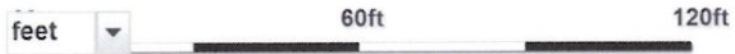
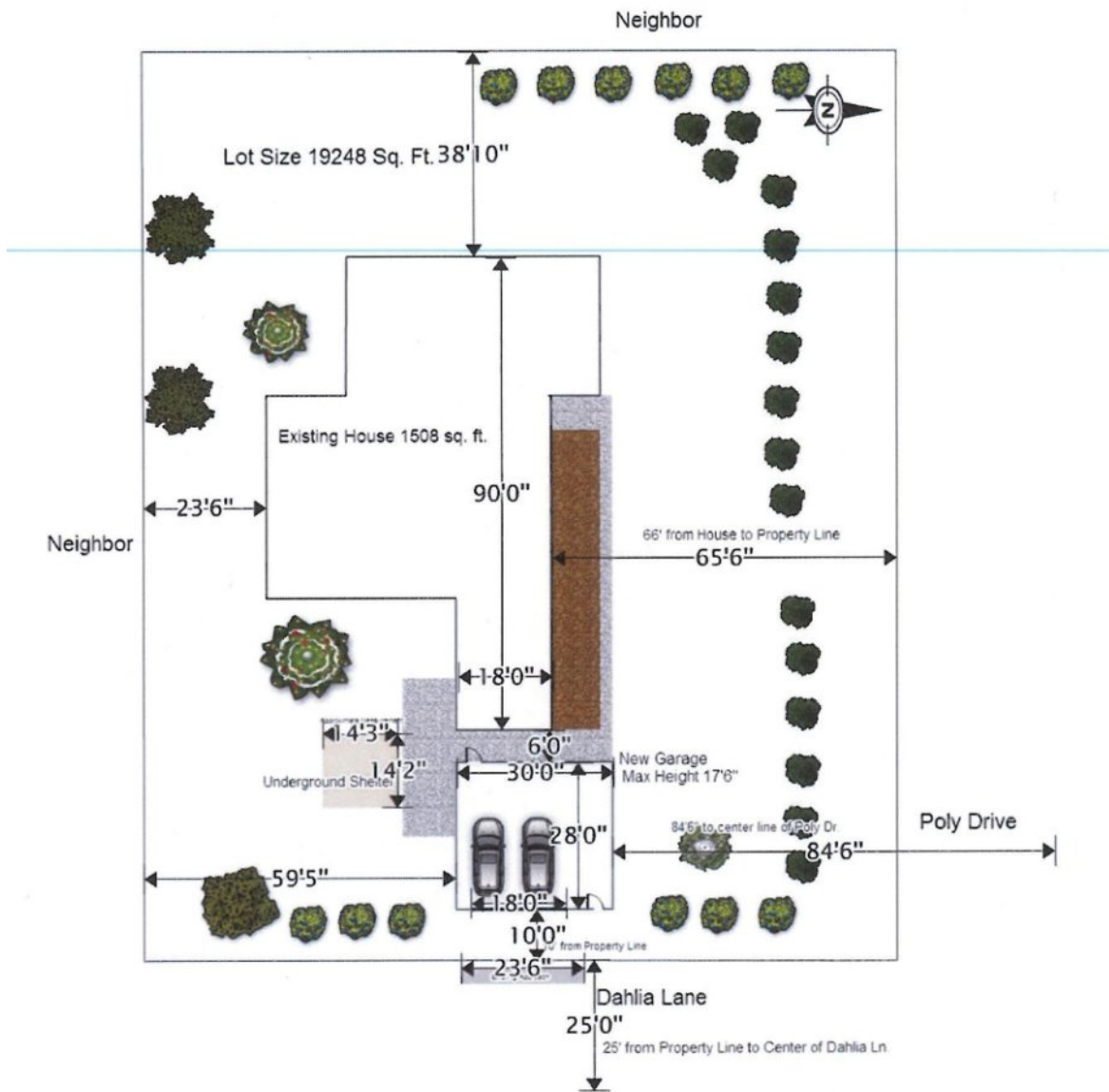


# Applicant Site Plan and Letter



Pat and Crystal Hopper  
1934 Poly Dr.  
Billings, MT 59102  
406-534-2206

To the Chairperson of the Board of Adjustment,

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This letter is being written in accordance with the City of Billings Variance Application. At the address listed above we are seeking a variance request in order to build a detached garage on the east side of the existing house facing Dahlia Lane and utilizing an existing approach. Per the Planning Division there is only 44' from the end of the existing house to the property line. With the 20' property line setback and the 6' requirement between structures this leaves a space of 18' in which to build a garage in accordance with zoning.

Because this is also a Poly Dr. address there is a 70' setback on the North side of the house which prohibits moving the garage in that direction with enough space to build. Previous occupants installed an underground shelter in the SE quadrant of the property which restricts us from moving the garage or facing it that direction. There really is no other place to put a garage on this property.

