



**CITY BOARD OF ADJUSTMENT**  
**AGENDA-Wednesday, April 5, 2017 @ 6:00 p.m.**  
**Miller Building, 1<sup>st</sup> Floor Conference Room**  
**2825 3<sup>rd</sup> Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

**Call the meeting to order.**

**Introduction of City Board of Adjustment Members and Planning Department Staff.**

**Public Comment**

**Approval of Minutes: March 1, 2017**

**Disclosure of any Conflict of Interest-Members of the Commission and Staff**

**Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff**  
**a.The Exparté Communication Binder is available at the Sign-In and Agenda Station.**

**Regular Business:**

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

**Public Hearings:**

- a. **City Variance 1257 – 215 14<sup>th</sup> St West – Lot Coverage** - The applicant is requesting a variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 33% (2,439 square feet) in a Residential 7,000 (R-70) zone on Lot 2, Block 11, Normandy Subdivision, 2<sup>nd</sup> Filing, for the purpose of construction of a new detached garage. The property is a 7,440 square foot parcel of land. Tax ID: A11453. Presented by Karen Husman, Planner I
  
- b. **City Variance 1258 – 5518 Sacagawea Dr – Lot Area and setbacks** – A variance from 27-308 requiring a minimum lot area of 55,000 square feet for two 4-unit apartments and five duplexes to allow 43,310 square feet; from 27-309 requiring a minimum front setback of 20 feet from the front property line to allow 8 feet; from 27-309 requiring a minimum side adjacent to street setback of 10 feet to allow 5 feet; and from 27-308 requiring a minimum front setback of 15 feet to allow 8 feet in a Highway Commercial (HC) zone on lot 26A, Block 10, Riverfront Pointe Subdivision. Tax ID: A31299. Presented by Dave Green, Planner II

### **Other Business/Announcements**

### **Adjournment**

Information on the preceding item(s) may be obtained at the City-County Planning Division, 4<sup>th</sup> Floor of the Miller Building, 2825 3<sup>rd</sup> Ave North, Billings, MT 59101 or phone 247-8676. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony to Planning Division at the address above.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to [bartleyr@ci.billings.mt.us](mailto:bartleyr@ci.billings.mt.us)

**City Board of Adjustment**

**Meeting Date:** 04/05/2017

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**Information**

**Subject**

**Approval of Minutes: March 1, 2017**

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**Attachments**

BBOA\_2017\_0301\_draft

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**CITY BOARD OF ADJUSTMENT**

MINUTES March 1, 2017

Name	Title	01/04/2017	02/01/2017	03/01/2017	04/05/2017	05/03/2017	06/07/2017	08/02/2017	08/03/2016	09/06/2017	10/04/2017	11/01/2017	12/06/2017
Jeff Bollman	Board member	1	1	E									
Dave Hagstrom	Board member	1	1	1									
Paul Hagen	Board member	1	1	1									
Frank Chesarek	Vice Chairman	1	1	E									
Oscar Heinrich	Board member	1	1	E									
Martin Connell	Board member	1	1	1									
Mark Noennig	Chairman	1	1	1									

TOTAL NUMBER OF APPLICATIONS 2016	01/04/2017	02/01/2017	03/01/2017	04/05/2017	05/03/2017	06/07/2017	08/02/2017	08/03/2016	09/06/2017	10/04/2017	11/01/2017	12/06/2017	TOTAL
Variance	1	1	7										9

Chairman Noennig called the meeting to order at 6:00 p.m. The City Board of Adjustment met in the first floor conference room of the Miller Building located at 2825 3<sup>rd</sup> Avenue North.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I and Robbin Bartley, Administrative Support.

**Attending:** Dayton Rush, Marlin Dunlap, Aaron Higginbotham, Barbara Cox, Michael Stoch, Mark Morehead, Rob Morehead, Travis McDowell, Will Robbins, Kristine Keller, Frank L Holbrook, Alex Sterhan, Don Sterhan, Marge Sterhan, Trae Schwenneker, Katelyn Christian, Paul Dextras

**Public Comment**

Chairman Noennig opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none. Chairman Noennig closed the public comment period.

