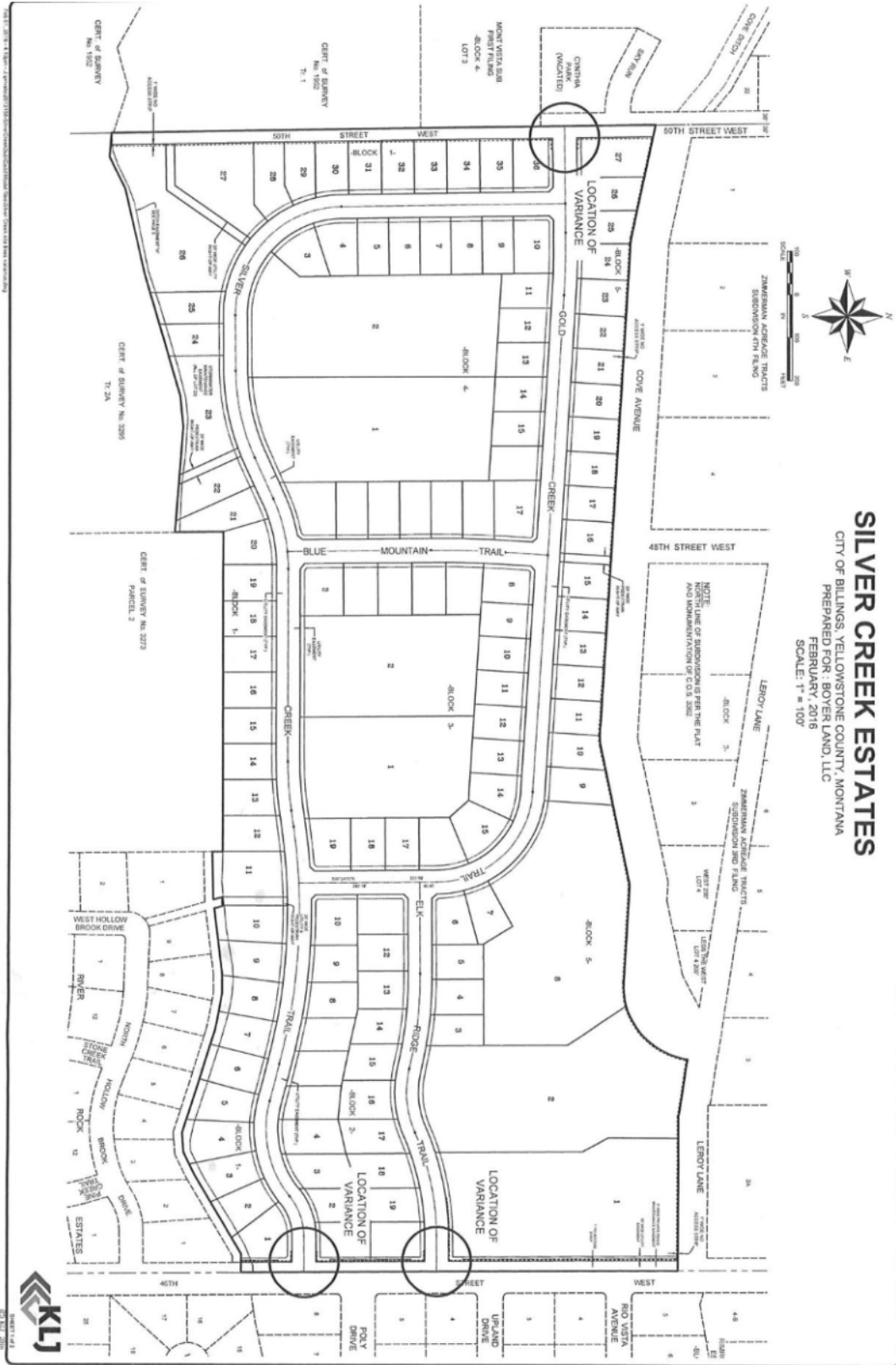
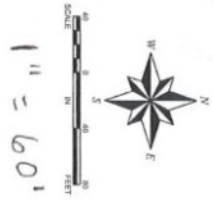
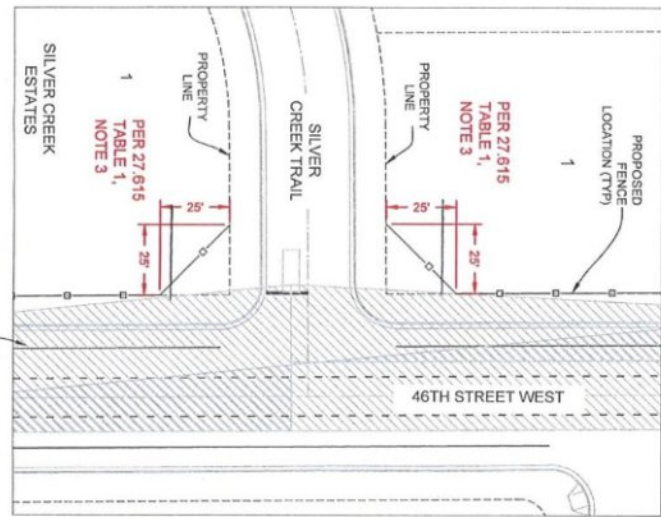
