residing at: Post Falls, ID
My Commission Expires: 2-24-94

CERTIFICATE OF WAIVER OF PARK LAND DEDICATION AND ACCEPTANCE OF CASH IN LIEU THEREOF

I, Kathy L. Cox, City Clerk of Polson, Montana, do hereby certify that the following order was made by the City Council of Polson, Montana at a meeting thereof held on the day of April, 1988, and entered into the proceedings of said body to wit: "Inasmuch as dedication of park land within the platted area of Fairway Properties Subdivision would be unsuitable, uneconomical, difficult to develop or maintain, or otherwise unsuitable for park and playground purposes," it is hereby ordered by the City Council of Polson, Montana, that land dedication for park and playground purposes be waived and that cash in lieu of Parkland in the amount of \$10,000.00, be accepted in accordance with the provisions of Section 76-3-606 M.C.A. In Witness Whereof, I have hereunto affixed the Seal of Polson, Montana, This 16th day of April, 1988.

Kathy L. Cox
City Clerk
Polson, Montana

CERTIFICATE OF APPROVAL

We certify that we have examined the Subdivision Plat herein contained and known as Fairway Properties Subdivision, Lake County, Montana and hereby approve the same.

Dated the 15th day of April, 1988

Patricia J. Cook
Mayor
City of Polson, Montana

Attest: Kathy L. Cox
City Clerk
City of Polson, Montana

State of Montana)
County of Lake) ss.

I hereby certify, that no real property taxes assessed and levied on the lands described in the within plat are delinquent. This Certificate is made as required by Section 76-3-611(b) M.C.A.

Dated this 18th day of April, 1988

Sharon Kuntz, Sec. of
Patricia J. Cook
Treasurer, Lake County, Montana

SURVEYOR'S CERTIFICATE

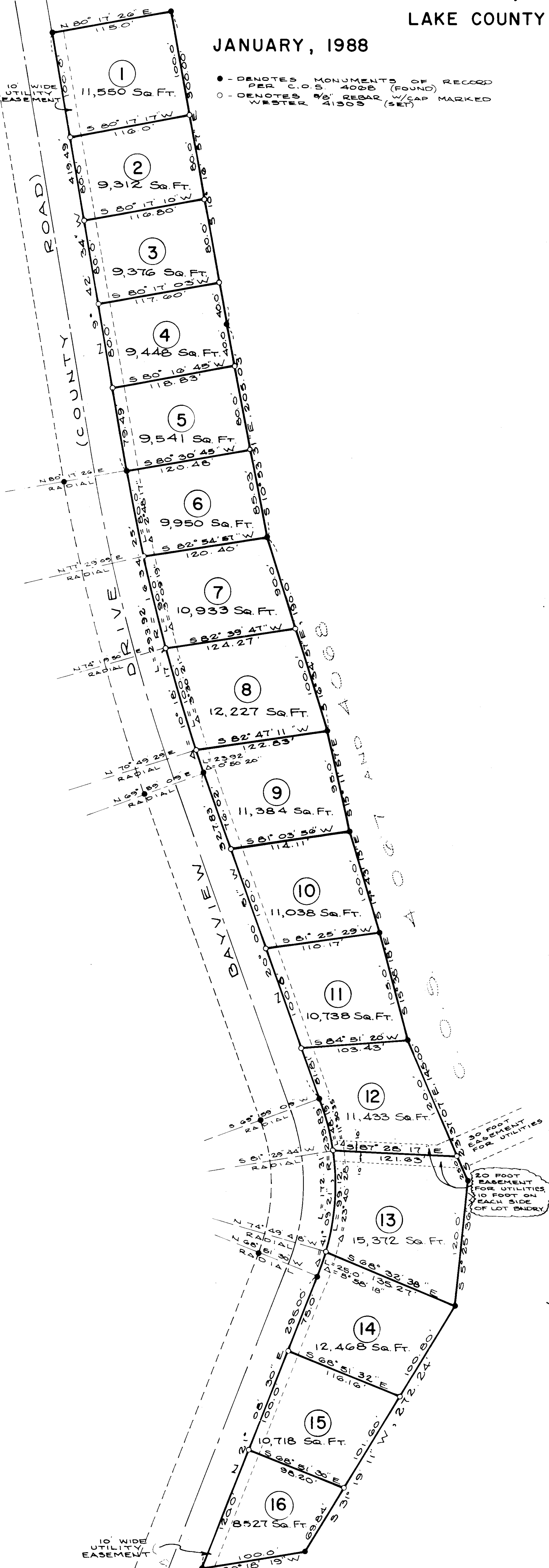
Donald H. Wester
Montana Registered Land Surveyor
Registration No. 41305

Approved this 15th day of March, 1988

James H. Burton
Examining Land Surveyor for Lake
County, Montana
Registration No. 34085

Filed for record this 20th day of April, 1988, at 11:06 o'clock A.M.

Lorin Jacobson
Clerk and Recorder
Lake County, Montana
by: Katherine Cooper
Deputy
Clerk and Recorder
Lake County, Montana



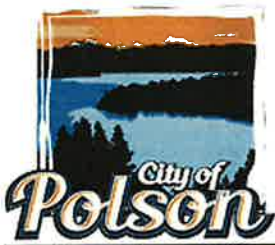
95B

Certificate Regarding Title - J-5217
(311705)

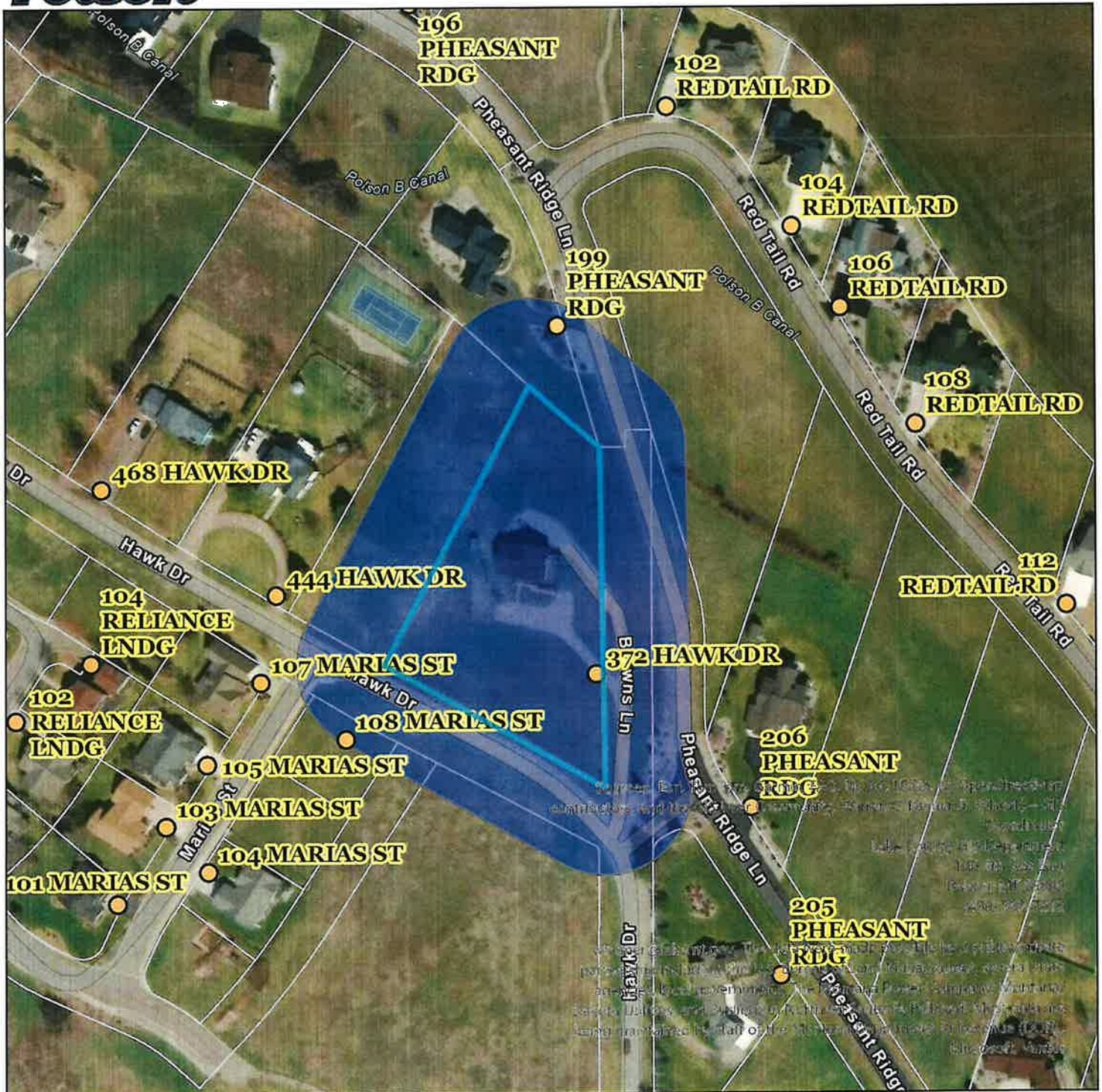
Covenants, Conditions and Restrictions - (311707)

Improvement Agreement - 311708

P.O.B. SUBDIVISION BNDRY.
REFER TO C.O.S. 4008
FOR COURSES BACK
TO POINT OF COMMENCING
AND BASIS OF BEARING.



