

**CITY BOARD OF ADJUSTMENT**  
**AGENDA-Wednesday, February 4, 2015, 6:00 p.m.**  
**Miller Building, 1<sup>st</sup> Floor Conference Room**  
**2825 3<sup>rd</sup> Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

**Call the meeting to order.**

**Introduction of City Board of Adjustment Members and Planning Department Staff.**

**Public Comment**

4. Approval of City Board of Adjustment Minutes: **January 7, 2015**

**Disclosure of any Conflict of Interest-Members of the Commission and Staff**

**Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff**  
**a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.**

**Regular Business:**

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

**Public Hearings:**

- a. **City Variance #1207-1905 Poly Drive:** The applicant is requesting a variance from 27-308 requiring a minimum setback of 70 feet from the centerline of a minor arterial street to allow a minimum setback of 50 feet from the centerline of Poly Drive for the construction of a new two-car detached garage on Parcel 1B1 of amended C/S 375, a 14,321 square foot parcel of land. Tax ID: D04845, Ken and Sandra Kunkel owner.

## **Other Business/Announcements**

### **Adjournment**

Information on the preceding item(s) may be obtained at the Planning & Community Services Department, 4<sup>th</sup> Floor of the Miller Building, 2825 3<sup>rd</sup> Ave North, Billings, MT 59101 or phone 247-8676. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony. Information on the preceding item(s) may be obtained at the Planning & Community Services Department, 4<sup>th</sup> Floor of the Miller Building, 2825 3<sup>rd</sup> Ave North, Billings, MT 59101 or phone 247-8676. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony to Planning Division at the address above.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at [deinest@ci.billings.mt.us](mailto:deinest@ci.billings.mt.us).

**City Board of Adjustment**

**Meeting Date:** 02/04/2015

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**Information**

**Subject**

Approval of City Board of Adjustment Minutes: **January 7, 2015**

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**Attachments**

MINUTES 01 07 15

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**CITY BOARD OF ADJUSTMENT**

MINUTES: January 7, 2015

Name	Title	01/07/15	02/04/15	03/04/15	04/01/15	05/06/15	06/03/15	07/01/15	08/05/15	09/02/15	10/07/15	11/04/15	12/02/15
Jeff Bollman	Chairman	1											
James Olson	Board member	1											
Paul Hagen	Vice Chair	1											
Frank Chesarek	Board member	1											
Matthew McDonnell	Board member	1											
Martin Connell	Board member	1											
Mark Noennig	Board member	1											

TOTAL NUMBER OF APPLICATIONS 2015	01/07/15	02/04/15	03/04/15	04/01/15	05/06/15	06/03/15	07/01/15	08/05/15	09/02/15	10/07/15	11/04/15	12/02/15	TOTAL
Variance	1												1

Chairman Bollman called the meeting to order at 6:00 p.m. The City Board of Adjustment met in the first floor conference room of the Miller Building located at 2825 3<sup>rd</sup> Avenue North.

Chairman Bollman asked Zoning Coordinator Nicole Cromwell to introduce the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator; Dave Green, Planner I, and Tammy Deines, Planning Clerk.

**Others in Attendance:** Jamie Eisenbarth, applicant

**Public Comment**

Chairman Bollman opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There was none. Chairman Bollman closed the public comment period.

**Approval of the December 3, 2014 Meeting Minutes**

Chairman Bollman called for approval of the December 3, 2015 minutes.

**Board member Connell made a motion and Board member Hagen seconded to approve the December 3, 2014 meeting minutes as submitted.**

**The motion carried with a unanimous voice vote, 7-0.**

### **Disclosure of Conflict of Interest**

Chairman Bollman asked for disclosures of conflict of interest. There was none.

### **Disclosure of Outside Communication**

Nicole Cromwell explained there are times applicants communicate directly with Board members and this should be communicated to the Board members in a public forum. Staff received the following communications:

- 12/29/14 Memo from Jeffrey Griffin and Amy Drought, 2211 Oak Street, Billings, Montana in opposition to City Variance #1206.
- 12/28/14 Letter from Brian & Molly Harrington, 501 Chancery Lane, Billings, Montana in favor of City Variance #1206.

