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May 2, 2022

*Delivered via Email*

Carrie Frey  
Marina Cay HOA Property Manager  
180 Vista Ln  
Bigfork, MT 59911

RE: 180 Vista Ln, Bigfork, MT

To Whom it May Concern:

Per our previous conversations, the Marina Cay property at 180 Vista Ln in Bigfork is zoned B-3 Community Business. The B-3 zoning was established in the area with the adoption of the Bigfork Zoning District on September 27, 1993. A resort dwelling is listed as a conditional use in the B-3 district. However, because the dwelling was constructed prior to zoning and the Declaration of Unit Ownership for the Marina Cay Condominiums was recorded on June 28, 1990, and clearly contemplates the resort dwelling use in multiple locations within the Appendix A to the By-Laws, the resort dwelling use is considered a legal, nonconforming use as it was established prior to the adoption of the zoning district.

Section 2.07.010 of the Flathead County Zoning Regulations state, "If, at the time of adoption of these regulations or of any amendments thereto, or at the time a zoning district to which these regulations are applied is created, any lot, structure, or building being used in an otherwise lawful manner that does not conform to the use provisions of these regulations, or if any structure or building was located or erected in an otherwise lawful manner that does not conform to the yard, lot coverage, height limit, or parking and loading provisions of these regulations, such use of such location or erection shall be deemed to be a non-conforming use and may continue in the manner and to the extent that it existed or was being used at the time of adoption of these regulations. Such non-conforming status will run with the lot, building, structure, or use and shall not be affected by changes in ownership." Because the use as a resort dwelling was established in an "otherwise lawful manner" prior to the property being zoned B-3, the resort dwelling use may be continued by current or any future owners without the need for a conditional use permit.

Please do not hesitate to contact me if you have any questions or if this office can be of any further assistance in taking care of the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "E K Mack".

Erik K. Mack, AICP  
Planning Director