372 Hawk Dr. Vicinity Map



0 40 80 160 240 320
Feet



Map provided by
City of Polson GIS Department

The City of Polson, MT provides these maps and map data "as-is," without warranty of accuracy, timeliness, or completeness. They are not to be taken as legal surveys or descriptions, and may contain errors. Originating from various city, county, state, and federal sources, these maps and data should not be used for precise navigation or measurement purposes. The City of Polson, MT, along with its officers and employees, assumes no liability for any loss or damage resulting from their use. Users bear all responsibility for decisions or actions based on these materials.

Zoning Variance Application: Table of Contents

Applicant: Ortwein Family Trust

Subject Property: 372 Hawk Drive Polson - Lot 1 Browns Lakeview Tracts

Section 1: Administrative Documents

- **Item 1.1: Completed Variance Application Form**
- **Item 1.2: Proof of Payment** (Copy of Application Fee Check)
- **Item 1.3: Introductory Cover Letter**
- **Item 1.4: Narrative Statement** (Addressing Municipal Code 6.03.320 Review Criteria, Items A–H)

Section 2: Property Ownership & Legal Identity

- **Item 2.1: Owner's Warranty Deed**
- **Item 2.2: Subject Property County GIS & Tax Documents**
- **Item 2.3: Original Subdivision Plat**
- **Item 2.4: Recent Survey of Lots 1 and 2**
- **Item 2.5: Adjacent Right-of-Way and Easement Documents**

Section 3: Project Technical Drawings

- **Item 3.1: Existing Site Drawing** (Depicting lot layout, existing infrastructure, and landscaping)
- **Item 3.2: Scaled Site Plan** (Location of existing house and proposed garage)
- **Item 3.3: Garage Floor Plan** (Including dimensions)
- **Item 3.4: Architectural Elevations** (Garage design images and noted dimensions for all four sides)
- **Item 3.5: Photos of the proposed location of the garage** (Street and Arial Views)
- **Item 3.6: Septic Records** (All septic-related documents and recorded easements)
- **Item 3.7: Well Log**

Section 4: Neighborhood Context

- **Item 4.1: Neighborhood Aerial View** (Marked with owner identification for neighboring lots)
- **Item 4.2: Neighboring Parcel Identification List** (Detailed parcel IDs for surrounding properties)

January 5, 2026

Robert Edington – Community Development Director – City of Polson

106 1st Street East Polson, MT 59860 406-883-8213

Dawn Brunson – Community Planner 1 – City of Polson

106 1st Street East Polson, MT 59860 406-883-8214

Linda Benson – Building Official – City of Polson

106 1st Street East Polson, MT 59860 406-274-0730

RE: A Zoning Variance for 372 Hawk Drive Polson MT 59860

To the City of Polson Planning & Building Department:

Good day, my wife Sherri and I are respectfully requesting the opportunity to obtain a zoning variance from your department to allow us to construct a two-car detached garage at 372 Hawk Drive Polson. The purpose of this narrative is to provide a detailed explanation of the proposed garage location and construction, and to demonstrate how our project aligns with the City's planning and zoning requirements.

Our request for a variance is driven by the Polson Municipal Code Section 6.03.320 Performance Standards that require:

"Accessory Buildings shall be permitted in rear yards but not in front yards or required side setback areas."

The subject property possesses unique physical characteristics that distinguish it from neighboring parcels. Specifically, the rear yard with the existing topography, a steep slope and installed infrastructure render that portion of the lot unsuitable for the proposed construction. These constraints create a practical difficulty in strictly adhering to standard setback requirements, and height restrictions while attempting to achieve a reasonable use of the land.

In contrast, the front yard provides a highly desirable and feasible location for the project. By utilizing this area, we can ensure a safe and stable construction process that would be practical in the rear of the property. Furthermore, the proposed placement has been carefully sited to remain consistent with the existing aesthetic of the streetscape. The development will not alter the essential character or dynamics of the neighborhood, as it maintains the visual harmony and scale of the surrounding properties.

While we are requesting a Variance for front yard placement, it is important to note that this proposal will not adversely affect the surrounding neighborhood. The proposed structure is designed to be aesthetically compatible with existing homes, ensuring that the visual flow of the street remains intact. Because the rear yard is functionally inaccessible for this type of development, the front yard serves as the only viable location that allows for reasonable use of the property without requiring extensive and disruptive land-moving activities that would be necessary in the back.

Furthermore, the design of the garage by a professional Montana Contractor specifies a reasonable size, matching colors, and standard building materials to ensure that the project is a seamless addition to the area. We believe this solution balances the unique physical limitations of our parcel with the community's interest in maintaining a consistent neighborhood dynamic."

The proposed project consists of a 30' x 32' single-story detached garage, totaling 960 square feet. The structure is specifically designed for placement on the existing gravel driveway, immediately adjacent to the primary residence. This location was chosen to utilize the already disturbed ground, thereby minimizing additional grading or environmental impact on the lot.

The garage will feature two sectional doors facing eastward for primary access. One 12' x 10' and one 9' x 8' oriented to align with the current flow of the driveway. Its single-story profile ensures that the building height remains proportional to the home and does not obstruct the views or privacy of neighboring properties. By situating the garage in this specific location, we maintain a compact development footprint that preserves the remaining open space on the parcel.

The primary function of the 30' x 32' garage is the secure storage of personal property, specifically motor vehicles, recreational equipment, and lawn maintenance machinery. Additional garage external dimensions include 12' side walls and a maximum height above grade of 20 feet. The interior layout is designed to accommodate the above items efficiently while keeping the property organized and maintaining the aesthetic quality of the lot.

Regarding infrastructure, the structure will require only minimal electric service to support lighting and the operation of the sectional overhead doors. The project does not include any plans for any plumbing, therefore water & sewer connections are not required. This limited utility scope further underscores that the garage is strictly intended for non-habitable, residential storage use.

Included with this application are building plans, images depicting proposed features, scaled drawings depicting the current setback distances, the proposed garage placement, well & septic locations, county parcel identifications, adjacent owner identifications, plats, easements, and images depicting the proposed garage location on the property.

If additional information, clarification, or documentation is needed at any point during your review, we would be more than happy to provide it in a timely manner.

Thank you for your time and consideration in evaluating this request.