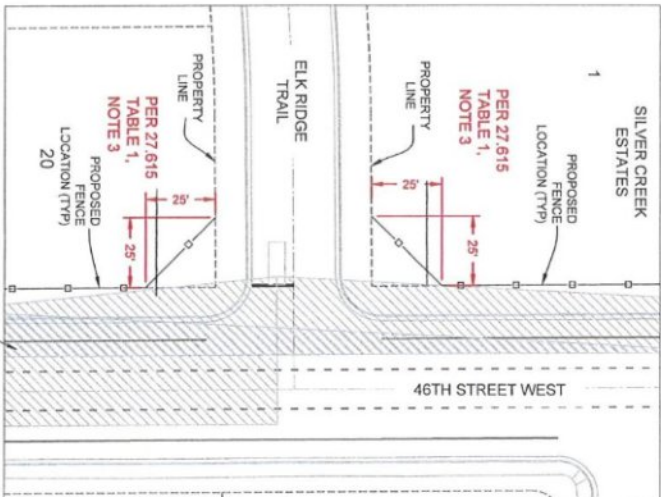
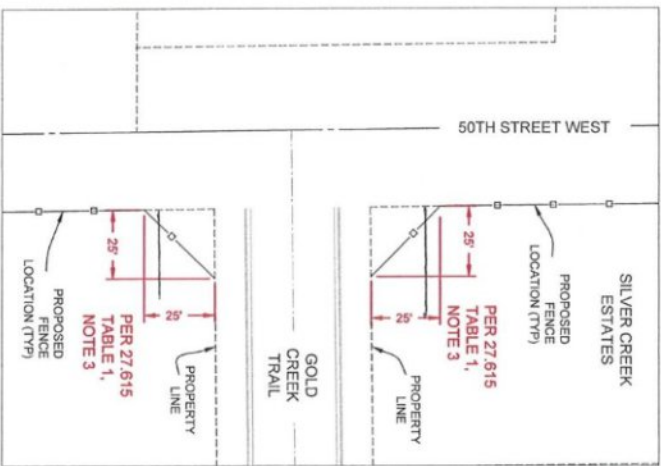