**Approval Meeting Minutes**

Board member Connell made a motion for the approval of February 1, 2017 minutes. Board member Hagen seconded the motion. Minutes were approved by unanimous voice vote 4-0.

## **Disclosure of any Conflict of Interest, Ex Parte Communications and Site Visits**

A new form has been implemented for any disclosures. If any Board member circled yes to a Conflict of Interest or Ex Parte Communication, it will be explained here.

**None**

### **Public Hearings**

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearings and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes for the meeting and acting on each variance.

**Nicole Cromwell then asked the Board to hear Variance # 1256 first as the applicant needed to return home. The Board agreed. The findings of Variance #1256 are found in numerical order. After Variance #1256;**

Nicole Cromwell read the legal description for **Variance #1250**:

Karen Husman presenting:

**Variance 1250 – 1147 O’Malley Drive – Detached Garage** - A variance from 27-310(i) requiring a maximum garage foot print of 1,013 square feet to allow a detached garage foot print of 1,250 square feet; to allow a side wall height greater than 10 feet to allow a sidewall height of 15.5 feet; and from the required 8-foot side setback for a structure over 18 feet in height to allow a 5-foot side setback in a Residential 9,600 (R-96) zone, on Lot 1, and the West 1.67 feet of Lot 2, Block 2 of Neidemire Subdivision, a 11,745 square foot parcel of land generally located at 1147 O’Malley Drive. Tax ID: A11290

### **RECOMMENDATION**

Planning Staff is recommending denial.

### **Questions for Staff:**

Board member Connell asked staff if a basement is planned for the garage. Staff has no information indicating that intent.

Chairman Noennig asked what will be above the garage area. The proposal is for a bonus room.

### **Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1250**.

### **Travis McDowell, 2029 Forest Park Drive**

Explained the size and height. 237 square feet is the overage amount.

Chairman Noennig asked about the size of the existing garage, 1013 is the current maximum. The sidewall height needs to be addressed.

**Rob Moorehead, 1014 N 32<sup>nd</sup> Street**

Mr. Moorehead is the brother to the applicant. Mr. Moorehead was granted a like Variance in the past. The slide presentation shows there is no privacy in the backyard. Board member Hagen asked what is the height of the garage. There are no other structures in the area that tall.

If a breezeway were attached they would not need a variance.

Chairman Noennig asked how the Variance qualifies under the criteria.

Board member Connell stated we cannot grant approval unless it meets the criteria. He also inquired as to the special criteria that allowed the approval of his.

**OPPOSED**

**Don Sterhan, 3104 E MacDonald Drive**

He is a developer. There are 3 variances actually being requested. The structure does not fit in the neighborhood. He is concerned about future use and supports the recommendation for denial.

**Alex Sterhan, 2130 Silver Sage Trail**

Mr. Sterhan bought in this neighborhood because it is an older established neighborhood. The décor established is single level homes.

**REBUTTAL**

My brother and his wife have German Shepherds and are car collectors. There is no intention to be industrial later on.

**Discussion**

Board Connell cannot find justification to approve this Variance.

Chairman Noennig asked what the specific conditions are.

**BOARD MEMBER Hagstrom made a motion and BOARD MEMBER Hagen seconded the motion to deny City Variance #1250 with the Findings of Fact presented by Staff.**

Board member	Yes	No	Not Present
Jeff Bollman			x
Dave Hagstrom	x		
Paul Hagen	x		
Frank Chesarek			x
Oscar Heinrich			x
Martin Connell	x		
Mark Noennig	x		

The motion to deny City Variance #1250 passed 4-0.

