

## Attachment A

### Staff Analysis and Recommendation

City Staff has reviewed the request for a variance from City of Billings Subdivision Regulations Section 23-406(B)(6) and is recommending approval.

North Lakeview Drive is currently an existing 30-foot road right of way and is a gravel surface road. The original Pemberton Subdivision was platted in 1940 and the lots have been rearranged several times since then, relocating lot lines or aggregating lots. When the subject property began developing in 2008, there was no reason to subdivide the property for the proposed condominium development. Over the next couple of years, there were 4 dwelling units constructed on the parcel and then the project stopped. Since that time the original owners' situation has changed and they are no longer able to complete the project. With this subdivision, the applicants wish to be able to sell the property to individuals or developers to build on.

Because of the existing buildings and the current setbacks from the existing 'front' property line, which is also the edge of the existing road right of way, should the city require the full 30-foot half road width for the street right of way, the new 'front property line / road right of way' would go through the front corners of the existing structures on the property. When reviewing this proposal in the pre-application meeting, the City of Billings Engineering staff determined North Lakeview Drive could be built to city standards within a 40 foot right of way with a 5-foot sidewalk easement on the north edge of the new right of way. This neighborhood does not have heavy traffic in it because there are no direct through street connections from the west to the east. It is a residential neighborhood with no commercial uses that gain access through the streets in this neighborhood, traffic is very minimal and will likely remain that way.

Staff believes the narrower right of way can be used to build a paved road in the future should the residents decide they would like to have the work done. Also, the variance will preserve the existing homes already built along the northern side of the right of way. Therefore, staff recommends that the City Council approves the variance request.

City of Billings Subdivision Regulations:

Section 23-406(B)(6) **Right-of-Way and Street Widths**: Street right-of-way and surface widths table that shows a required right-of-way width of 60 feet.



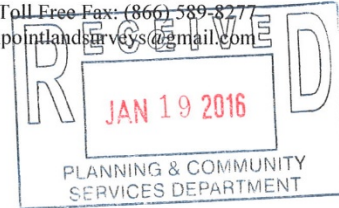
PC - 15-00214

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January 19, 2016

Billings City Council  
210 N. 27th St.  
Billings, MT 59103

**RE: Request for Variance – Amended Plat of Lot 22A of Pemberton Subdivision**

Dear Council Members:

Please consider this letter as a request for a variance from the design and improvement standards of the City of Billings Subdivision Regulations.

Specifically the subdivider, Melodee Haagenon, is requesting a variance from Section 23-406(B)(6) requiring a 56-foot wide right-of-way for residential local access.

Please consider the following in making your determination:

1. **The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.**

The subject property is described as Lot 22A of Amended Plat of Lots 21 and 22 of Pemberton Subdivision (see attached survey). The property abuts the north side of North Lakeview Drive which is a gravel road within a 30-foot wide right-of-way that was dedicated per the plat of Lakeview Subdivision in 1954. The road currently serves a total of 13 residences, only 3 of which lie to the east of this property (see attached aerial photo). The subdivider is proposing to dedicate an additional 10-foot of right-of-way along the entire frontage as was anticipated in 2004 by the previous owner (see attached survey). This would make the total right-of-way width 40-foot wide and provide adequate width to construct the 34-foot wide back to back curb width required for a residential local access road per the subdivision regulations. In addition, the subdivider will provide a 5-foot wide easement for a sidewalk along the north side of the 10-foot dedication (see attached site plan).

2. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.**

In 2008 the subdivider's husband, Bruce Haagenon, created the North Lakeview Twin Homes homeowner's association and built two 2-family homes which presently occupy the west side of the subject property (see attached aerial photo and Twin Homes site map). Mr. Haagenon has since passed away and the subdivider would now like to subdivide the property in order to market the vacant lots as single or 2-family building sites (see attached site plan). Due to the shape of the property and the existence of a sewer line on the north side of the property, the subdivider is asking for the variance in order to provide room for 2-family housing while meeting the minimum setback requirements established by the Zoning Regulations.

3. **The variance will not result in an increase in taxpayer burden.**

As part of the subdivision documents, the subdivider will file a waiver of right to protest the creation of a special improvement district should future improvements to North Lakeview Drive be required. The subdivision will potentially add two 2-family dwellings to the tax rolls.

4. **The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations.**

The granting of the variance will allow the lots to continue with the character of the previous development and maintain the minimum setback requirements as well as all other requirements of the Residential 6000 Zone.