### **Public Hearings**

Chairman Bollman stated the Board will open a public hearing and allow public comment this evening. Ms. Cromwell reviewed the hearing process and presentation process for the meeting for reviewing and acting on each variance. She stated four votes of the Board of Adjustment are required to pass a variance. This evening there are 7 Board members attending. A simple majority will approve requests.

Planner Dave Green reviewed the application for Variance request #1206 and presented the Board with the staff report for this request.

**Item #1 Variance #1206 – 2222 Virginia Lane – Rear Setback** - A variance from 27-308 requiring a minimum rear setback of 20 feet to allow a rear setback of 7 feet for a proposed addition and attached garage on Lot 8, Blackacre Subdivision, a 15,500 square foot parcel of land. Tax ID: A03137C.

### **REQUEST**

**The applicant is requesting a variance from 27-308 requiring a minimum rear setback of 20 feet to allow a rear setback of 7 feet and 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 34% for a proposed addition and attached garage on Lot 8, Blackacre Subdivision, a 15,500 square foot parcel of land. Tax ID: A03137C. Jamey Eisenbarth and Donald Christiansen are the owners.**

### **RECOMMENDATION**

Staff recommends Denial of the variance request to increase lot coverage to 34% and decrease the required rear yard setback from 20 feet to 7 feet. Planning staff has reviewed this variance and is forwarding a recommendation of denial of the request to increase lot coverage and reduce the rear setback for an addition to the existing house based on the criteria for variances as presented within this report. Staff finds that the proposed variance request does not meet the criteria for a variance. There is no hardship other than one created by the owner and building designer. The lot is not large enough to accommodate the proposed addition and attached garages. The applicant states it will be difficult to market the house in the future without a two car garage. Future resale of a house is not a criterion for hardship in the criteria for a variance. The staff did not find other property in the area with similar or comparable setback or lot coverage exceedances with 1 exception, the property on Spruce Street. Granting the variance as requested would confer on this applicant a special privilege denied to other owners in the area.

Staff is recommending denial for this variance; however should the Board of Adjustment grant the variance staff is recommending the following conditions for the increase of lot coverage and the reduction in rear setback:

1. The variance is to increase the minimum lot coverage from 30% to 34% for a proposed addition to an existing home and to reduce the required rear setback from 20 feet to 7 feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 8, Blackacre Subdivision, 2<sup>nd</sup> Filing generally located at 2222 Virginia Lane.
3. The small shed visible on the aerial view picture must be removed from the property as it was not included in the 34% lot coverage request.
5. The owner will submit a building permit application within 1.5 years of Board of Adjustment approval and complete the construction within 3 years of Board of Adjustment approval.
6. Failure to begin or complete the approved actions on the variance will void the approved variance.
7. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Dave Green said applicant Jamie Eisenbarth has made some revisions to the original proposal is available for a presentation. Staff has not reviewed the revised proposal for this application.

### **Discussion**

Chairman Bollman asked the members of the Board for questions and discussion. Board member Connell asked if the change in plans has changed Staff's recommendation, and Dave Green replied he has not had enough time to review the new plans. Board member Connell asked if this request should be tabled to allow staff time to revisit this submittal. Chairman Bollman suggested keeping holding the public hearing and taking testimony and continuing it until the next meeting. In response to a question by Board member Hagen, Dave Green stated there was a variance granted on this property in 2012. Board member Chesarek asked what was eliminated in the plan to create the 7 feet. Dave Green deferred this question to the applicant, who said the new plan has reduced the lot coverage overage considerably.

### **Public Hearing**

At 6:18 p.m., Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1206.

### **Proponents**

#### **Jamey Eisenbarth, 2222 Virginia Lane, Billings, Montana**

Mr. Eisenbarth is the property owner. He distributed a new site plan to the members of the Board along with an e-mail from their architect. He said the new plan is at about 32% lot coverage. The west side of the property does not have an alley so 12-ft garage doors are needed to keep the turning radius. Mr. Eisenbarth stated the west facing neighbor said they are in agreement with the proposal if they don't have any more setback than they already have. He explained the new plan pushes the garage in to 7-ft setback and they removed the second story above the garage. Mr. Eisenbart stated he is asking to keep the garage consistent with the current garage and requesting an additional 2% in lot coverage.

