

Attachment D

Applicant letter and documentation

December 29, 2014

Mr. Al Swanson
City Councilman, Ward 4
Billings, MT 59101

Reference: Zone change of existing property to conform to city regulations
Owner: F. Wayne Gustafson
Property: Existing six-plex located at 1229 – 1239 Poly Drive
College Subdivision 1st Filing Block 1, Lots 15-19

Dear Al,

Thank you for meeting with me recently regarding my concern that the above referenced property is not in conformance with current city zoning.

This issue occurred with a change in 1972 when the city adopted a city-wide re-zoning ordinance. This referenced property was originally properly re-zoned by the city council in 1966 to R-3-R, a designation which allowed multi-family dwellings. (attached copy of City Council meeting, November 23, 1966; William Reinhart was my partner on the construction of my apartment.)

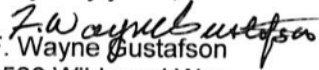
In accordance with the approved zone change, I constructed a six-unit garden type apartment on this property. I have owned and managed this apartment complex for forty-seven years, with the knowledge that it was in compliance with city zoning ordinance.

However, I recently learned that the 1972 ordinance changed all the existing zoning districts within the city. This neighborhood was changed to R-9600, resulting in a non-conforming use for my previously approved property.

It is my understanding that a similar zoning problem was reviewed by the city planning office last summer, in the same subdivision with a carefully documented report to the city council dated Oct. 14, 2014. In keeping with this historical review of the zoning process, I respectfully request that the previous approved designation of my property R-3R be granted to the present residential 6000, (R-60) zoning district.

I will appreciate any guidance you can provide to resolve this request. Recently, I have met with City-County planning staff who provided procedural suggestions which included beginning this effort through the City Council.

Very truly yours,


F. Wayne Gustafson
2520 Wildwood Way
Billings, Montana Fourth Ward
256-6220

cc: Tina Volek, City Manager
Nicole Cromwell, Zoning Coordinator
enc: minutes of City Council Nov. 23, 1966

REGULAR MEETING OF THE CITY COUNCIL MONDAY, NOVEMBER 28, 1966

The Council met in regular session in the Council Chambers of the City Hall, Monday, November 28, 1966 at 7:30 P. M. Mayor Fraser presided. The invocation was given by Alderman Glennen. Aldermen present on roll call, Hultgren, Stockton, Glennen, Wendte, Wharton, Leone, Riedl, Madson. Alderman Glenn and Smith were excused. The minutes were approved as transmitted by the City Clerk.

BIDS This being the time and place to open bids for a Van for the Fire Department, the following bids were submitted:

Frontier Chevrolet	2,291.00
Fitchner Chevrolet	2,249.55
Interstate Truck	2,350.00

The bids were referred by the Mayor to the Council as a Whole, Fire Chief.

REPORTS OF ZONING COMMISSION This meeting having been designated as the time and place to hear reports of the Zoning Commission, the following recommendations were presented: (1) That the petition to change the zone classification of the north 100 feet of Lot 3, Block 5, Sunnyside Subdivision, from "CL" to "CG" zone, be denied, but recommend that this property owner be granted a special use permit to continue the use of the property for motel purposes. This property is located at 1025 North 27th Street. (2) The petition to change the zone classification of Lots 15, 16, 17, 18 and 19, Block 1, College Subdivision from "R1R" to "R-3" zone be denied. The Zoning Commission recommends to the City Council that the owner be granted permission to construct a six unit garden apartment as provided in Article 22, of the Zoning Ordinance. This property is located at 1229 Poly Drive. (3) The petition to change the zone classification of Lots 3 thru 9, Block 1, Sanderson Subdivision from "R1" to "CL" zone be held over for further consideration. This property is located on the north side of the 1100 block of Central Avenue. There being no comments made for or against the proposed change in Sunnyside Subdivision, it was moved by alderman Wharton, seconded by alderman Leone that the recommendation of the Zoning Commission be approved. Passed on roll call.

Mr. William Reinhart appeared before the Council and presented an architects version of the structure to be constructed on the premises at 1229 Poly Drive. There being no other comments offered, it was moved by alderman Wharton, seconded by alderman Riedl that the recommendation of the Zoning Commission be approved. Motion carried.

PROPOSED ORDINANCE was presented changing the name of the Water Board to the Public Utilities Board, and changing the responsibility of operating the Sanitation Dept. to the Public Utilities Board. This was referred by the Mayor to the Public Works Committee.