Respectfully,

Jeff & Sherri Ortwein

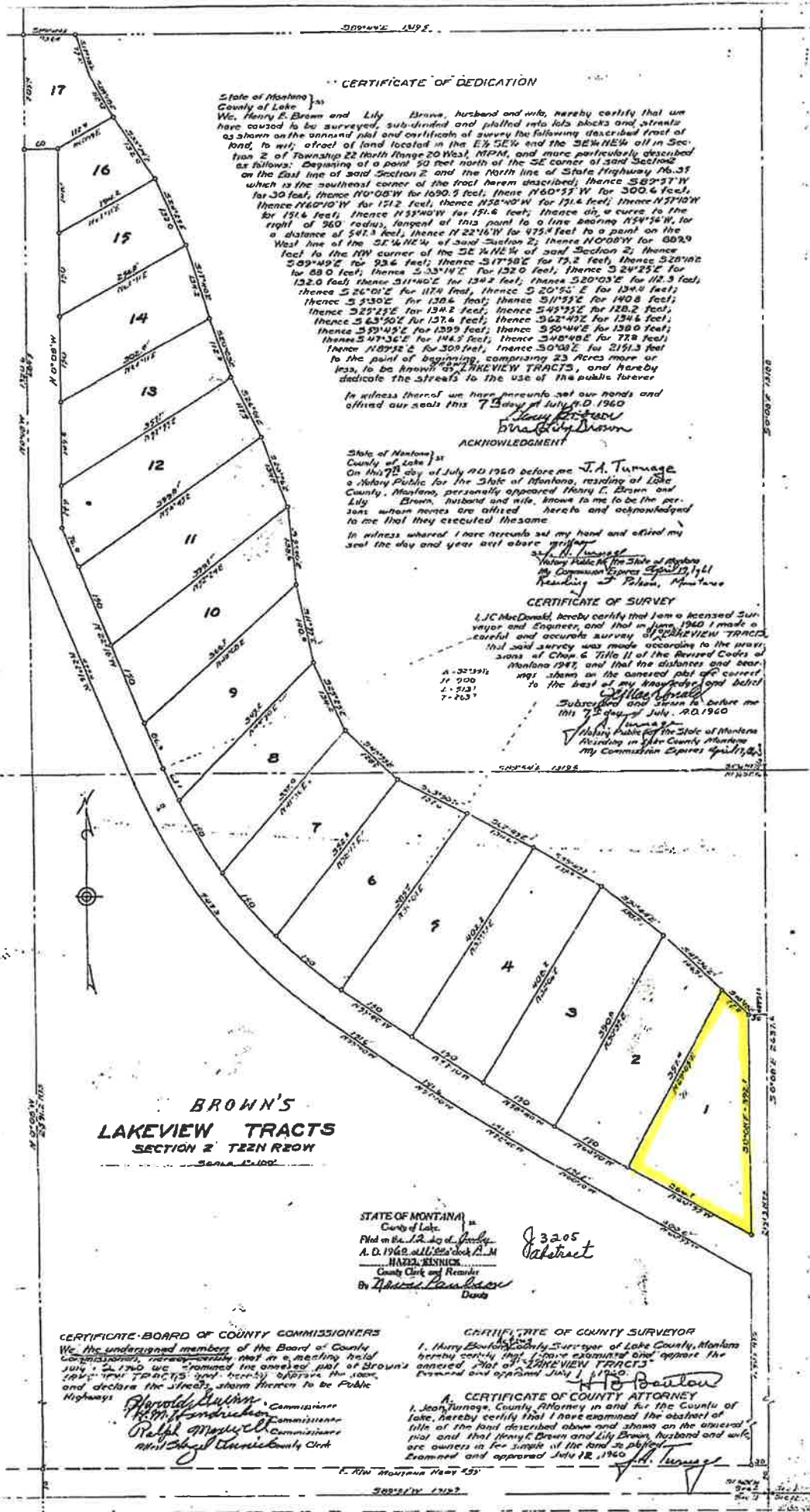
6. Review Criteria

- a. Browns Lakeview Tracts is situated between the Mission Bay and Mission Bay Preserve Subdivisions. The subject lot 1 of Browns Lakeview Tracts is the most easterly lot in the subdivision. It has no adjacent neighbors to the east and south however it shares common boundaries with Lot 2 of Browns Lakeview Tracts and Lot 1 of Mission Bay Preserve Phase 1 subdivision. The lot is accessed from Hawk Drive near the Mission Bay Preserve gated entrance via a private dead end gravel road. The existing home that was constructed in 1978 is located on the highest point of the lot with a steep slope northward (the rear yard) and a gentle slope southward (the front yard). It would not be practical or desirable to construct a garage in our rear yard due to the fact that our views and the views of the neighboring properties would be obstructed, the steep slope would increase the cost of construction with massive concrete footings and walls, and the existing septic infrastructure that would have to be disrupted. It is not feasible to construct a garage in the side yards due to topographical conditions and current setback standards.
- b. The home currently features a small tuck under garage with low ceiling heights. Our vehicles do not fit inside and we use it to store recreational equipment, and lawn maintenance machinery. We currently park our vehicles in the gravel driveway out in the elements. All of the lots that have a home constructed in our subdivision (Browns Lakeview Tracts) have garages in their front or side yards.
- c. We have done our part to enhance the property and the neighborhood. We purchased the home in the year 2020 in a dilapidated state, hired a local contractor (Nunlist Construction) to do a major remodel inside and out. It now is up to current neighborhood standards with an increased curb appeal. We intend to continue to enhance our property with the construction of a new garage.
- d. We are involved members of the Mission Bay community and have made many friendships in our neighborhood. It is important to us to be in harmony with our friends and neighbors. That said we believe that the addition of the detached garage will improve the curb appeal by removing our vehicles from view to the traffic on Hawk Drive and our adjacent neighbors. We also believe that attaching the garage to the home will not increase the curb appeal due to the proposed location.
- e. The size and location of the proposed garage is typical for the neighborhood and surrounding subdivisions.
- f. Our proposal is within the scope of the municipal code as defined. We are proposing a reasonable sized detached garage and a Suttle location to enhance our property.

This plat is provided solely for the purpose of assisting in locating the land and the company assumes no liability for variations, if any, with actual survey. Fidelity Title Agency of Lake County

191

191



CERTIFICATE OF DEDICATION

State of Montana }
County of Lake }
We, Henry E. Brown and Lily Brown, husband and wife, hereby certify that we have caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat and certificate of survey the following described tract of land, to wit: a tract of land located in the E 1/4 SE 1/4 and the SE 1/4 NE 1/4 of Section 2 of Township 22 North Range 20 West, N.P.M., and more particularly described as follows: Beginning at a point 50 feet north of the SE corner of said Section on the East line of said Section 2 and the North line of State Highway No. 31 which is the southeast corner of the tract herein described; thence S 82° 31' W for 30 feet; thence N 10° 08' W for 1090.5 feet; thence N 60° 57' W for 300.6 feet; thence N 60° 10' W for 151.2 feet; thence N 52° 40' W for 171.6 feet; thence N 57° 10' W for 151.6 feet; thence N 53° 40' W for 151.6 feet; thence by a curve to the right of 360 radius, tangent at this point to a line bearing N 54° 36' W, for a distance of 547.3 feet; thence N 22° 16' W for 475.4 feet to a point on the West line of the SE 1/4 NE 1/4 of said Section 2; thence N 0° 08' W for 682.0 feet to the NW corner of the SE 1/4 NE 1/4 of said Section 2; thence S 09° 49' E for 93.6 feet; thence S 17° 58' E for 73.2 feet; thence S 20° 10' E for 88.0 feet; thence S 33° 49' E for 132.0 feet; thence S 24° 25' E for 132.0 feet; thence S 11° 40' E for 134.3 feet; thence S 20° 03' E for 112.3 feet; thence S 26° 01' E for 117.4 feet; thence S 20° 55' E for 134.4 feet; thence S 33° 02' E for 130.6 feet; thence S 11° 52' E for 140.8 feet; thence S 25° 22' E for 124.2 feet; thence S 49° 15' E for 128.2 feet; thence S 63° 42' E for 137.6 feet; thence S 62° 42' E for 134.6 feet; thence S 59° 45' E for 139.9 feet; thence S 50° 44' E for 138.0 feet; thence S 47° 36' E for 146.3 feet; thence S 40° 08' E for 77.8 feet; thence N 07° 32' E for 309 feet; thence S 0° 08' E for 215.3 feet to the point of beginning, containing 23 Acres more or less, to be known as LAKEVIEW TRACTS, and hereby dedicate the streets to the use of the public forever.

In witness whereof we have hereunto set our hands and affixed our seals this 7th day of July, A.D. 1960

ACKNOWLEDGMENT

State of Montana }
County of Lake }
On this 7th day of July, A.D. 1960 before me, J.A. Turnage, a Notary Public for the State of Montana, residing at Lake County, Montana, personally appeared Henry E. Brown and Lily Brown, husband and wife, known to me to be the persons whose names are affixed hereto and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my seal the day and year first above written.

J.A. Turnage
Notary Public for the State of Montana
My Commission Expires April 11, 1961
Residing at Lake County, Montana

CERTIFICATE OF SURVEY

J.C. McDonald, hereby certify that I am a licensed Surveyor and Engineer, and that in June 1960 I made a careful and accurate survey of LAKEVIEW TRACTS, that said survey was made according to the provisions of Chapter 6, Title II of the Revised Codes of Montana 1947, and that the distances and bearings shown on the annexed plat are correct to the best of my knowledge and belief.

Subscribed and sworn to before me this 7th day of July, A.D. 1960
J.A. Turnage
Notary Public for the State of Montana
Residing in Lake County, Montana
My Commission Expires April 11, 1961

BROWN'S LAKEVIEW TRACTS SECTION 2 T22N R20W

STATE OF MONTANA }
County of Lake }
Filed on the 12th day of July, A.D. 1960, with the County Clerk, HAZEL JENNICK, County Clerk and Recorder, by Henry E. Brown and Lily Brown, Dads.

CERTIFICATE BOARD OF COUNTY COMMISSIONERS

We, the undersigned members of the Board of County Commissioners, hereby certify that at a meeting held July 12, 1960 we examined the annexed plat of Brown's LAKEVIEW TRACTS and hereby approve the same, and declare the streets shown thereon to be Public Highways.