Application and Site Plans
 Variance 1224 – Silver Creek Estates





SILVER CREEK ESTATES
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA
 PREPARED FOR : BOYER LAND, LLC
 FEBRUARY, 2016
 SCALE: 1" = 100'



City of Billings

VARIANCE APPLICATION

Supplemental Information
Silver Creek Estates
Clear Vision Triangle and Front Yard Fence Height

January 29, 2016

Chairperson, Billings Board of Adjustment
C/O Planning & Community Services
2825 3rd Ave North 4th Floor
Billings MT 59101

RE: Variance Requests Silver Creek Estates.

Specific Variances Requested:

1. §27-615 Visibility At Intersections.
Table - 1 Minor Street Stop, entering a Local Street: - 10' x 55' along property lines.
2. §27-604 Fences, Walls and Hedges.
(c) Fence height, front yard 4 feet; and
(d) Fence height, clear vision zone.

Answers to Questions:

§27-615:

- 1A. We believe that our alternate design of the clear vision triangle (25' x 25') provides adequate sight distances given the posted speed limits along 46th and 50th Streets. Design calculations are attached as part of this application.
- 1B. Our modified design increases the amount of lot area required for the clear vision area from 275 square feet to 312.5 square feet. It also provides a cleaner residential lot line for maintenance and upkeep.

§27-604:

- 1A. The fence height in the front yard setback is 4 feet and we would like to have a transition panel from 6 to 4 feet similar to what exists in the neighborhood.
- 1B. This transition panel will provide additional headlight screening and back yard privacy on each of the corner lots in our subdivision.
2. The use of the property is for the residential platted subdivision Silver Creek Estates. All uses within the subdivision are to be consistent with the prevailing zoning with the further restrictions in the Covenants, Conditions and Restrictions imposed by the developer.

Analysis of Request

Standard:

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;

Response:

The intent of the regulations, to provide clear vision areas that allow for unobstructed views when entering the traffic flow, can be met with an alternative design that is much more aesthetically that the standard established by the code.

The proposed clear vision area 25' x 25' provides more than the minimum AASHTO sight distance to oncoming traffic for the 35 mph posted limit on 46th and 50th Streets West.

Other lands in the neighborhood have applied alternate designs to the clear vision areas our proposal to modify the shape of the clear vision area and provide for a transition panel with heights from 4 feet to 6 feet outside of the front yard setback is in keeping with prior decisions by the City of Billings. Pictures of fencing at intersections in the neighborhood.

Standard:

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;

Response:

As identified in #1 above there are a number of examples of approaches to compliance with the clear vision area requirements in the neighborhood surrounding Silver Creek Estates. All the developer is requesting is to substitute an alternative design for their project that does not sacrifice public safety.

Standard:

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;

Response:

All uses on the lots within the Silver Creek Estates Subdivision will be consistent with the prevailing zoning of the City of Billings. In addition, the developer has voluntarily prepared and recorded Covenants, Conditions and Restrictions that further limit the uses and potentially objectionable activities on all lots within the development.

Standard:

4. That granting the variance will be in general harmony with the general purpose and intent of this chapter and with the comprehensive plan;

Response:

The general purpose for all zoning standards is to promote the general health, welfare and safety of residents of the jurisdiction. Where an alternative design can be proposed

that accomplishes these goals while not having a detrimental impact based on nationally adopted standards, the developer submits that the purpose of the zoning and the comprehensive plan have been complied with.

The desire to have a unique entrance to our development is not inconsistent with other developments in the neighborhood. We submit that allowing for minor modifications in design while providing compliance with adopted street design standards makes for a more interesting neighborhood.

Standard:

5. In granting any variance, the board may prescribe appropriate conditions and safeguards in conformance 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;

Response:

The developer understands that a petition for variance may result in the imposition of conditions to assure compliance with the purpose and intent of the zoning regulations. The developer will comply with any reasonable conditions imposed by the Board of Adjustment.

Standard:

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

Response:

The developer understands the desire of the board to see action on the part of an applicant and will work with all due diligence to complete the fencing of the clear vision areas according to our preferred design. In no case should the project require more than 18 months from the date of approval.

Standard:

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.

Response:

The request DOES NOT create a use in the district that is not contemplated by the prevailing zoning. Similarly, the request does not create a special privilege to this owner as there are numerous examples of providing visibility at intersections in the area of our development.

Our strongest statement supporting our request is that our design is fully AASHTO compliant. As such, the board is not conferring any privilege but allowing for flexibility in acceptable design that complies with the purpose and intent of the zoning regulations.