### Discussion

Board member Connell asked if they have considered a single garage door. Mr. Eisenbarth said they have made several considerations but the new plan is definitely livable. He clarified and said the second story living space has been reduced and it will not be within the setback. Board member Chesarek asked if the shed will be removed. Mr. Eisenbarth replied the shed will remain as it contains the pool equipment. He said they love the location and are trying to stay in keeping with the neighborhood.

Board member Olson asked Planner Green to clarify the primary objection to the new plan. Dave Green stated they haven't reviewed the new plan but he thinks in this instance staff would recommend approval. He pointed out the deck areas are open to the outside which is living outdoor space; and the neighbors are in agreement and have submitted a letter of approval for the second variance. He stated there is no hardship of the land but the angle of the lot could be considered.

Zoning Coordinator Cromwell said staff's thought was to consider the entire neighborhood to find something similar. The previous variance was granted to reduce the lot area for an additional dwelling unit which is contributing to the overage. She said the applicant's only alternative is to purchase property from the adjacent owner to accommodate the plan. The hardship is an unusual access to the property and the lot size. In response to a question by Board member Noennig, Dave Green stated the new plan would have 32.5% lot coverage which is a reduction of 300 square feet from the original request. He said he saw seen the plans but has not had the opportunity to discuss the proposal with the architect. Board member Noennig suggested postponement of a decision until the next meeting to allow the applicant to put the new design into a formal request.

### Opponents

Chairman Bollman called for opponents of City Variance #1206. There was none. Chairman Bollman closed the public hearing, and called for a motion.

### Motion

**Board member Noennig made a motion and it was seconded by Board member Connell to continue the public hearing for City Variance #1206 until the February 4, 2015 meeting to allow to allow the applicant to put the new design into a formal request and allow staff to make a recommendation.**

### Discussion

Chairman Bollman called for discussion on the motion. The Board asked how the applicant feels about this proposal. Mr. Eisenbarth stated he expected this answer. He stated if the request is approved, he intends to break ground in April. He said he will not do the project if the request is denied. Board member Connell commended Mr. Eisenbarth for talking to the neighbors about his proposal. Board member Chesarek stated based on staff's comments, he would entertain a substitute motion for approval of the variance.

### Motion

**Board member Chesarek made a substitute motion and Matthew McDonnell seconded the motion stating based on considerations presented on the new plan and staff's opinion to conditionally approve the alternate plan submitted by the applicant which would be 32.5 percent lot coverage and for a rear setback of 14 feet and include the conditions as follows:**

1. The variance is to increase the minimum lot coverage from 30% to 32.5% for a proposed addition to an existing home and to reduce the required rear setback from 20 feet to 14 feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 8, Blackacre Subdivision, 2nd Filing generally located at 2222 Virginia Lane.
3. The owner will submit a building permit application within 1.5 years of Board of Adjustment approval and complete the construction within 3 years of Board of Adjustment approval.
4. Failure to begin or complete the approved actions on the variance will void the approved variance.
5. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

**Discussion**

Board member Olson voiced concern with the Board making a decision without the final staff recommendation. Zoning Coordinator Cromwell stated the record of findings is sufficient with the meeting minutes and recording. Board member Bollman stated he comfortable with the new plan as there is a lot of open air and the proposal is not out of character with the homes in the neighborhood.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman	1			
James Olson	1			
Paul Hagen	1			
Frank Chesarek	1			
Matthew McDonnell	1			
Martin Connell	1			
Mark Noennig	1			

**The motion passed 7-0. City Variance #1206 is conditionally approved.**

**Discussion**

Chairman Bollman asked the members of the Board for questions and discussion on the motion. There was none.