Harold Sullivan, Commissioner
Ralph Anderson, Commissioner
Ralph Anderson, Commissioner
and Hazel Jennick, County Clerk

CERTIFICATE OF COUNTY SURVEYOR

I, Harry E. Brown, County Surveyor of Lake County, Montana, hereby certify that I have examined and approve the annexed plat of LAKEVIEW TRACTS, and that the same was surveyed and approved July 12, 1960.

A. CERTIFICATE OF COUNTY ATTORNEY

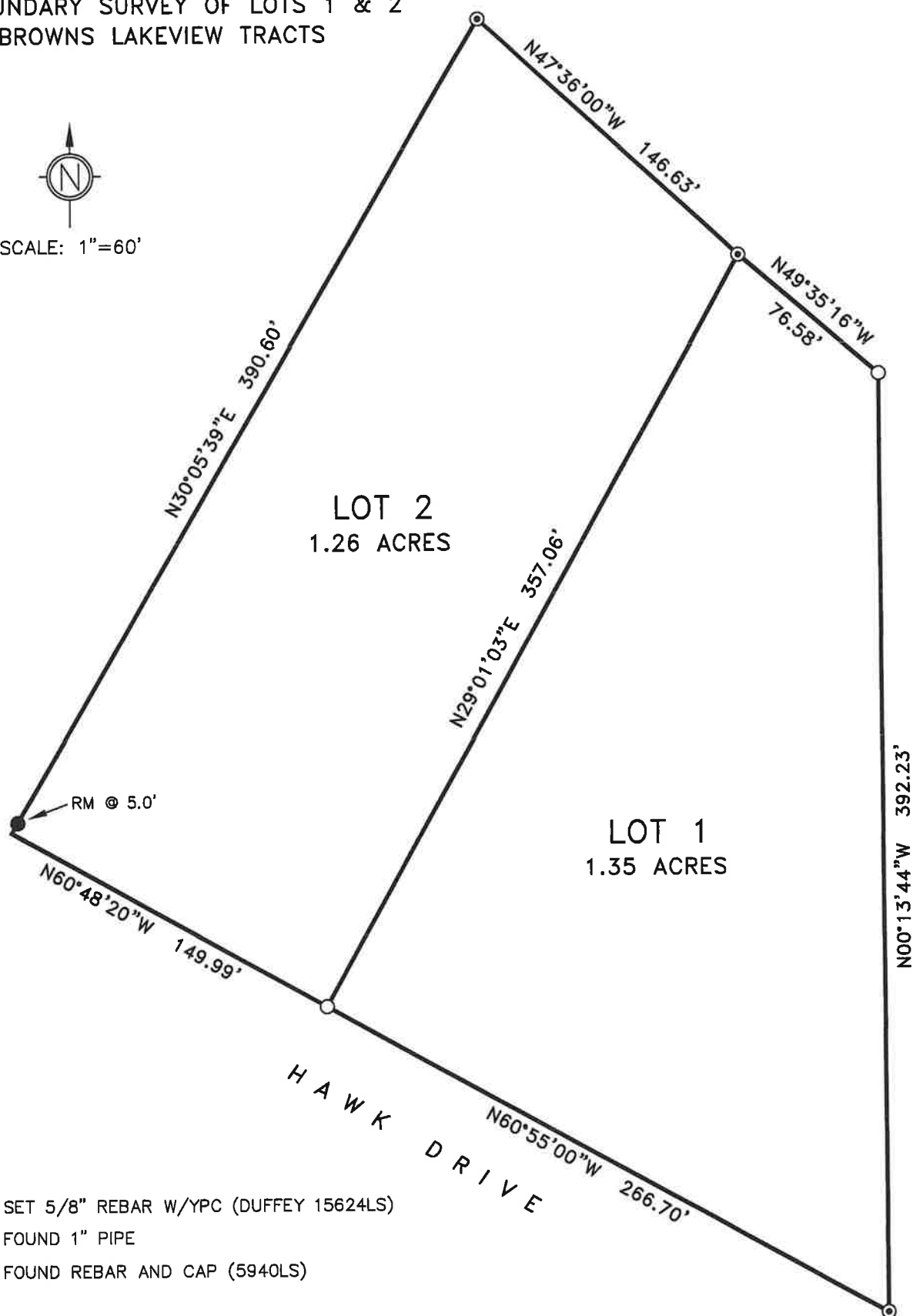
I, John Turnage, County Attorney in and for the County of Lake, hereby certify that I have examined the annexed plat of the land described above and shown on the annexed plat and that Henry E. Brown and Lily Brown, husband and wife, are owners in fee simple of the land so platted. Examined and approved July 12, 1960.

E. Kim Montana Plat 435
S 20° 16' W 171.2'

BOUNDARY SURVEY OF LOTS 1 & 2
BROWNS LAKEVIEW TRACTS



SCALE: 1"=60'



- SET 5/8" REBAR W/YPC (DUFFEY 15624LS)
- ⊙ FOUND 1" PIPE
- FOUND REBAR AND CAP (5940LS)



DUFFEY LAND SURVEYING
PO Box 531, Polson MT 59860
406-883-1727

**BROWN'S
LAKEVIEW TRACTS**
SECTION 2 T22N R20W
Scale 1"=100'

30 foot easment

STATE OF MONTANA
County of Lake
Filed on the 12th day of July
A. D. 1960 at 11:00 o'clock A. M.
HAZEL KENNICK
County Clerk and Recorder
By Neva Paulson
Deputy

3205
Abstract

CERTIFICATE BOARD OF COUNTY COMMISSIONERS

We, the undersigned members of the Board of County Commissioners, hereby certify that at a meeting held July 1, 1960 we examined the annexed plat of Brown's LAKEVIEW TRACTS and hereby approve the same, and declare the streets shown thereon to be Public Highways.

Harold Sullivan Commissioner
H. M. Hendrickson Commissioner
Ralph Maxwell Commissioner
Wesley Street County Clerk

CERTIFICATE OF COUNTY SURVEYOR

I, Harry Boulton, County Surveyor of Lake County, Montana, hereby certify that I have examined and approve the annexed plat of BROWN'S LAKEVIEW TRACTS.
Examined and approved July 1, 1960.

H. Boulton

A. CERTIFICATE OF COUNTY ATTORNEY

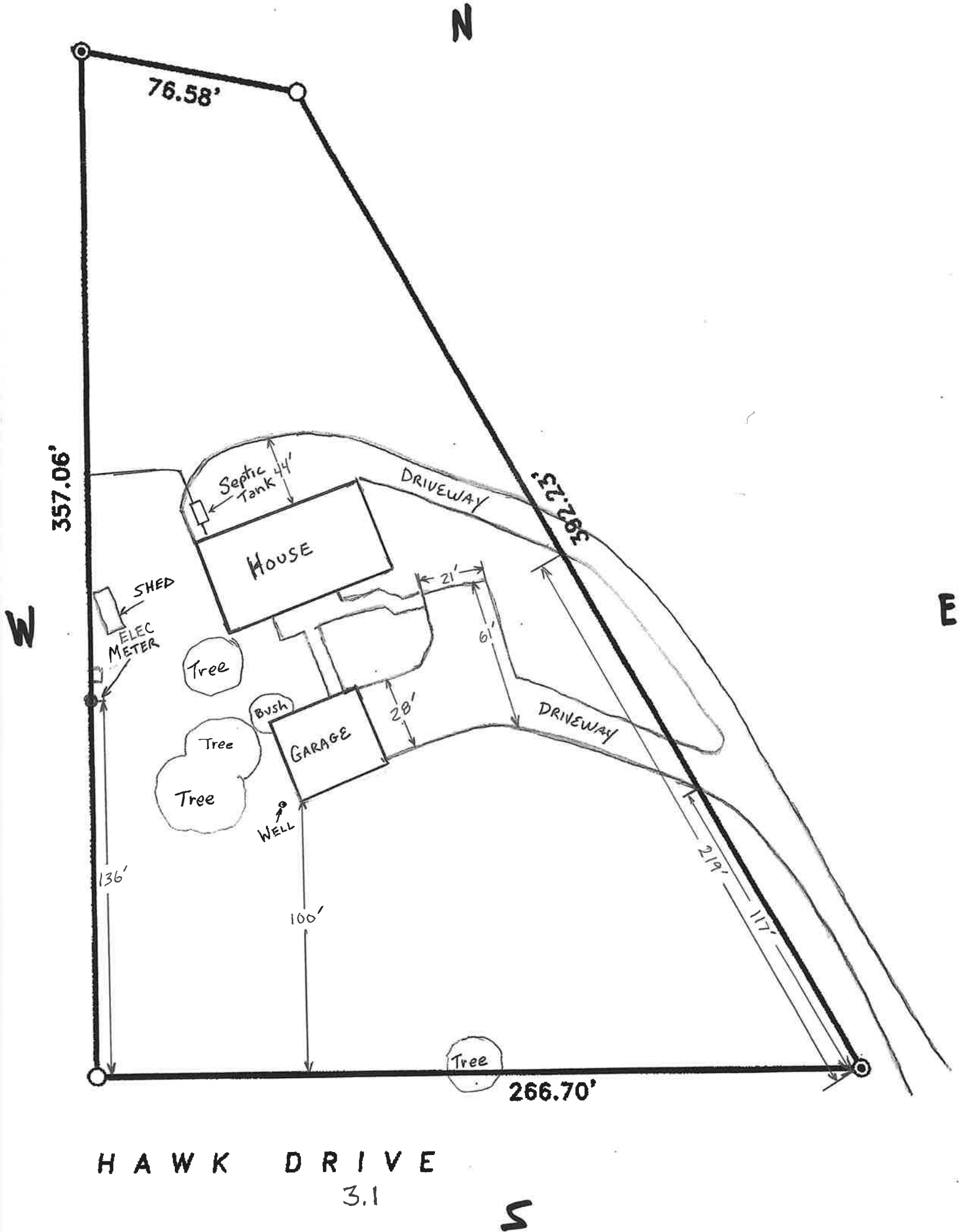
I, Jean Turnage, County Attorney in and for the County of Lake, hereby certify that I have examined the abstract of title of the land described above and shown on the annexed plat and that Henry F. Brown and Lily Brown, husband and wife, are owners in fee simple of the land so platified.
Examined and approved July 18, 1960.

