

Attachment C
Applicant's Letter

PROPOSED ZONING CHANGE MEETING NOTICE

MEETING DATE SEPT 18TH

MEETING TIME 1:00PM TO 2:00PM

LOCATION
BOOTHILL INN
MEETING ROOM
242 EAST AIRPORT ROAD
BILLINGS MONTANA 59105



LEGAL DESCRIPTION OF PROPERTY

PARCEL 1 - *1001 Main Street Tax ID A19441*
Lots 14 and 15A, Block 5 of the Amended Plat of Lots 15 and 16, Block 5,
Wanigan Subdivision, City of Billings, County of Yellowstone, Montana
Lot size 43,067 square feet, north and south property lines are 231' long
fronting Shawnee Dr and also private property to the North, east and west property lines
are 190' long fronting Main St and private property to the east

PARCEL 2 *Tax ID A19439 and A19440*
Lots 12 and 13, Block 5, Wanigan Subdivision, City of Billings,
Yellowstone County, Montana
Lot size 10,282 and 11,107 square feet respectively

Zone Change Proposal

Paragraph 1

In 1973 the building currently occupied by Tire-Rama was built on land in Yellowstone County which zoned RMH, Residential Manufactured Housing, at the time. The building was permitted at the time of construction and has been leased for a number of years but the zoning has never changed to HC, Highway Commercial, which is the proper zoning for Parcel 1. Due to the unsuitability of Parcel 2 for RMH use, as noted in Paragraph 4, the owner is also seeking to change the zoning on Parcel 2 from RMH to HC.

Paragraph 2

The former owner passed away approximately 3 years ago leaving the parcels to her heirs

who found during the settlement of the estate the error in the zoning of the property. During a records search it was found that this is one of the only parcels that has frontage on Main St that has not had its zoning corrected. We believe that this was due to the former owner not being aware that a change was required since the property was “grandfathered” for its current use.

Paragraph 3

In reviewing the “Billings Heights Neighborhood Planning Area” Map on page 38 sub titled “Vacant Properties with Zoning“, Appendix A, of “The Billings Heights Neighborhood Plan” this parcel is shown as RMH and all other adjacent parcels are shown as HC, Highway Commercial, see map A circled area. In reviewing the same document on page 59, Appendix C, is the “Future Land Use Map” showing both parcels 1 & 2 in the Multi Use Area of the map for mixed use in the future.

Paragraph 4

Along the interior of lots 12 and 13 exists a 10’ ditch easement to the Billing Bench Water Association. At some time in the past the former owner, with consent of the Association, placed a 48” pipeline to underground the ditch across parcel 2 more or less directly from the ditch structure on lot 14 diagonally to the structure situated on the boundaries of lots 10 and 11. Under the Agreement between the Association and the former owner no structures may be built over this pipeline, see Attachment B item 7. The Association easement of 10’ width for the distance of approximately 100’ across lot 12 decreases the usable size of the lot by 1,000 square feet bringing the lot size to 10,107 square feet. Additionally the set backs from Shawnee Drive and Radford Square reduce the lot by an additional 1165 square feet approximately leaving less than 800 square feet of usable space on the lot rendering it unsuitable for RMH. Lot 13 is also affected by the easement and is subject to a loss of approximately 1000 square feet in addition to 300 square feet due to setbacks along the same streets leaving less than 900 square feet of space on the lot rendering this lot unsuitable for RMH.

Paragraph 5

The owners plan no changes to the use of either parcel at this time and should any future change be proposed any additions or construction would be subject to proper review, permitting and would meet all current zoning and building codes. The current owner has an application to fence Parcel 2 to prevent unauthorized access, use or dumping on the property. In the past the former owner has maintained Parcel 2 by mowing and removing any articles dumped on the site and the current owner has maintained the mowing and other housekeeping of the Parcel. The fencing will eliminate any ingress to Parcel 2 from the adjacent streets and will only allow access from Parcel 1 to prevent unauthorized access.

Zoning Change

September 18, 2012

Neighborhood Meeting

1:00 pm

Bill Lane called the meeting to order.

Jan Grossman, Denis Pidman, City Council-Ward 2,
Tom Zurbuchen, Heights Task Force, Ralph Job,
brother Tom.Jan Grossman wondering what will happen
with the back two lots. Will we have a
gate. What are we going to do with 2 lots.Bill said no building - no houses - with the
ditch acrossed it. Could use it for storage or
parking.Ralph Job ask where the lots are and what
will we do with it. Bill said we will build
a fence around the back two lots.Bill talked about why the zone change.
It had never been zoned commercial where
Tire Acama rents our building. It needs to be changed.
Tom Zurbuchen had no questions, just
listening.Ralph Job was concerned that this zoning
meeting would effect his property zoning.Ralph ^{was} curious as to what our plans for
the back two lots were. Bill said no
building or houses.

Adjourned! 1:15 pm

William

Neigh' hood Meeting

Sept. 18, 2012

Boucher, Alice L. & Dean A. —

Boege, Scott —

Berusch, Edward P. —

Bolem, Curt & Shieley —

VAP Family Limited Partnership —

904 MAIN LLC —

PLAZA MAIN Condominium —

Miller, Carl E. & Betty L. —

Christofferson, Stacey M. —

Bourne, Myra —

Stebbins, Frank T. & Bonita R. —

Galo, Jennifer C. —

Wilson, Jesse L. & Vicki L. —

Simp, Dorothy L. —

895 MAIN LLC —

EAST BILLINGS INVESTORS (926 MAIN ST STE 9)

Tuszi, Vonda K. —

Larson, Clifford M. & Gloria J. —

Mynari, Anthony —

CIRCLE INN INC. —

Grossman, Jan & Betty A. — Jan Gross (Brother Tom)

Larson, Clifford & Gloria —

Job, Ralph. Ralph Job, Brother Tom

Fied, Walter D. & Jodie L. —

EAST BILLINGS INVESTORS (930 MAIN ST)

Watson, Gerab W. —

Strom, Margie R. —

Ed & Diana Rookhuizen Family —

Sutliff, James Jr. & Barbara —

Wm Stone 9/18/12

PAGE # 2

Neighborhood Meeting

September 18, 2012

JAMES & EDELLE SHANNON Living Trust-

PEETLE, KENNETH J. -

Rocky Mountain Oil Co.

Flamm, RAE

Taylor, EARL D

MORGAN, RICK

Lenis Pidman City Council Ward 2

Tom Zurbruggen 1747 Wicks

Heights Task Force

Wm R. Stone 9/18/12