Nicole Cromwell read the legal description for **Variance #1251**:

Karen Husman presenting:

**Variance 1251 – 2315 9<sup>th</sup> Avenue N – Land Use Contrary to Zoning (LUCZ) – new 911 Center –** A request to hold a public hearing to receive public comment on the proposed construction of a new 911 Communication Center in a Residential 7,000 (R-70) zone, on the South ½ of Lot 3, Block 9, Sunnyside Subdivision 2<sup>nd</sup> Filing, a 21,000 square foot parcel of land generally located at 2135 9<sup>th</sup> Avenue North. The proposed facility will not meet the required front or side adjacent to street setback requirements, will install an 80-foot communications tower, and will have generators and transformers near the east property line. The City Board of Adjustment has no power to approve, deny or attached conditions to the proposed use. State law (MCA 76-2-402) requires a forum before the Board of Adjustment to receive public comment. Tax ID: A16423

**RECOMMENDATION**

Planning Staff is recommending conditional approval.

**Questions for Staff:**

NONE

**Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1251**.

**Dave Rush, CTA**

Mr. Rush pointed out the changes.

**Opposed**

NONE

**Discussion**

There is no action required by the Board. This satisfies the Public Hearing portion.

Nicole Cromwell read the legal description for **Variance #1252**:

Karen Husman presenting:

**Variance 1252 – 906 N 32<sup>nd</sup> Street – Side Setback –** A variance from Section 27-308 requiring a minimum 5-foot side setback to allow a 2-foot side setback for a proposed 380 square foot addition to an existing dwelling in a Residential 7,000 (R-70) zone, on the North 15 feet of Lot 8 and Lot 9, Block 19 of North Elevation Subdivision, 3<sup>rd</sup> Filing an 8,024 square foot parcel of land generally located at 906 N 32<sup>nd</sup> Street. Tax ID: A11840

**RECOMMENDATION**

Planning Staff is recommending conditional approval.

**Questions for Staff:**

NONE

**Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1252**.

**Dusty Eaton, owner**

Mr. Eaton has a growing family and is committed to living downtown. He is committed to preserving the area.

Chairman Noennig confirmed if he moved the proposed addition forward, no variance would be needed. Access to the new addition is limited to anywhere but there.

**Opposed**

NONE

**Discussion**

**BOARD MEMBER Hagen made a motion and BOARD MEMBER Connell seconded the motion to approve City Variance #1252 with the Findings of Fact presented by Staff.**

Board member	Yes	No	Not Present
Jeff Bollman			X
Dave Hagstrom	X		
Paul Hagen	X		
Frank Chesarek			X
Oscar Heinrich			X
Martin Connell	X		
Mark Noennig	X		

The motion to approve City Variance #1252 passed 4-0.

Nicole Cromwell read the legal description for **Variance #1253**:

Karen Husman presenting:

**Variance 1253 – 2401 & 2405 Sunnyview Lane – Lot Area** – A variance from 27-308 requiring a minimum lot area of 19,200 square feet for 2 dwelling units in a Residential 9,600 (R-96) zone, on Lot 2, and the North 30 feet of Lot 3, Block 3 of Pleasant Acres Subdivision to allow a minimum lot area of 10,400 square feet for two existing dwelling units, generally located at 2401 and 2405 Sunnyview Lane. The owner and buyer require a lot area variance in order to finance the sale of the property and no construction or re-construction is contemplated. Tax ID: A12905

**RECOMMENDATION**

Planning Staff is recommending conditional approval.

**Questions for Staff:**NONE

**Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1253**.

**Marlin Dunlap, 2401 Sunnyview Lane**

The previous owners wanted the Dunlap’s to buy this house. They are now deceased. We need a compliance letter to get financing and there are no changes.

**Opposed**

NONE

**Discussion**

**BOARD MEMBER Connell made a motion and BOARD MEMBER Hagstrom seconded the motion to approve City Variance #1253 with the Findings of Fact presented by Staff.**

Board member	Yes	No	Not Present
Jeff Bollman			x
Dave Hagstrom	x		
Paul Hagen	x		
Frank Chesarek			x
Oscar Heinrich			x
Martin Connell	x		
Mark Noennig	x		

The motion to approve City Variance #1253 passed 4-0.