COMMITTEE REPORT, RECOMMENDATION OF FIRE CHIEF for permission to send four members of the Fire Department to the Minneapolis Fire Department for instructional purposes from December 5 through 10, 1966. Funds have been provided in the 1966-67 budget. Moved by alderman Glennen, seconded by alderman Wendte that the request be granted. Motion carried.

MAYOR'S APPOINTMENT TO SANITATION DEPARTMENT This is to inform your honorable body that I this day appointed Mr. Roy Bennett to head the Sanitation Department, taking the place of Mr. Edwin Edwards who has resigned to go into business for himself. Mr. Bennett has been with the city for several years, and has proven to be a conscientious and reliable employee for the city of Billings, and is now deserving of additional responsibilities with the city. For your information, Mr. Bennett has taken the MMPI, and met other requirements. I am asking Mr. Bennett to immediately take steps to provide greater service in garbage collection in downtown Billings such as evening, or night collection. The necessity of this will be pointed up graphically during this Christmas shopping season. Your confirmation of this appointment is respectfully requested. This was referred by the Mayor to the Public Works Committee.

REQUEST OF DEAN BETZER, PATROLMAN to be granted military leave from 1 January, 1967 to 18 January 1967 inclusive for the purpose of attending active duty for training with the Armed Forces Police Detachment, pier 91, Seattle, Washington. Moved by alderman Glennen, seconded by alderman Wendte the request be granted. Motion carried.

REQUEST OF BOARD OF WATER COMMISSIONERS for authorization to install a 6" water main on Joan Lane, was presented. Moved by alderman Madson, seconded by alderman Wendte the request be granted. Motion carried.

CLAIMS FOR 1966 CITY TAXES amounting to \$22,186.57 were presented. Moved by alderman Hultgren, seconded by alderman Wendte the claims be allowed and the taxes paid. Passed on roll call.

DEPARTMENTAL CHARGES for the month of November totaling \$13,528.40 were presented for approval. Moved by alderman Hultgren, seconded by alderman Wendte the claims be allowed and paid. Passed on roll call.

RENEWAL OF LEASE between Humble Oil Company and the City for an antenna site at Billings Logan Field. Moved by alderman Stockton, seconded by alderman Wendte the lease be approved. Passed on roll call.

RESOLUTION NO. 10370 Creating S. I. D. 885 for construction of sanitary sewer to serve a portion of Heights View Subdivision was presented. Moved by alderman Wendte, seconded by alderman Wharton adoption of the Resolution. Passed on roll call.

SURETY BONDS having been approved as to form by the Assistant City Attorney were presented for Bradford Roofing, Roofers Bond, \$2,000, written by the General Insurance Company of America. Herman Neibauer, \$2,000, Excavation bond, written by the Western Surety Company. Montana Power Company, \$2,000, excavation bond, written by the Glens Falls Insurance Co. Moved by alderman Hultgren, seconded by alderman Wendte the bonds be accepted and placed on file. Motion carried.

EASEMENT FOR ROADWAY IN NICHOLSON SUBDIVISION. This item not appearing on the agenda it was moved by alderman Wendte, seconded by alderman Madson the item receive unanimous consent for consideration. Motion carried. Moved by alderman Wendte, seconded by alderman Madson that the Easement be granted subject to a provision in the easement for utilities. Motion carried.

RESOLUTION NO. 10371 Accepting the Plat of Nicholson Subdivision. This item not appearing on the agenda it was moved by alderman Wendte, seconded by alderman Madson the item receive unanimous consent for consideration. Motion carried. Moved by alderman Wendte, seconded by alderman Glennen adoption of the Resolution accepting the Plat of Nicholson Subdivision, situated in the SW 1/4, SE 1/4, Section 30, T 1N, R 26 E, MPM, Yellowstone County, Montana. Passed on roll call.

COMMITTEE REPORT, BIDS FOR FIRE DEPARTMENT VAN We find the bid for Fire Department Van of Fichtner Chevrolet in the total amount of \$2,281.55 is the lowest and best bid and recommend they be awarded the bid, and the Director of Finance authorized to issue purchase order when requisition is received. Moved by alderman Glennen, seconded by alderman Wendte approval of the Committee report. Motion carried.

There being no further business to come before the Council, the meeting adjourned.

APPROVED:

Wendell L. Thomas
Mayor

ATTEST:

Wendell L. Thomas
City Clerk