**Other Business/Announcements:**

- The next City Board of Adjustment meeting will be held on **Wednesday, February 4, 2015.**
- Election of Officers for the 2015 City Board of Adjustment

**Motion**

**Board member Connell made a motion and it was seconded by Board member Noennig to nominate Jeff Bollman to serve as the City Board of Adjustment President for the 2015 term. Board member Hagen made a motion and it was seconded by Board member Connell to nominate Matthew McDonnell to serve as the City Board of Adjustment Vice President for the 2015 term.**

**The motion carried with a unanimous voice vote.**

- Agenda Quick: Nicole Cromwell gave a brief over of the Agenda Quick software currently used by the City Clerk for City Council agendas and minutes. She stated staff is working with the software developer and the City Clerk to move forward with a similar process for the Zoning Boards and Commissions.

Adjournment: 6:45 p.m.

**ATTEST: DRAFT to be approved on February 4, 2015**

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**Jeff Bollman, Chairman**

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**Tamara L. Deines, Planning Clerk**



## City Board of Adjustment

**Meeting Date:** 02/04/2015

**SUBJECT:** Variance # 1207 - 1905 Poly Drive

**THROUGH:** Candi Millar, Planning & Community Services Department Director

**PRESENTED BY:** David Green

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### Information

#### REQUEST

**City Variance #1207-1905 Poly Drive:** The applicant is requesting a variance from 27-308 requiring a minimum setback of 70 feet from the centerline of a minor arterial street to allow a minimum setback of 50 feet from the centerline of Poly Drive for the construction of a new two-car detached garage on Parcel 1B1 of amended C/S 375, a 14,321 square foot parcel of land. Tax ID: D04845, Ken and Sandra Kunkel owner.

#### RECOMMENDATION

Staff is recommending Conditional Approval of the variance.

#### APPLICATION DATA

OWNER: Ken and Sandra Kunkel

AGENT: Jeff Robertson, Homesite Design

LEGAL DESCRIPTION: C/S 375, Parcel 1B1, 3rd Amended

ADDRESS: 1905 Poly Drive

CURRENT ZONING: Residential 9600

EXISTING LAND USE: Residential

PROPOSED USE: Residential

SIZE OF PARCEL: 14,321

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

There have been 3 variances in the surrounding neighborhood that were granted for reduced setbacks and fence heights.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-96  
Land Use: Residential

SOUTH:                               Zoning: R-96  
  Land Use: Residential

EAST:                                Zoning: R-96  
  Land Use: Residential

WEST:                               Zoning: R-96  
  Land Use: Residential

## **BACKGROUND**

### **REASONS**

The applicant is requesting a variance from Section 27-308 requiring a minimum setback of 70 feet from the centerline of a minor arterial street to allow a minimum setback of 50 feet from the centerline of Poly Drive for the construction of a new two-car detached garage at 1905 Poly Drive. The existing lot area is 14,321 square feet. The property data from the state show the original single-family dwelling on this site was built in 1932.

The applicant is before the Board of Adjustments asking for a variance from arterial setback requirements. In zoning, residential properties that are next to an arterial street are required to place buildings back 70 feet from the centerline of the road. The purpose of the arterial setback is to keep all buildings far enough away from the road that should there be a need in the future to widen the road that there won't be any buildings in the way to have to purchase for the expanded road. Staff spoke with engineering about the future of Poly Drive in this area. There are no plans in the 20 year plan for Poly Drive in this location. Poly Drive is considered a local traffic road and not a road that is intended to handle the traffic of Grand, Broadwater or Central. The work done in the recent past to install sidewalk, curb and gutter is the extent of the work on Poly Drive.

Staff, while reviewing the proposed variance, checked along Poly Drive from the applicants' lot going west to 22<sup>nd</sup> Street West to see how many houses are set back the required 70 feet from the center of the road. Of the 28 houses, 10 were less than 70, the distance ranged from 66 feet to 52 feet. The years of construction ranged from 1949 to 2006, six of the ten were built after 1973.

