

Attachment C
 Applicant's Letter and Pre-application Meeting Notes

APPLICATION FORM

02-14-60241

CITY ZONE CHANGE Billings Zone Change # 928 - Project # _____

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: RESIDENTIAL Professional

Proposed Zoning: R-7000

TAX ID# C-01673, C-01672 CITY ELECTION WARD # _____

Legal Description of Property: Lots 4 & 5, Block 2, Justiss Sub. S. 07, T01S. R20E

Address or General Location (If unknown, contact City Engineering): 2313 AND 2321 HENESTA 1978 1965

Size of Parcel (Area & Dimensions): Two 10,625 square foot lots Total SQ. Ft OF 21,250

Present Land-Use: Both Properties Are Being Used As Duplexes

Proposed Land-Use: DUPLEXES

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application



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

Owner(s): Dean Hardin, Revocable Trust | Boris Krizek 59102
Carmen C. Hardin, Trustee | 1530 WEST Wood Dr. Billings, Mt
(Recorded Owner)
31 GOLFVIEW PL. Rotunda, FL, 33947
(Address)
941-226-8205 Comedian@msn.com | KRIZEKB@ci.Billings.Mt.US
(Phone Number) (email)

Agent(s): LOWELL COOKE
(Name)
1215 24th St WEST Billings, Mt. 59102
(Address)
406-661-5140 | LOWELL@CBTheBrokers.com
(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 Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Lowell Cooke Date: 11/3/14
 Lowell Cooke (Recorded Owner) Agent for Carmen C. Hardin
Boris Krizek Date 11/3/14
 Recorded owner Boris Krizek

Pre-Application Neighborhood Meeting Synopsis
Regarding Zone Change From Residential Professional to R-7000
For The Properties Located At 2313 and 2321 Henesta, Billings, Mt. 59102
Legally Described As Lots 4 and 5, Block 4, Justiss Sub, S07,T01S, R26E
Held June 27, 2014, at 5:15 PM, at Coldwell Banker the Brokers Office,
1215 24th St West, Billings, Montana 59102

All present in attendance is attached.

Meeting was called to order at 5:30 pm by Lowell Cooke, agent for the owner of 2321 Henesta. Barbara Hawkins recorded the minutes as original is attached.

Lowell Cooke, agent for the owner of 2321 Henesta, has the property listed and it went under contract. Appraiser could not classify it as a Duplex because the zoning is Residential Professional and if it were to burn down, the city would not allow it to be built as a duplex because RP zoning does not allow duplexes.

Lowell asked the owner of the duplex next door to participate in the zone change because it could affect his ability to refinance or sell in the future and to help defray the costs of the zone change.

The discussion was the zone change to R-7000 would be going down and participants felt the zoning for the entire area should be higher as Neighborhood Commercial or Community Commercial. Dave Hawkins felt the entire subdivision have a higher zoning and residential zoning is not the highest and best use for the neighborhood.

Hawkins felt they needed to move forward in pursuing the higher zoning.

Lowell felt he would withdraw the application if they willing to pursue the higher zoning as it would still allow to obtain a "rebuild" letter from the city in the suggested higher zoning. Hawkins said he would work on getting this done.

Meeting adjourned at 5:50 pm.

Lowell Cooke
Agent

	Name	Address	Representing
1	Gordon Vandeweyer	235-3 rd ST N, Huntley MT	Consalt
2	Diane Vandeweyer	235 3 rd ST N	Huntley MYSELF
3	Dave Hopkins	2617 WESTFIELD DR.	MYSELF
7	Mike Durand	2302 Rosebud Dr	MYSELF
5	Barbara Hopkins	2617 Westfield Dr	Myself
6	Lowell Cook	1215 24 th ST WEST	Zone change

Lowell Cook Agent

Application for Zone Change
Response to Application Questions
Regarding Properties At:
2313 and 2321 Henesta Drive
Lots 4 and 5, Block 2, Justiss Subdivision
Billings, Mt.

1. Answer the following questions:

A. In what ways is your proposal consistent with the goals and policies adopted **Growth Policy**.

Response: This proposed zone change from **Residential Professional** to **R-7000** is consistent with the goals and policies of the Growth Policy because there is no change in impact by adopting it. The present zoning of **Residential Professional** could result in higher traffic if these property owners chose to utilize it for commercial purposes allowed under the zoning. While there is commercial development close to the subjects, all of the properties on this side of the street (north side) are being utilized as residential dwellings with minimum traffic impact other than normal residential and light commercial usage. This zone change, as stated in the **2008 Growth Policy, Land Use Element, Issue 1**, *“Neighborhoods are experiencing pressures from new development and land use changes,” with the Goal of “Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.”* This zone change would result in preserving the neighborhood character and maintain the preferred land use patterns identified in the neighborhood. **Issue 2, Objectives**, this zone change would also *“Maintain a high quality of life for new and existing residents.”* **Issue 5, Goal and Objectives**, includes *“Affordable housing for all income levels dispersed throughout the City and County” and to “Improve the quality of life of low income people.”* There are currently low income, Section 8, residents living in these properties and if the current owners decided to utilize the present zoning of Residential Professional and converted them for commercial purposes, these low income residents would be displaced contrary to these goals and objectives.

Additionally, granting this zone change would have no impact on current city services of water, sewer, etc.

B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses in the immediate area.

Response: As the listing agent for the property located at 2321 Henesta, a duplex residential dwelling, through the buyer's mortgage process, we found out that the current zoning of Residential Professional does not allow duplexes. We thought a solution would be to obtain a “Rebuild Letter” from the city which would allow the owner to rebuild it as a duplex should it become destroyed. We were denied by the city, and attached is the email from Nicole Cromwell explaining the reason for denial and the only

option would be to get it rezoned. The current climate of mortgage financing has put additional requirements and without a zone change this financing would not be available, limiting the salability of these two properties.

This new zoning will fit in with the existing zoning because it will be consistent with the type of property located on this side of the street and does not affect the owners of property with Residential Professional zoning. Also, with the exception of the property located at 2320 Rosebud at the corner of Rosebud and Henesta, all of the other properties located on Rosebud, to the north of the our subject properties, are zoned R-7000. As noted in the email from Billings Zoning Coordinator, Nicole Cromwell, these properties existed as duplexes prior to the rezoning from R-7000 to Residential Professional in the mid-1980's and the duplexes on this block of Henesta became legal nonconforming uses of land. Returning these properties to the R-7000 is of no consequence to the properties zoned Residential Professional and makes sense to allow it.