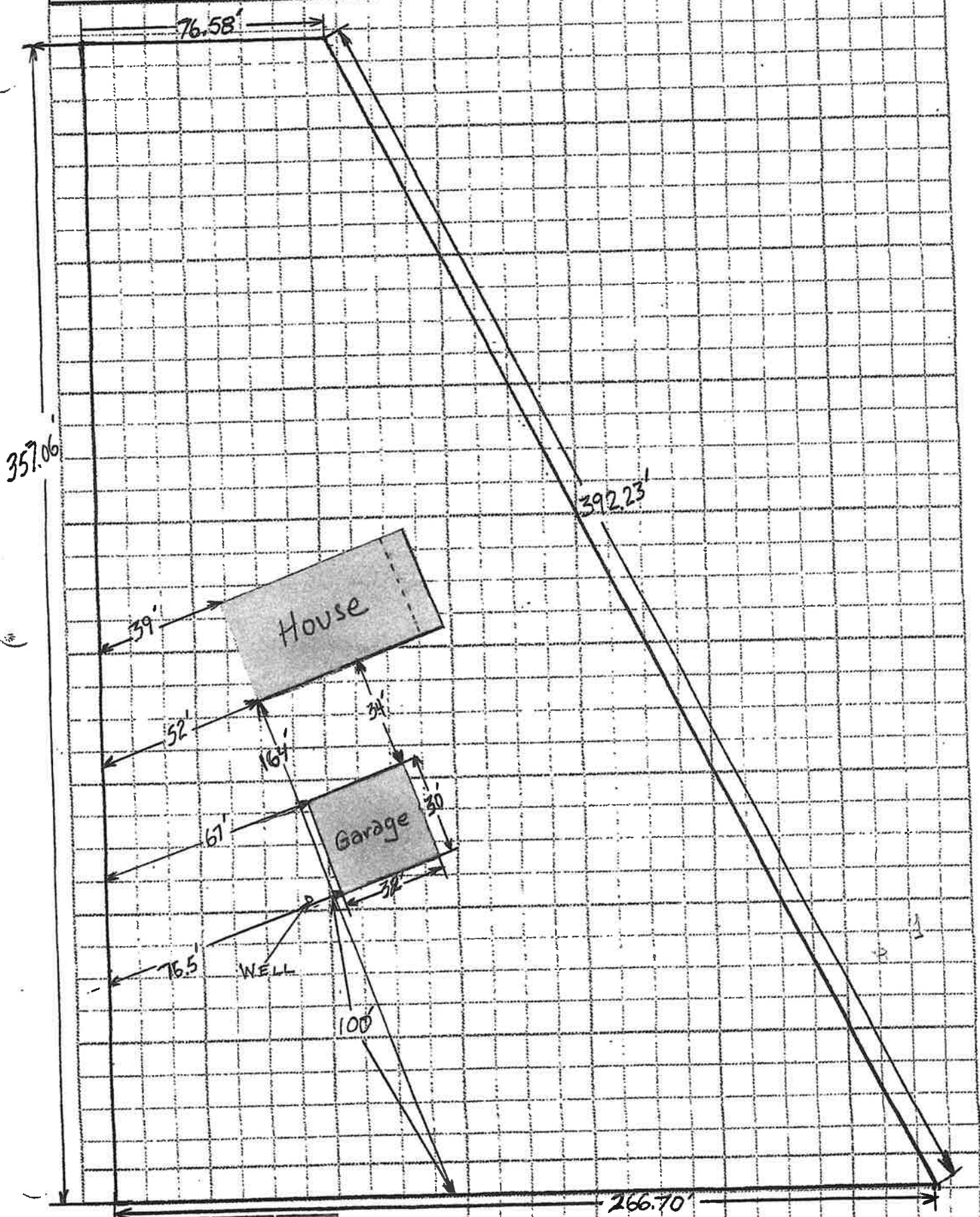
J. Turnage

C. Riv Montana (Form 13)

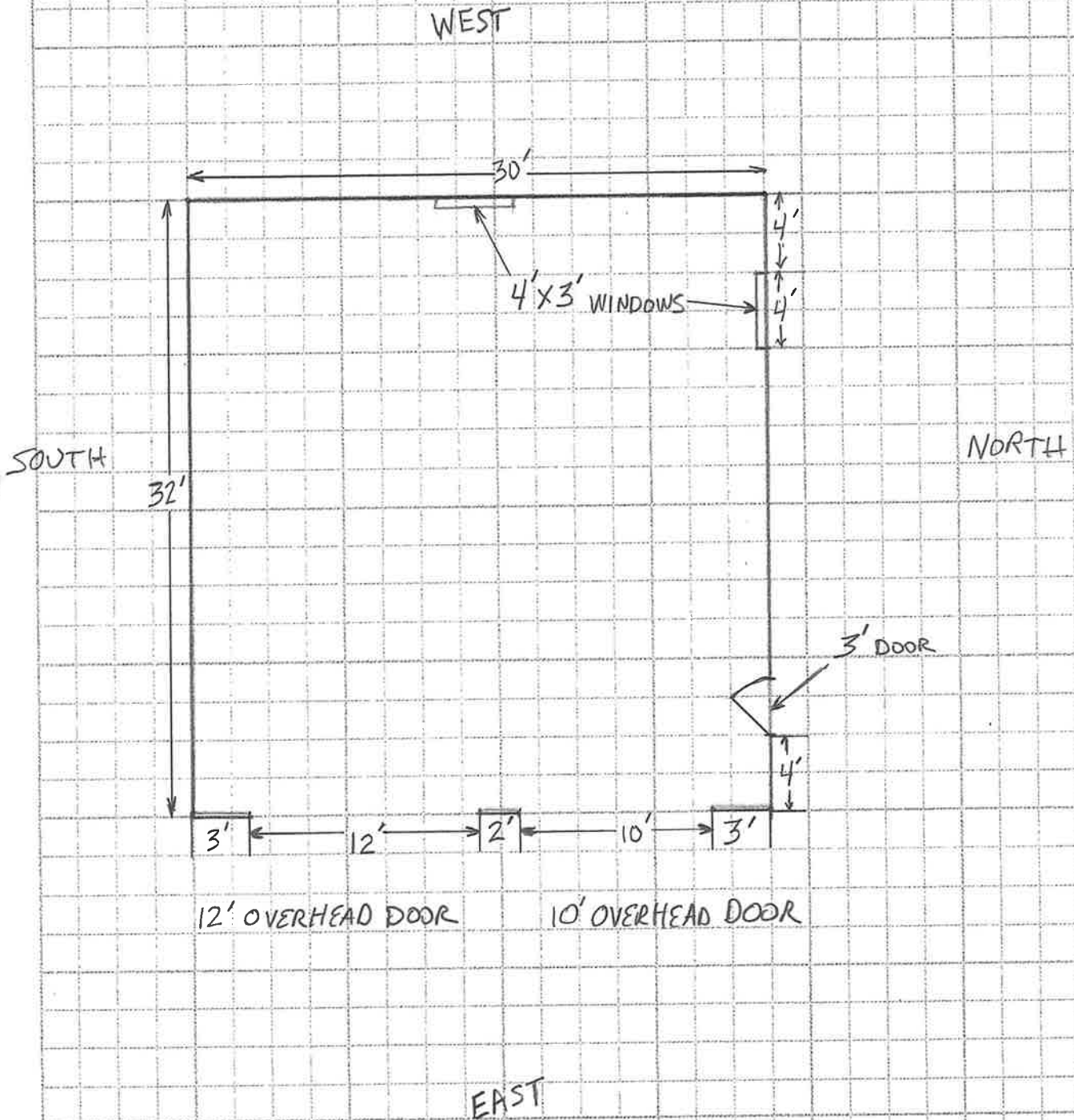
300' 21" W 1"=100'