Planning staff has reviewed this variance and is forwarding a recommendation of conditional approval of the request to reduce the setback from an arterial street from 70 feet to 50 feet based on the criteria for variances as presented within this report. Staff finds that the proposed variance request is in harmony with the surrounding neighborhood and does not place the building too close to Poly Drive. The lot is a large lot and the addition of the garage will only put the lot coverage at 21.4%. Staff did find several other properties along Poly Drive, as described previously in the staff report, that do not meet the required 70 foot setback but staff could not find any variances for these properties.

At the time of the writing of this staff report, one neighbor had contacted staff stating they were in full support of the variance.

### **RECOMMENDATION**

Staff recommends Conditional Approval of the variance request to reduce the setback from an arterial street from 70 feet to 50 feet.

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## **Attachments**

Determinations

Attachments A-D

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## **DETERMINATIONS**

The Board of Adjustment shall make the following determinations prior to granting a variance:

- 1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;**

There are no special conditions or circumstances that exist which are peculiar to the land, the lot is a large lot but zoning regulations require a large setback which takes up a considerable amount of the lots square footage.

- 2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;**

Several of the neighboring properties have homes built on them that do not meet the current requirements for setback from an arterial street. Denying this variance would deprive the applicant from a reduced setback that several neighbors to the west currently have.

- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;**

Granting the variance would not grant a privilege to the applicant that is not already enjoyed by others in the neighborhood. When doing research for this variance staff only went two blocks to the west and found 10 other properties with houses built closer than 70 feet from center line of Poly. This leads staff to believe if the search were widened farther west and east we would find many other structures that do not meet current code.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

Granting the variance does not conflict with the general purpose and intent of the zoning regulations and the growth policy.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Chapter;**

Staff is recommending the following conditions for the decrease in setback from 70 feet to 50 feet:

1. The variance is to decrease a minimum setback of 70 feet from the centerline of a minor arterial street to allow a minimum setback of 50 feet from the centerline of Poly Drive for the construction of a new two-car detached garage. No other variance is intended or implied with this approval.
2. The variance is limited to Parcel 1B1 of amended C/S 375 generally located at 1905 Poly Drive.
3. The garage shall be constructed in substantial conformance to the drawings submitted to the planning department with this application.
4. No construction activity will be done before 7 a.m. or after 8 p.m.

5. The owner will submit a building permit application within 1 year of Board of Adjustment approval and complete the construction within 2 years of Board of Adjustment approval.
6. Failure to begin or complete the approved actions on the variance will void the approved variance.
7. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

**6. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance; and**

Staff recommends the applicant be required to submit a building permit application within 1 year and complete the project within 2 years of the variance approval.

**7. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.**

The granting of this variance would not allow a use that is not allowed in the zoning district – detached garages are allowed in the R-96 zone.

**ATTACHMENTS**

- A: Surrounding Zoning & Site Location
- B: Site Photographs
- C: Site Plan and Elevations
- D: Applicant Letter and Application