5. **The alternative design is equally effective and the objectives of the improvements are satisfied.**

Considering the low traffic volume, the fact that the 40-foot wide right-of-way will provide adequate width for a standard 34-foot road section and the provision of the sidewalk easement, the alternative design is equally effective and the objectives are satisfied.

Thank you for your consideration. If you require further information, please contact me at your convenience.

Sincerely,



**Pinpoint Land Surveys, PLLC**  
Clay Schwartz, PLS

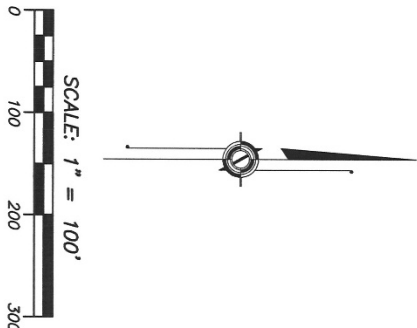
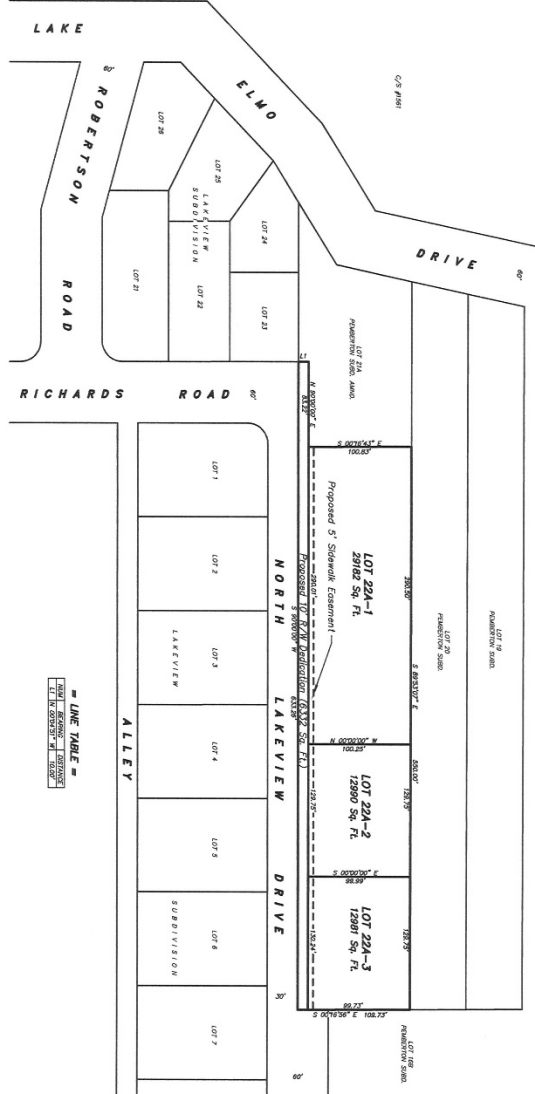
Enclosures: Amended Plat of Lots 21 and 22 of Pemberton Subdivision  
Aerial Photo  
Proposed Subdivision Site Plan  
Proposed Subdivision Site Plan with aerial overlay  
Twin Homes Site Map







**PROPOSED  
AMENDED PLAT OF LOT 22A OF PEMBERTON SUBDIVISION  
BENG LOT 22A OF THE AMENDED PLAT OF LOTS 21 AND 22 OF PEMBERTON SUBDIVISION  
IN THE NE1/4 OF SECTION 15, T1N, R26E, P1M  
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA  
SUBDIVIDER/OWNER: MELODIE HAAGENSON**



GROSS AREA: 61,486 SQ. FT.  
NET AREA: 55,154 SQ. FT.  
NO. OF LOTS: 3  
GROSS AREA: 12,081 SQ. FT.  
NET AREA: 11,299 SQ. FT.  
EXISTING ZONE: RESIDENTIAL 6000  
PROPOSED ZONE: RESIDENTIAL 6000  
EXISTING LAND USE: 2-FAMILY RESIDENTIAL  
PROPOSED LAND USE: SINGLE / 2-FAMILY RESIDENTIAL  
WATER HEIGHTS WATER DISTRICT  
STORM AND SEWER: CITY OF BILLINGS

1/4 SEC.	SECTION	TOWNSHIP	RANGE	SHEET NO.
NE1/4	15	T.1 NORTH	R.26 EAST	1 of 1

DRAWING PATH: C:\15017-Haagenson\15017\ar01.dwg  
 DATE DRAWN: 01/25/16  
 REVISION: 01/22/16  
**PINPOINT LAND SURVEYS, PLLC**  
 4820 MCGILL ROAD  
 BILLINGS, MONTANA 59105  
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