300' 21" W 1"=100'



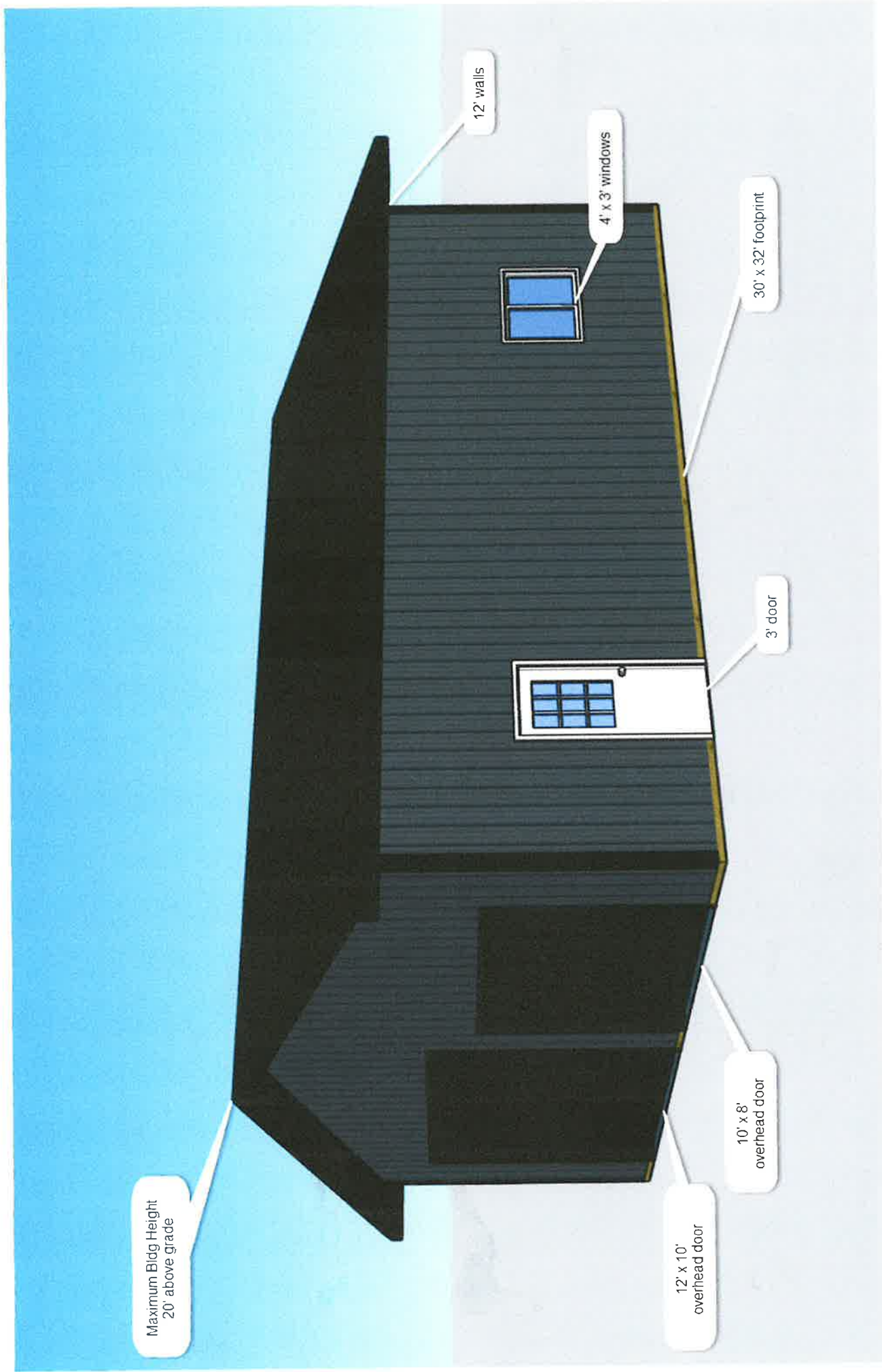


3.2

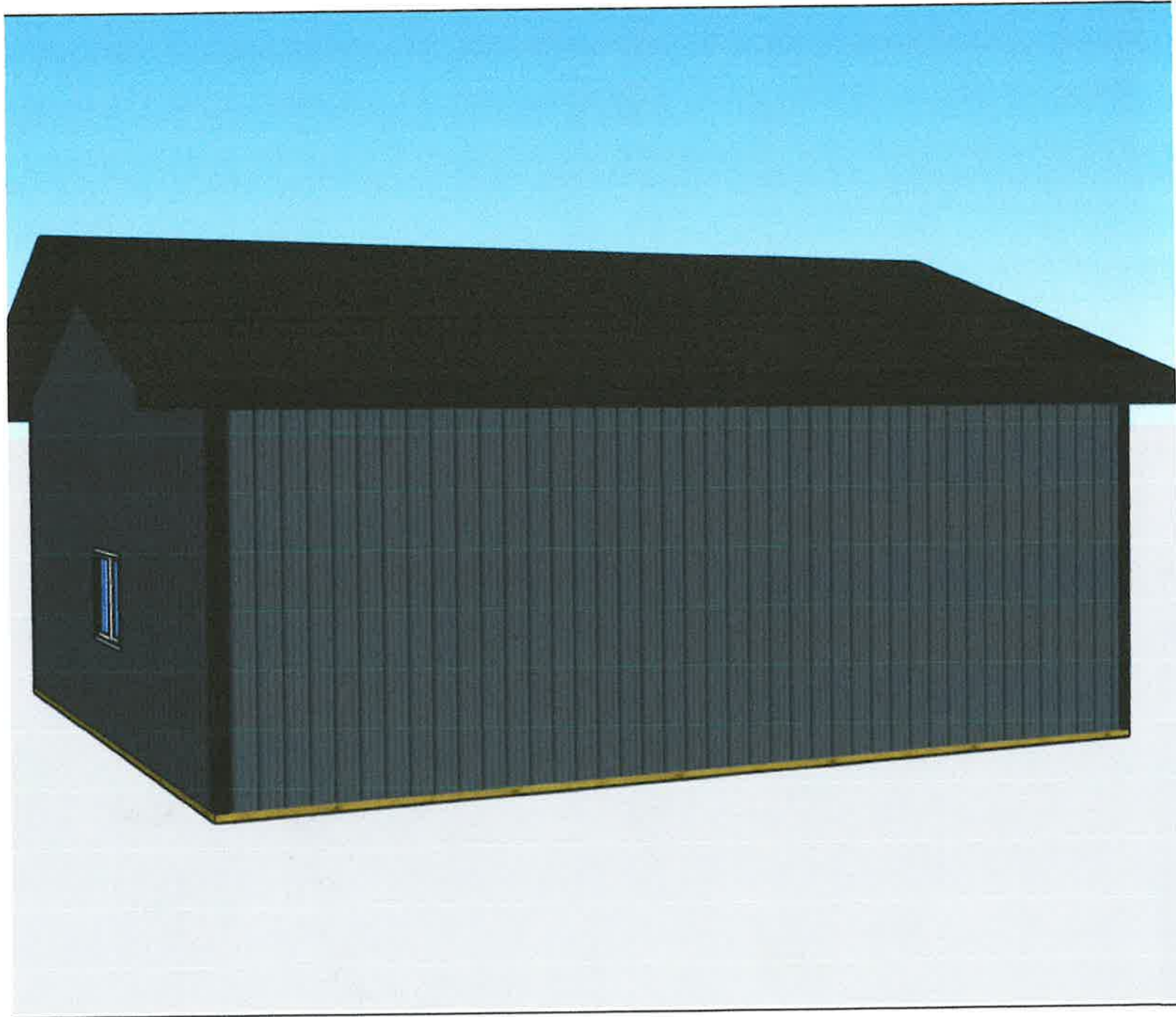


North Elevation

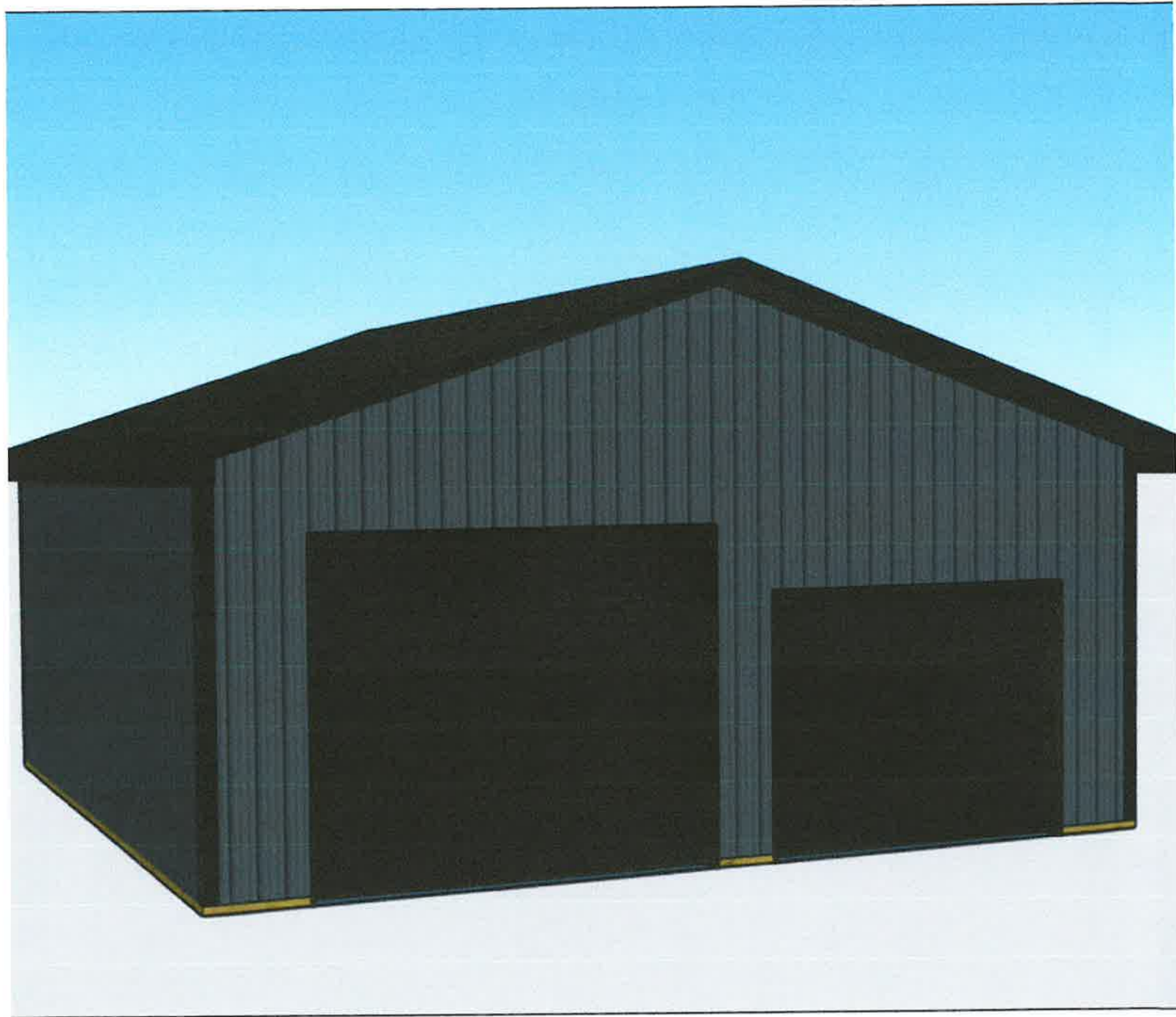
3.4



South Elevation



East Elevation



West Elevation





3.5



An aerial photograph of a residential area with yellow property lines. Several large black lines outline specific parcels. Red callout boxes with white text point to these parcels. The map includes labels for 'Pheasant Ridge Ridge', 'Pheasant Ridge', 'Hawk Drive', and 'Hawk Drive'. A blue line runs along the bottom right, and a '4:1' label is at the bottom center.

Lynn V McNamer *family trust*
199 Pheasant Ridge Ct
Polson, MT 59860

Jennifer Black
1772 Sea Pines Rd
EL CAJON, CA
920194561

Cygnature LLC
31478 Rocky PT RD
Polson, MT 59860

Chad Simonson
PO Box 3333
Kalispell, MT
59903

Compass Ventures LLC
40 2nd ST E STE ~~40~~ 207
Kalispell, MT 59901

205 Pheasant
Ridge LLC
PO Box 374
Dayton, MT
59914

Notice of Public Hearing

Notice is hereby given that the Polson Board of Adjustment will on Tuesday, the 7th day of April 2026, at 6:00 p.m. in the Polson City Hall, 106 1st Street East, Polson, Montana, hold a public hearing for the purpose of a requested zoning variance to the specification requirements of the Low Density Residential Zoning District (LRZD) that accessory buildings shall be located in rear yards, but not front yards. The request is made by the Ortwein Family Trust, represented by Jeff and Sherri Ortwein of Polson, MT and is associated with a proposed detached garage which will be located in the front yard. The subject property is currently developed with a single-family dwelling, zoned LRZD, located at 372 Hawk Drive and legally described as Lot 1 of Brown Lakeview Tracts.

The Polson Board of Adjustment will take public testimony and review the proposed variance request. Following public testimony, the Board of Adjustment will vote to approve, conditionally approve, or deny the variance request. This public notice is made pursuant to 76-2-326 MCA and Sec. 06.03.320 PMC.

Contact the City of Polson Planner at 106 1st Street East, Polson, Montana 59860; by email at dbrunson@cityofpolson.com; or call 406-883-8214 to obtain further information. The application is available for review at City Hall.

Contact the Polson City Clerk at Polson City Hall, 106 1st Street East, Polson, Montana, 59860; by email at cityclerk@cityofpolson.com; or call 406-883-8203 to request an accommodation.

Dated at Polson, Montana this 6th day of March, 2026.

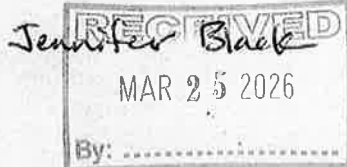
Cora Pritt
Polson City Clerk
Polson, MT

Publication dates: February 12, 2026

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



9590 9402 7139 1251 6042 50

2. Article Number (Transfer from service label)

119 1640 0001 7142 9842

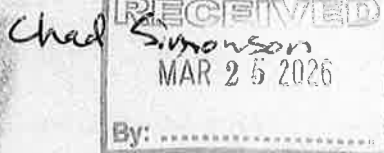
PS Form 3811, July 2020 PSN 7530-02-000-9053

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1. Article Addressed to:



9590 9402 7139 1251 6042 81

2. Article Number (Transfer from service label)

119 1640 0001 7142 9415

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1. Article Addressed to:

Lynn V McNamer Family Trust



9590 9402 7139 1251 6043 66

2. Article Number (Transfer from service label)

119 1640 0001 7142 9859

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$