We understand that an approach could be installed from Poly Dr. but the cost of that and the amount of the concrete for the driveway that would also be required is far more than we can afford.

We are requesting a variance to allow us to start building closer to the property line on the east side by 10'. We request to place the front of the garage 10' from the property line and allow us to build a 28'x30' garage in this space. We would like to use this space because the approach is already established and the amount of driveway needed is within our means.

We lost both of Pat's parents in the last year and a half and inherited this property. Due to grief and hardship with the family we find ourselves with 2 households' furnishings, tools and keepsakes still; we have not had the time or space to begin reducing the amount of items we now possess. This property has not ever had ample storage space and we are currently renting

a storage unit to keep it all safe. The storage unit is full and the lease is about to run out and we need a safe place to store our loved ones' belongings as we go through them and determine what to keep. We intend to install a bonus room in the rafters of the garage so the property will finally have room for storage.

This letter and variance request would have come to you at least 3 months ago if we'd known all the setbacks and requirements for building a garage on this property. Pat met and talked to City Planner David Green about our plan. David Green told Pat, because the property lines are not known, that he should measure 35' from the center line of Dahlia Lane toward our property. This rule of thumb should help us determine where the property line was at and where we could start building. At this time no mention was made that we would also have to be 20' from the property line. Pat spent 2 months calling and talking to David Green who on multiple occasions told Pat that our plan was fine and there should be no problems.

When I filled out all the paperwork to submit for a building permit the entire office, including David Green, changed their story about what was acceptable for us to do and not do. Wyeth Friday, Planning Manager, told me to my face several times that the Planning Division did not know where my property lines were at, nor would they put any effort in to coming out and measure and determining if we recorded them correctly. Wyeth also told Pat that he drove by our property to look at the existing approach off Dahlia Lane and told Pat that it would work for us.

Building Division staff, including Jess Phillips and Harry Hoving, and David Green gave us 3 different answers about how far this detached garage would have to be from the existing house. The answers we were given were 3', 6' and 10'. We are still not sure what the right answer is.

I drew our property map and submitted for a building permit only to have it denied because the detached garage we envisioned was not set back far enough from the property line on Dahlia Lane. According to Karen Husman, whose name is on the denial letter, the garage in the plan was only 10' back from the property line. Apparently I should have been talking to Karen all along. Why she should sit at her desk and listen to Wyeth tell me that no one knows where my property lines are is beyond my scope of understanding.

At this point I was beyond frustrated with the system and the lack of service by this division of public servants. I called the Mayor's office and began emailing the mayor along with Candi Millar, Planning Division Director. I was about ready to find a lawyer and take this story of lies and misinformation to the Gazette. When Candi called me back she said she had talked to her staff and was told that everyone was under the impression that we intended to approach the garage from Poly Dr. and that is why this was such a miscommunication. There's simply no way, unless the entire staff was not listening to us for 2 months that this could have been thought. It would seem to me that Candi's staff all lied to her as well.

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This property is nearly unusable with the setbacks that the City has enforced on it. We can really only build an 8' structure on the North side of the property and an 18' structure on the East side. We should have sold it and moved on with our lives. And it doesn't help that in 2006 a nearby house was built that does not meet the setback requirements and was in fact built without a building permit; this information was relayed to the Adjustment Board by David Green when my husband was in attendance.

The Planning and Building Divisions have been misinforming us, lying to us and covering for each other for months. This all started because we wanted to be good citizens who followed the rules and did what was right. But for that we are being punished and told we cannot build a garage on our property; should we have done what the house in 2006 did and not asked permission?

Because the hardships with the property itself, the setbacks and with the hardships we've endured at the hands of the City of Billings Planning and Building Divisions we are now asking for you to grant our variance request and so we can all go about our lives.

We appreciate your consideration.

Sincerely,

Pat and Crystal Hopper

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1216 - Project # 02-15-0086

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 # A16889 CITY ELECTION WARD # IV

Legal Description of Property: Sweeny-Carlson Subd, 536, T01N, R25E, Block 3, Lot 6, Less 10 FT LT 6

Address or General Location (If unknown, contact City Engineering): 1934 Poly Dr

Zoning Classification: Residential - 9600

Size of Parcel (Area & Dimensions): 19248 Sq. Ft

Covenants or Deed Restrictions on Property: Yes  No



If yes, please attach to application

Variance(s) Requested: Build front of detached garage 10' from property line facing Dahlia Lane instead of the zoned 20' regulation

Facts of Hardship: Underground shelter in SE corner of Lot, 70' setback from Poly, existing house, 2+ months of misinformation by City of Billings Planning Division

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

Owner(s): Elvin Patrick and Crystal J Hopper  
(Recorded Owner)  
1934 Poly Dr, Billings, MT 59102  
(Address)  
406-534-2206 (Phone Number) (email)

Agent(s):  
(Name)  
(Address)  
(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: Crystal Hopper (Recorded Owner) Date: 5-1-15