**ATTACHMENT A**  
Surrounding Zoning & Site Location



Subject Property ★

**ATTACHMENT B**  
Site Photographs



Subject Property



View from Subject Property north on Hoover

**ATTACHMENT B**  
Site Photographs, Continued



View of property to the south



House to the east of subject property

**ATTACHMENT B**  
Site Photographs, Continued



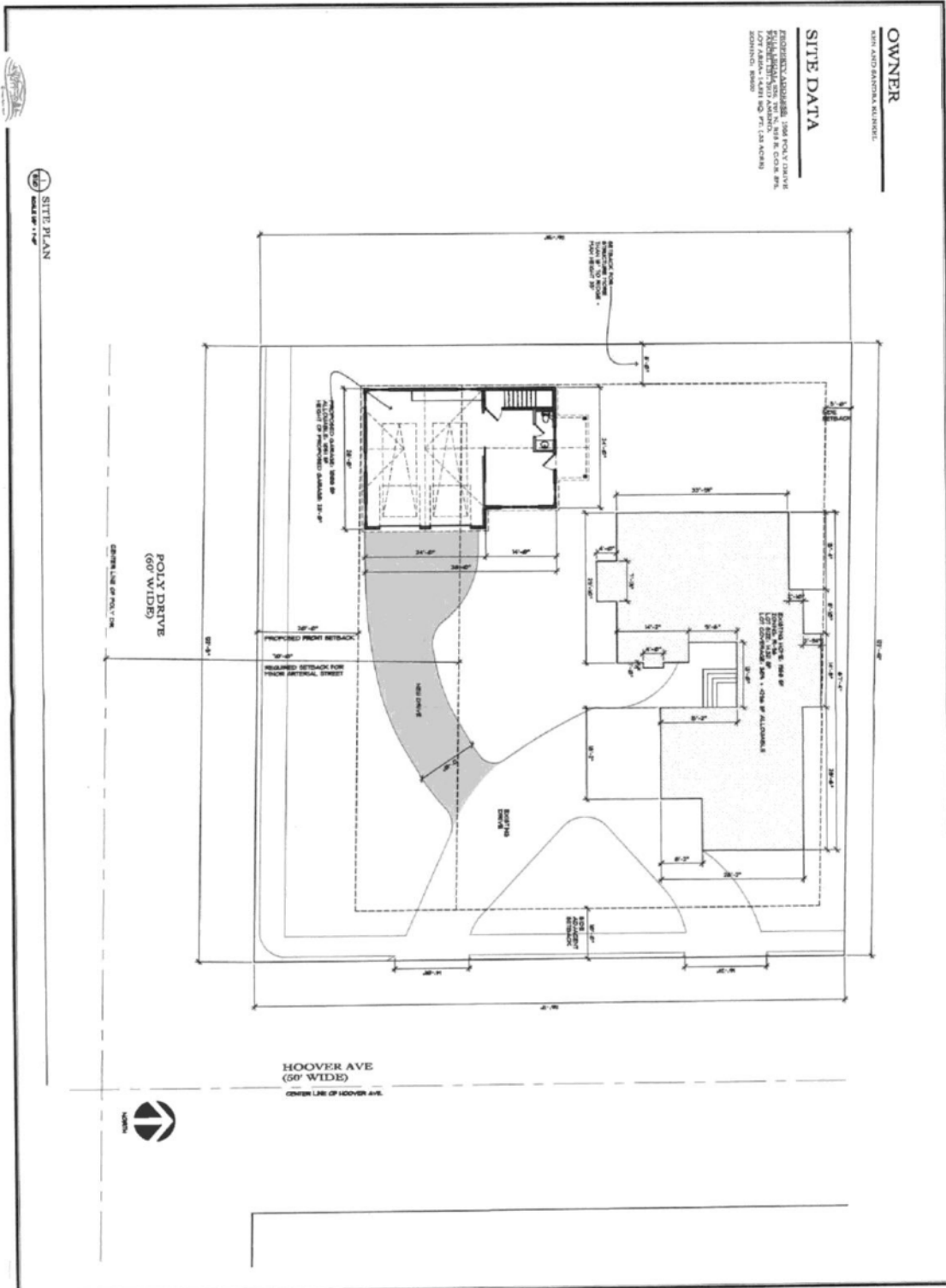
View of proposed location of detached garage on subject property



Aerial View Subject property ★

# ATTACHMENT C

## Site Plan and Elevations



**OWNER**  
KEN AND SANDRA KUNKEL

**SITE DATA**

PROJECT ADDRESS: 1381 POLY DRIVE  
BILLINGS, MT 59102  
LOT AREA: 1.481 ACRES  
ZONING: R-10

**SITE PLAN**  
SCALE: 1/4" = 1'-0"

	<p><b>KEN &amp; SANDRA KUNKEL</b> <b>GARAGE</b> BILLINGS MONTANA</p> <p style="font-size: 1.2em; font-weight: bold;">FLOOR PLAN</p>	<p>COMPARISON SHEET NO. 1 of 1</p>	<p><b>DATE:</b> _____</p> <p><b>BY:</b> _____</p> <p><b>CHECKED BY:</b> _____</p> <p><b>SCALE:</b> _____</p> <p><b>PROJECT NO.:</b> _____</p> <p><b>DRAWN BY:</b> _____</p> <p><b>CHECKED BY:</b> _____</p>
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**ATTACHMENT D**  
Applicant Letter and Application