Total Postage and Fees

\$ 10.44

Sent To
Lynn McNamee family Tr
199 Pheasant Ridge Ct
Polson, MT 59860
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark
Here

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$
Total Postage and Fees

\$ 10.44

Sent To
Compass Ventures LLC
40 2nd St. E STE 207
Kalispell, MT 59901
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark
Here

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Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee

\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$
Total Postage and Fees

\$ 10.44

Sent To
Ortwein family Trust
372 Hawk Dr
Polson, MT 59860
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark
Here

7019 1640 0001 7142 9866

7019 1640 0001 7142 9828

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OFFICIAL USE

Certified Mail Fee

\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

\$
Total Postage and Fees

\$ 10.44
Sent To
205 Pleasant Ridge LLC
P.O. Box 374
Barton, MT 59914
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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OFFICIAL USE

Certified Mail Fee

\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

\$
Total Postage and Fees

\$ 10.44
Sent To
Cugneture LLC
31478 Rocky Pt Rd
Polson, MT 59860
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

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OFFICIAL USE

Certified Mail Fee

\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

\$
Total Postage and Fees

\$ 10.44
Sent To
Jennifer Black
1772 Sea Pines Rd
El Cajon, CA 92019
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

\$
Total Postage and Fees

\$ 10.44
Sent To
Chad Simonson
P.O. Box 3333
Kalispell, MT 59903
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

205 Pleasant Ridge



9590 9402 7139 1251 6042 67

2. Article Number (Transfer from service label)

019 1640 0001 7142 9835

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

GARY WATKINS

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Cygenture LLC



9590 9402 7139 1251 6043 04

2. Article Number (Transfer from service label)

19 1640 0001 7142 9408

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**CITY OF POLSON
BOARD OF ADJUSTMENT
STAFF REPORT**

DATE: MARCH 31, 2026

PUBLIC HEARING: APRIL 7, 2026, 6:00 PM

APPLICATION TYPE: ZONING VARIANCE REQUEST (VA #25-02):
ACCESSORY BUILDING NOT PERMITTED IN FRONT YARDS

APPLICANT: ORTWEIN FAMILY TRUST
372 HAWK DRIVE
POLSON, MT 59860

LOCATION: 296 BAYVIEW DRIVE

APPLICABLE REGULATIONS	PUBLIC NOTICE	WRITTEN PUBLIC COMMENTS
Polson Development Code: Sec. 6.02.200 – Low Density Residential Zoning District Sec. 6.03.320 – Zoning variances	<i>Lake County Leader</i> and adjoining landowners: March 12, 2026	None

VARIANCE REQUEST:

Ortwein Family Trust, represented by Jeff and Sherri Ortwein of Polson, MT is requesting a variance to the requirement that accessory buildings shall be located in rear yards, but not in front yards. The request is associated with a proposed two car garage to be located in the front yard of the property. The subject property is currently developed with a single-family dwelling, zoned Low Density Residential Zoning District, located at 372 Hawk Drive and legally described as Lot 1 of Brown Lakeview Tracts.