Nicole Cromwell read the legal description for **Variance #1254**:

Nicole Cromwell presenting:

**Variance 1254 – 3933 Shiloh Road – Building Height** – A variance from 27-309 requiring a maximum building height of 45 feet to allow a maximum building height of 50 feet in a Community Commercial (CC) zone on Tract 1B1 of C/S 2277 in the proposed Shiloh Commons Subdivision, a 9.38-acre parcel of land generally located on the north east corner of Shiloh Road and Central Avenue. Tax ID: D00325

**RECOMMENDATION**

Planning Staff is recommending conditional approval.

**Questions for Staff:**

Board member Connell confirmed the hardship would be on the builder regarding parking. Staff advised there has not been a variance requested for parking.

**Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1254**.

**Michael Stock, 4520 Rainfield**

Mr. Stock is an agent for the owner and is here to answer questions.

Chairman Noennig asked what the other building is. It is slab on grade, a retail pad.

**Opposed**  
NONE

**Discussion**

**BOARD MEMBER Hagstrom made a motion and BOARD MEMBER Hagen seconded the motion to approve City Variance #1254 with the Findings of Fact presented by Staff.**

Board member	Yes	No	Not Present
Jeff Bollman			x
Dave Hagstrom	x		
Paul Hagen	x		
Frank Chesarek			x
Oscar Heinrich			x
Martin Connell	x		
Mark Noennig	x		

The motion to approve City Variance #1254 passed 4-0.

Nicole Cromwell read the legal description for **Variance #1255**:

Nicole Cromwell presenting:

**Variance 1255 – 1010 N 24<sup>th</sup> St – Projection in Front Setback** – A variance from 27-310(g) requiring a maximum projection in the required 20-foot front setback of 4 feet, to allow a maximum projection of 7 feet into the required 20-foot front setback for a proposed new front deck in a Residential 7,000 (R-70) zone, on the North 50 feet of the South 125 feet of Lot 4, Block 7, Sunnyside Subdivision, 2<sup>nd</sup> Filing, a 7,000 square foot parcel of land generally located at 1010 N 24<sup>th</sup> Street. Tax ID: A16389

**RECOMMENDATION**

Planning Staff is recommending conditional approval.

**Questions for Staff:**

Board member Hagstrom asked if a deck may encroach. Staff explained the need for a Variance in this situation.

**Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1255**.

**Aaron Higginbotham, owner, 1315 Bitterroot Drive**

The deck is an enhancement; the existing concrete was in horrible condition.

**Opposed**  
NONE

**Discussion**

NONE

**BOARD MEMBER Hagen made a motion and BOARD MEMBER Hagstrom seconded the motion to approve City Variance #1255 with the Findings of Fact presented by Staff.**

Board member	Yes	No	Not Present
Jeff Bollman			x
Dave Hagstrom	x		
Paul Hagen	x		
Frank Chesarek			x
Oscar Heinrich			x
Martin Connell	x		
Mark Noennig	x		

The motion to approve City Variance #1255 passed 4-0.

Nicole Cromwell read the legal description for **Variance #1256**:

Nicole Cromwell presenting:

**Variance 1256 – 1413 18<sup>th</sup> St West – Lot Coverage** – A variance from 27-308 requiring a maximum lot coverage of 30% (1,550 square feet) to allow a maximum lot coverage of 40% (2,066 square feet) in a Residential 7,000 (R-70) on Lot 13 & the South 65 feet of Lot 12 & and the West 20 feet of the South 65 feet of Lot 14, Block 6 of Kober Subdivision, 3<sup>rd</sup> Filing a 5,166 square foot parcel of land (or 5,406 square feet including the north 3 feet of the alley as deeded in 1954), for the purpose of construction 1 new two-family dwelling generally located at 1413 18<sup>th</sup> St West. A previous variance was approved to reduce the required lot area and the front setback (Variance 1248). Tax ID: A09951

**RECOMMENDATION**

Planning Staff is recommending conditional approval.