**Kenneth L. and Sandra Z. Kunkel**  
1905 Poly Drive  
Billings, Montana 59102

January 2, 2015

Chairman of the Board of Adjustments  
City of Billings, Montana  
Billings MT 59101

Re: 1905 Poly Drive Variance Request  
Kenneth L. and Sandra Z. Kunkel Residence

Dear Sir/Madam:

We are writing to request a variance on our property at 1905 Poly Drive here in Billings. We would appreciate your consideration of our request for a 50-foot setback from a 70-foot setback so that we can build a detached double garage on our property.

The proposed garage will be approximately 1,000 square feet in size and will not be accessed from Poly Drive. Currently our drive-way is accessed from Hoover Drive even though our address is a Poly Drive address. We are proposing to access the new garage from our current drive-way on Hoover Drive. We understand that the set-back for the proposed garage from centerline of Poly Drive would be 70 feet. Unfortunately, we could not build the garage as proposed if this set-back is enforced. However, a 50-foot set-back would allow us to build this garage.

The proposed garage would be too close to or impede on our current home if we are forced to comply with the 70-foot set-back. Our home is of modest size (about 1,500 sq. ft.) and our storage is limited. Our lot is approximately 14,262 sq. feet. The proposed location is the only place on our lot where this structure could be built per the city codes. We are hoping to increase our capacity for storage with this proposed garage. We have lived in this home for 31 years and we do not want to be forced to sell our home as we get older, so having more storage capacity is important to us. We are also planning ahead for our retirement and older years in this home. Our home is above grade and there are several stairs into the home. Should it become necessary in the future to install a handicap ramp, it would be necessary to use our current attached garage to install the ramp, thus limiting our use of the current garage, creating a hardship for us. The proposed garage would allow us flexibility to use it instead of our current garage for parking vehicles in the event we need to install a handicap ramp in our current garage.

We have included, with this letter and the application, site plans and elevations as proposed by our architect for your review. Allowing the proposed garage to be built on our property would prevent multiple hardships for us as we age. We feel that the 70-foot set-back is excessive and hinders our ability to enhance our property and creates a hardship for us. We love our home and its close-in location and do not want to be forced to sell our home as we age, but need more garage space and respectfully ask that you consider a variance so that we may build this garage to enhance our property further. We will also be doing extensive landscaping on our property to blend in and enhance the new garage space.

Again, thank you for your consideration of our request to reduce the setback from a 70-foot setback to a 50-foot setback.

Sincerely,



Ken L. and Sandra Z. Kunkel

**APPLICATION FORM**

**CITY VARIANCE**

**ID: Billings Variance #** 1207 **- Project #** P2-14-0027/

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings-Yellowstone County Unified Zoning Regulations.

TAX ID # D04845 CITY ELECTION WARD # IV

Legal Description of Property: C/S 375, PARCEL 1B1, 3RD AMENDED

Address or General Location (If unknown, contact City Engineering): 1905 POLY DRIVE, BILLINGS, MT.

Zoning Classification: R9600

Size of Parcel (Area & Dimensions): 14,321 SQ.FT., APPROX. 117' X 123'

Covenants or Deed Restrictions on Property: Yes  No

If yes, please attach to application

Variance(s) Requested: REDUCE SETBACK FROM CENTERLINE OF POLY DRIVE FROM 70' TO 50'

Facts of Hardship: CURRENT SETBACK OF 70' WILL NOT ALLOW US TO BUILD A DOUBLE GARAGE

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): KEN L. & SANDRA Z. KUNKEL

(Recorded Owner) 1905 POLY DRIVE, BILLINGS MT.

(Address) 406-591-1234 KKUNKEL@NAIBUSINESS

(Phone Number) PROPERTIES.COM

Agent(s): JEFF ROBERTSON, HOMESITE DESIGN

(Name) 302 S. 27th STREET, BILLINGS, MT.

(Address) 406-259-7003

(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Ken L. Kunkel Date: 12-31-14  
(Recorded Owner)