STAFF RECOMMENDATION:

After review of the variance request, **staff has provided findings in recommendation of denial of the variance requests.** If the Board of Adjustment chooses to approve the variance, the Board shall be required to provide findings of fact in support of their decision.

The Board of Adjustment is encouraged to visit the site, ask questions, and request additional information (if necessary) from the Planning Department before the hearing.

DISCLAIMER: The Planning Department is an advisory agent and mediator between Boards/Commission and the applicant. The Planning Department covers the applicants' adherence to the Polson Development Code, the Polson Growth Policy, and other governmental standards. The Planning Department is not responsible and accepts no responsibility for the applicants' proposals, designs, plans/maps, calculations, etc. or lack thereof.

RECOMMENDED FINDINGS OF FACT:

A zoning variance request must be evaluated under the variance review criteria as set forth in Sec. 6.03.320(6) of the Polson Municipal Code. What follows is a staff analysis of each review criteria:

a. The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested.

The need for a variance is associated with the location of the existing single-family dwelling being constructed in 1978 on the highest point on the lot, topography (steeper slopes) of the rear yard, impact the structure will have upon the applicant's views, and insufficient area in the side yards. However, there are no physical limitations and/or unique circumstances related to the lot that would prohibit a two car garage to be attached to an existing single-family dwelling without the need of a variance in compliance with the Polson Municipal Code. There are numerous other similarly sized garages and shops within Brown's Lakeview Tracts and neighboring subdivisions attached on the front or street side of single-family dwellings.

b. The failure to approve the variance will result in undue hardship because without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district.

The failure to approve the variance will not result in undue hardship because the property has been reasonably developed with an existing single-family dwelling since 1978, and there are no physical limitations or unique circumstances that would prohibit the addition of a two car garage to be attached to the existing single-family dwelling without the need of a variance in compliance with the Polson Municipal code. There are numerous other similarly sized garages and shops within Brown's Lakeview Tracts and neighboring subdivisions attached on the front or street side of single-family dwellings.

c. The alleged hardship has not been created by action of the owner or occupants.

The need for a variance is associated with the location of the existing single-family dwelling being constructed in 1978 on the highest point on the lot, topography (steeper slopes) of the rear yard, impact the structure will have upon the applicant's views, and insufficient area in the side yards. However, there are no physical limitations and/or unique circumstances related to the lot that would prohibit a two car garage to be attached to an existing single-family dwelling without the need of a variance in compliance with the Polson Municipal Code. There are numerous other similarly sized garages and shops within Brown's Lakeview Tracts and neighboring subdivisions attached on the front or street side of single-family dwellings.

d. Approval of the variance will not have a substantial adverse impact on neighboring properties or the public.

Approval of a variance will have an unknown adverse impact on neighboring properties and the public.

e. The variance is necessary to permit a reasonable conforming use.

The failure to approve the variance will not result in undue hardship because the property has been reasonably developed with an existing single-family dwelling since 1978, and there are no physical limitations or unique circumstances that would prohibit the addition of a two car garage to be attached to the existing single-family dwelling without the need of a variance in compliance with the Polson Municipal code. There are numerous other similarly sized garages and shops within Brown's Lakeview Tracts and neighboring subdivisions attached on the front or street side of single-family dwellings.

f. Granting of the variance will observe the spirit of these regulations and provide substantial justice.

The purpose of the Polson Development Code is to promote the health, safety, morals and general welfare of the people of the City of Polson. The need for a variance is associated with the location of the existing single-family dwelling being constructed in 1978 on the highest point on the lot, topography (steeper slopes) of the rear yard, impact the structure will have upon the applicant's views, and insufficient area in the side yards. However, there are no physical limitations and/or unique circumstances related to the lot that would prohibit a two car garage to be attached to an existing single-family dwelling without the need of a variance in compliance with the Polson Municipal Code. There are numerous other similarly sized garages and shops within Brown's Lakeview Tracts and neighboring subdivisions attached on the front or street side of single-family dwellings.

g. Additional findings may be required for variances in airport overlay zones and shoreline buffers.

The subject property is not located within an airport overlay zone and does not have shoreline.

h. Conditions may be attached to the approval of any variances, as provided in section 6.03.230

REVIEW PROCESS:

As this is a variance request from a provision of the Polson Development Code, the Board of Adjustment is required to conduct a public hearing and evaluate the request under the terms of the Polson Development Code (including, but not limited to Sec. 6.03.320) and any applicable State, Federal, and Tribal requirements.

The *Zoning variances* section of the Polson Development Code (Sec. 6.03.320) provides the following review criteria:

The Board of Adjustment shall approve a variance only upon finding that:

- a. The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested;*
- b. The failure to approve the variance will result in undue hardship because without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district;*
- c. The alleged hardship has not been created by action of the owner or occupants;*
- d. Approval of the variance will not have a substantial adverse impact on neighboring properties or the public;*
- e. The variance is necessary to permit a reasonable conforming use; and*

f. Granting of the variance will observe the spirit of these regulations and provide substantial justice.

g. Additional findings may be required for variances in airport overlay zones and shoreline buffers.

h. Conditions may be attached to the approval of any variances, as provided in section 6.03.230

After consideration of the staff report and input from the public, the Board of Adjustment will review and make a motion to approve, approve with Conditions, or deny the Variance request. Should the applicant or any person(s) aggrieved by the Board of Adjustment's decision decide to appeal the Board of Adjustment's decision, please refer to 76-2-327 MCA.

LOCATION / PROPERTY DESCRIPTION:

The subject property is currently developed with a single-family dwelling, zoned Low Density Residential Zoning District, located less than half a mile north of MT Highway 35 at 372 Hawk Drive and legally described as Lot 1 of Brown's Lakeview Tracts. Hawk Drive borders to the southwest and undeveloped right-of-way to the east and residential properties towards the north and west. Per application materials and records on file with the Lake County Clerk and Recorder, the trapezoidal shaped 1.35-acre ($\pm 58,800$ sq ft) subject property is an average ± 170 -feet wide by ± 357 -feet deep and created in 1960 as part of Brown's Lakeview Tracts originally consisting of seventeen (17) lots ranging from 0.56 acres to 1.35 acres. The existing single-family dwelling was constructed in 1978, and since that time the property has become surrounded by phases of Mission Bay Village, Mission Bay Preserve and Mission Bay Preserve Orchard subdivisions. Undeveloped property is located across Hawk Drive. The adjacent properties are single family residential.

PUBLIC COMMENT:

The variance request was publicly noticed and adjacent property owners were notified of the request. No written comments regarding the variance request have been received.

STAFF ANALYSIS:

A detailed staff analysis of the variance review criteria as set forth in Sec. 6.03.320(6) can be found under the Recommended Findings of Fact above. The need for a variance is associated with the location of the existing single-family dwelling being constructed in 1978 on the highest point on the lot, topography (steeper slopes) of the rear yard, impact the structure will have upon the applicant's views, and insufficient area in the side yards. However, there are no physical limitations and/or unique circumstances related to the lot that would prohibit a two car garage to be attached to an existing single-family dwelling without the need of a variance in compliance with the Polson Municipal Code. There are numerous other similarly sized garages and shops within Brown's Lakeview Tracts and neighboring subdivisions attached on the front or street side of single-family dwellings.

After review of the variance request, staff does not believe the variance request meets the minimum review criteria outlined in Sec. 6.03.320 and have provided findings in recommendation of denial of the variance request. If the Board of Adjustment chooses to approve the variance, the Board shall be required to provide findings of fact in support of their decision.