**Questions for Staff:**

Chairman Noennig asked what changed that required a new Variance. The 1<sup>st</sup> plan was not practical.

**Barbara Cox, owner**

We need a Variance for the new duplex plans to work. We need the room.

**Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1256**.

**Opposed**

NONE

**Discussion**

Board member Hagstrom asked if there will be a basement and asked about square footage.

**BOARD MEMBER Hagen made a motion and BOARD MEMBER Connell seconded the motion to approve City Variance #1256 with the Findings of Fact presented by Staff.**

Board member	Yes	No	Not Present
Jeff Bollman			x
Dave Hagstrom	x		
Paul Hagen	x		
Frank Chesarek			x
Oscar Heinrich			x
Martin Connell	x		
Mark Noennig	x		

The motion to approve City Variance #1256 passed 4-0.

**The public hearing was closed at 7:29 PM.**

**Other business:**

The next meeting will be on April 5, 2017.

**The meeting adjourned at 7:29PM.**

**ATTEST: DRAFT. To be approved by a motion on April 5, 2017.**



**City-County Planning Division**  
**Wednesday, March 1, 2017**  
**City Board of Adjustment**  
**Exparte & Conflict of Interest Disclosures**



**DISCLOSURE OF EXPARTE COMMUNICATION: Circle Yes or No.**

*If "Yes", Please announce the details of your exparte communication to the Board and Clerk for the record.*

Variance #	Noennig	Chesarek	Hagen	Bollman	Heinrich	Hagstrom	Connell
1250	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1251	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1252	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1253	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1254	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1255	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1256	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO

**DISCLOSURE OF SITE VISITS: Circle Yes or No.**

*If "Yes", Please announce the locations you visited to the Board and Clerk for the record*

Variance #	Noennig	Chesarek	Hagen	Bollman	Heinrich	Hagstrom	Connell
1250	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1251	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1252	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1253	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1254	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1255	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1256	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO

**DISCLOSURE OF CONFLICT OF INTEREST: Circle Yes or No.**

*If "Yes", Please announce your statement of conflict of interest to the Board and Clerk for the record. Board members with Conflicts of Interest must abstain from any participation on the agenda item.*

Variance #	Noennig	Chesarek	Hagen	Bollman	Heinrich	Hagstrom	Connell
1250	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1251	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1252	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1253	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1254	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1255	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO
1256	YES/NO	<del>YES/NO</del>	YES/NO	<del>YES/NO</del>	YES/NO	YES/NO	YES/NO



## City Board of Adjustment

**Meeting Date:** 04/05/2017

**SUBJECT:** City Variance #1257-215 14th Street West

**THROUGH:** Wyeth Friday

**PRESENTED BY:** Karen Husman

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### Information

#### REQUEST

**City Variance 1257 – 215 14<sup>th</sup> St West – Lot Coverage** - The applicant is requesting a variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 33% (2,439 square feet) in a Residential 7,000 (R-70) zone on Lot 2, Block 11, Normandy Subdivision, 2<sup>nd</sup> Filing, for the purpose of construction of a new detached garage. The property is a 7,440 square foot parcel of land. Tax ID: A11453. Presented by Karen Husman, Planner I

#### RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for Variance request #1257, based on the determinations for granting a variance.

#### APPLICATION DATA

**OWNERS:** Jon David Walton  
**AGENT:** Mattie Walton  
**PURPOSE:** To allow construction of a new detached garage  
**LEGAL DESCRIPTION:** Lot 2, Block 11, Normandy Subdivision, 2<sup>nd</sup> Filing  
**ADDRESS:** 215 14<sup>th</sup> Street West  
**EXISTING LAND USE:** Residential  
**PROPOSED LAND USE:** Residential  
**EXISTING ZONING:** Residential-7,000 (R-70)

#### CONCURRENT APPLICATIONS

None.

