

Application for Variance

Application # _____

APPLICATION FOR VARIANCE

1. Legal description of property: Ironwood Estates Subdivision
2nd filing lots 22 and 23 Block 12
2. Address (if unknown, contact the City Engineer's office) or general location: 5835 Ironwood Drive
3. Owner(s): Neal and Sally Johnson
(Recorded Owner) 5835 Ironwood Dr 59106
(Address) 655-3664
(Phone Number)
4. Agent(s): Neal and Sally Johnson
(Name) 5835 Ironwood Dr 59106
(Address) 655-3664
(Phone Number)
5. Section of the Site Development Ordinance that this request for variance applies to: _____
Work order 09-02 and Resolution # 10-18930
6. Reason for request: Please see attached letter.
We have also enclosed a copy of the
email Dan Wells sent to Debi Meling
regarding our request for a variance.
7. Covenants for deed restrictions on the property: Yes _____ No X
(if yes, please include a copy)

I understand that the filing fee accompanying this application is not refundable, and that the fee does not constitute a payment for variance requested. Also, that all the information presented is true and correct.

Signature: _____

(Recorded Owner)

Date: May 26, 2010

Fee: 50.00

Receipt #: 344816

Hearing Date: _____

May 26, 2010

City of Billings
Public Works Department
Building Department
City Engineering
City Council

To all whom this may concern,

We are requesting a variance from Resolution No. 10-18930 requiring the installment of a sidewalk along our property frontage for the following reasons:

1. The Ironwood plat provided us by Dan Wells approximately two years ago does not show a sidewalk in front of our property (Block 12, lots 22 and 23).

Approximately two years ago I requested a copy of the Ironwood subdivision plat from Dan Wells, the developer, to facilitate the distribution of fliers for neighborhood social events. It had nothing to do with our sidewalk because we didn't even know it was an issue at that point. The plat provided does not show a sidewalk in front of the Pennington's house (Block 12, lot 24) or our house (lots 22 and 23). (Please see copy of plat provided. Proposed sidewalks are highlighted in blue. Our lots are highlighted in pink.) It does show a sidewalk ending at the Satchell's house (lot 25). As per the plat, there is a sidewalk that ends at a trail at the edge of lot 25. (See photographs 1 and 2.) Our lots and Pennington's lot were part of the second filing. We understood that since it was not shown on the plat, the sidewalk was not required as part of the second filing. We understood the sidewalk was meant to end at the trail as shown.

2. We have public, city trails around three sides of our house and do not see that a sidewalk across the front of our house would provide any added public benefit.

As mentioned by Dan Wells in his email to Debi Meling, apparently there was some debate as Ironwood was initially being developed as to whether or not there should be sidewalks on one or both sides of Ironwood Drive. It was determined that sidewalks should be in place on the north side of Ironwood Drive because there were no trails designated behind those homes. However, since the homes on the south side of Ironwood Dr. all had trails behind them a sidewalk was unnecessary. (Trails are highlighted in yellow on the plat provided.) Our home not only has a public trail behind it, but also on both the east and west sides. (Please also see photographs 3-8.) People use those trails frequently and we fail to see how adding a sidewalk in front of our home would provide any better access. If a sidewalk were added, it would end at the trail on the east side of our lot anyway, so it wouldn't really lead anywhere. All it would do is make us an island that our neighbors could do laps around! Our home already has more public walkways around it than any other in the neighborhood . . . and probably the city.

3. Our landscaping, curbing, etc. is complete and the addition of a sidewalk would be a huge expense and would alter the appearance and feel of our home. Not only would we

have the expense of the sidewalk itself, but would have to redo sprinkler systems, possibly drainage pipes, landscaping, etc.

James Pennington had already been issued an occupancy permit and had been living in his home for several months before our home was completed. We were informed that no mention was made requiring him to have a sidewalk and that we shouldn't be required to either, since it wasn't shown on the plat, we were part of the second filing, and we were already completely surrounded by public walkways. So we installed a sidewalk up next to our house, leading from the driveway to our front porch and another sidewalk leading from our mailbox to our porch. After moving in and also being issued an occupancy permit, we began the slow process of completing our landscaping. We now have a drainage pipe across the entire front of our yard and an underground sprinkler system that would have to be modified to accommodate the addition of a sidewalk. Our yard is fully landscaped. This would be a huge expense and an unnecessary one since we are already completely surrounded by a public trail system. This would definitely cause "undue extreme hardship" as stated in the application for variance instructions.

You may be wondering why we did not attend the city council meeting on April 26, 2010 and present our request for variance then. We fully intended to. However, Neal spoke with Ken Ard who discouraged us from attending. He said that the sidewalk was listed in the SIAs and we really didn't have any options other than to put the sidewalk in. So we opted to attend a function for one of our kids instead. We started finding out bids to put a sidewalk in. In the mean time, we spoke with the developer, Dan Wells, and explained our dilemma. He felt that we did have other options and encouraged us to apply for a variance. Dan said that it was his understanding that a sidewalk was never intended to go in front of our lots, or Pennington's lot, but to end at Satchell's lot as is currently the case. So we decided to pursue the issue further and try to plead our case. Thank you for considering our application for a variance from this resolution. We will anxiously await your decision.

Sincerely,

A handwritten signature in cursive script that reads "Neal and Sally Johnson". The signature is written in black ink and is positioned above the typed name.

Neal and Sally Johnson

sdj

Enclosures