#### APPLICABLE ZONING HISTORY

**Subject Property:** None

**Surrounding Property:** Records show there have been 8 approved variance applications in the surrounding neighborhoods.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-70  
Land Use: Residential single family  
SOUTH: Zoning: R-70  
Land Use: Residential single family  
EAST: Zoning: R-70  
Land Use: Residential single family  
WEST: Zoning: R-70  
Land Use: Residential single family

## **BACKGROUND**

The applicant is requesting a variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 33% (2,439 square feet) in a Residential 7,000 (R-70) zone for the purpose of constructing a new detached garage.

There have been 8 approved variance applications in the surrounding neighborhoods, 6 were for setbacks and 2 were for lot size. Some properties in this neighborhood have obtained a variance while some have not. Staff researched the neighborhoods surrounding the subject property and found that there are at least 9 properties in the area that are currently over the maximum allowed lot coverage. Those properties found did not have a variance approved and are currently non-conforming to the zoning regulations. The property owner is requesting the variance to be able to build a new detached garage on the property.

## **RECOMMENDATION**

Planning Staff is recommending conditional approval and adoption of the findings of the review criteria.

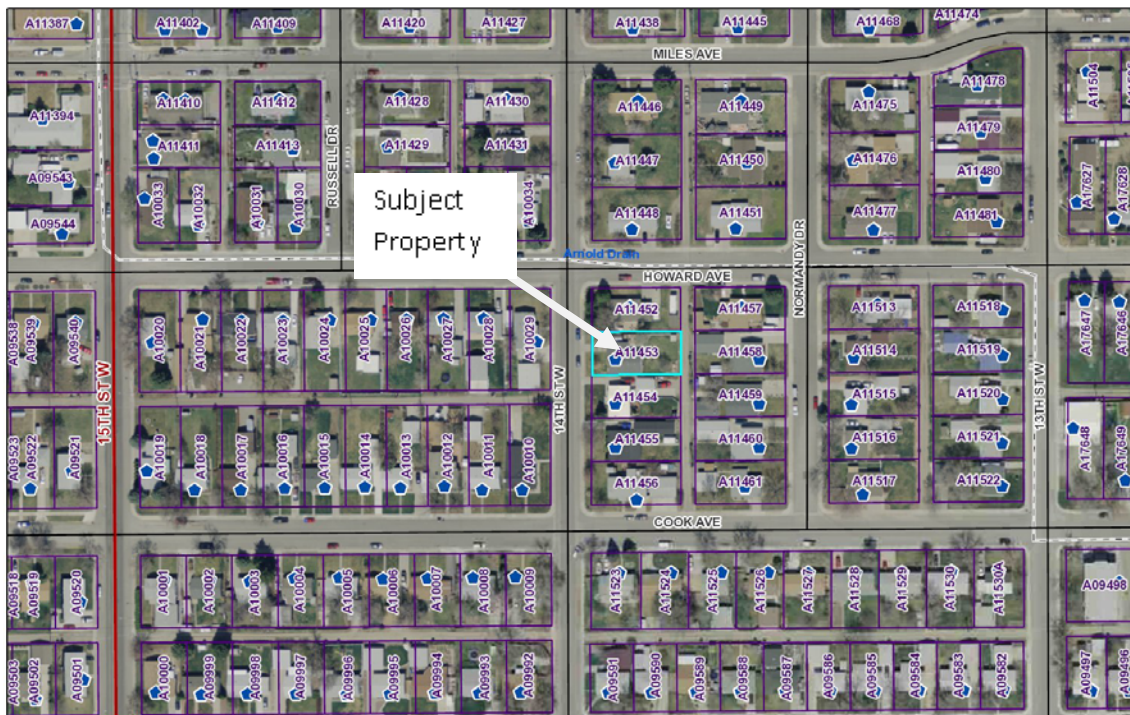
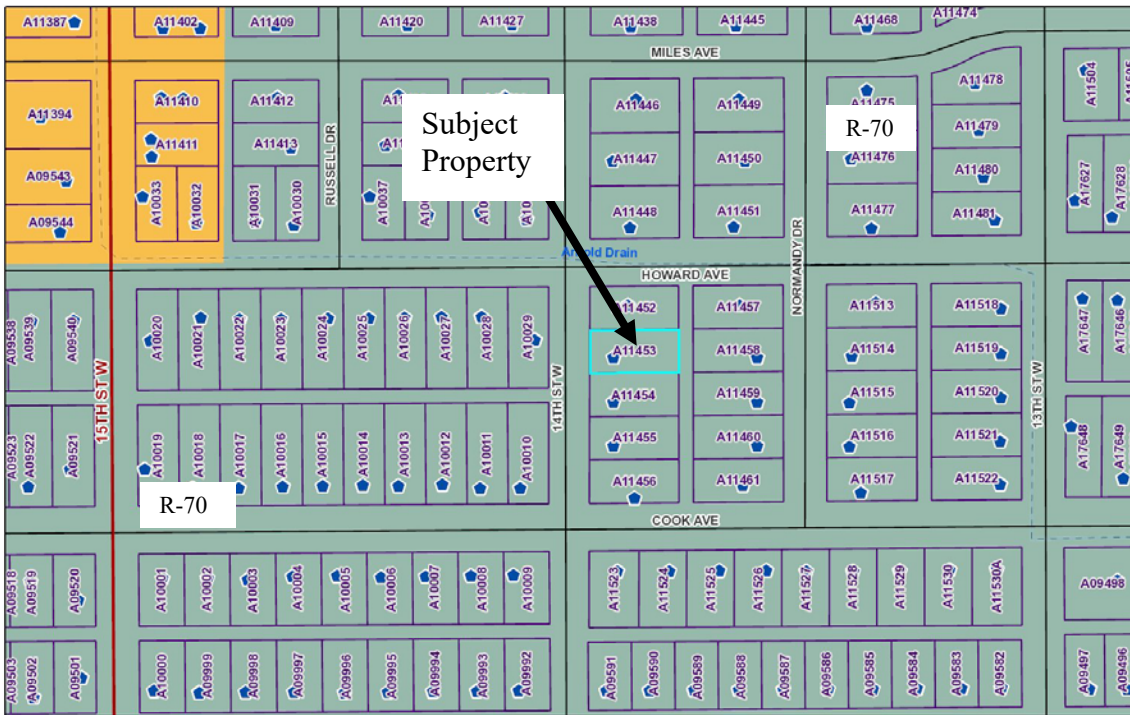
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### **Attachments**

Zoning Map & Site Photos  
Applicant Letter & Site Plan  
Determinations

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**ATTACHMENT**  
Surrounding Zoning & Site Location



**ATTACHMENT**  
Site Photographs



Subject Property.



Looking North



Looking South

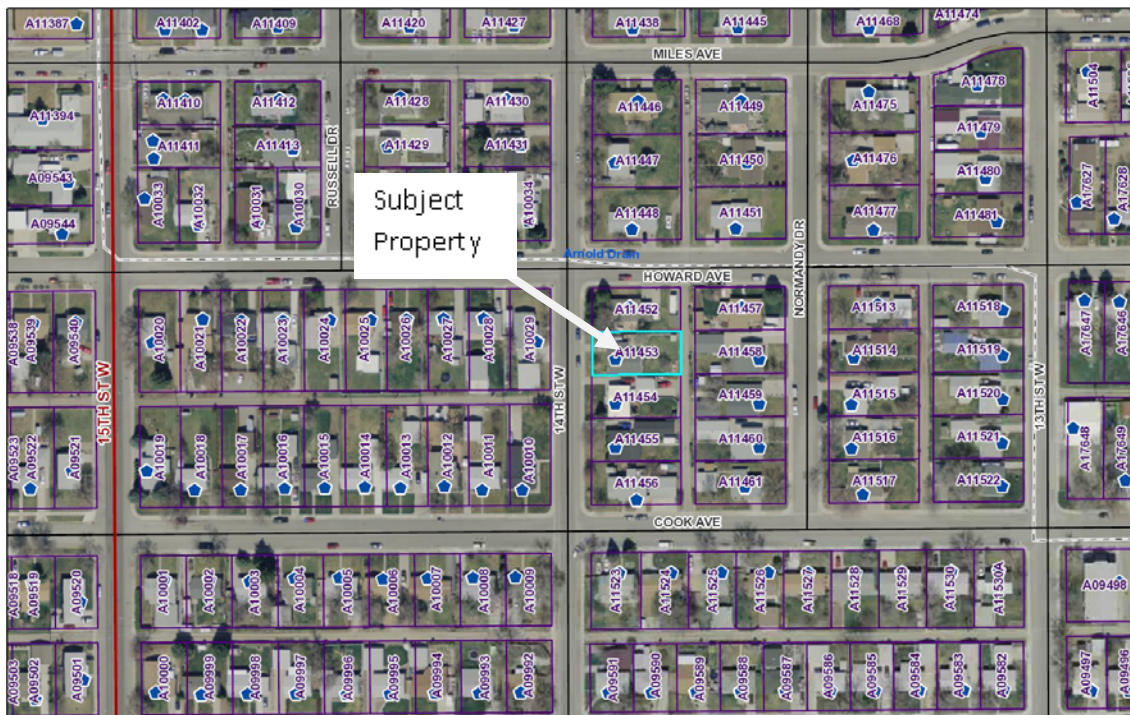
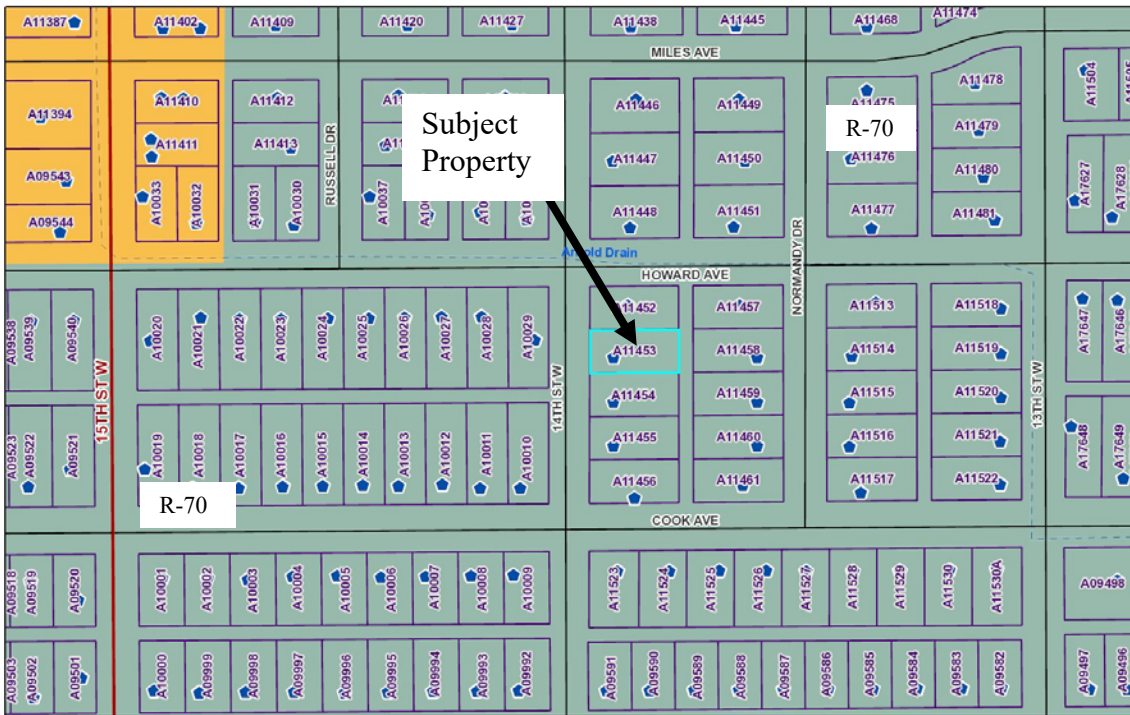


East

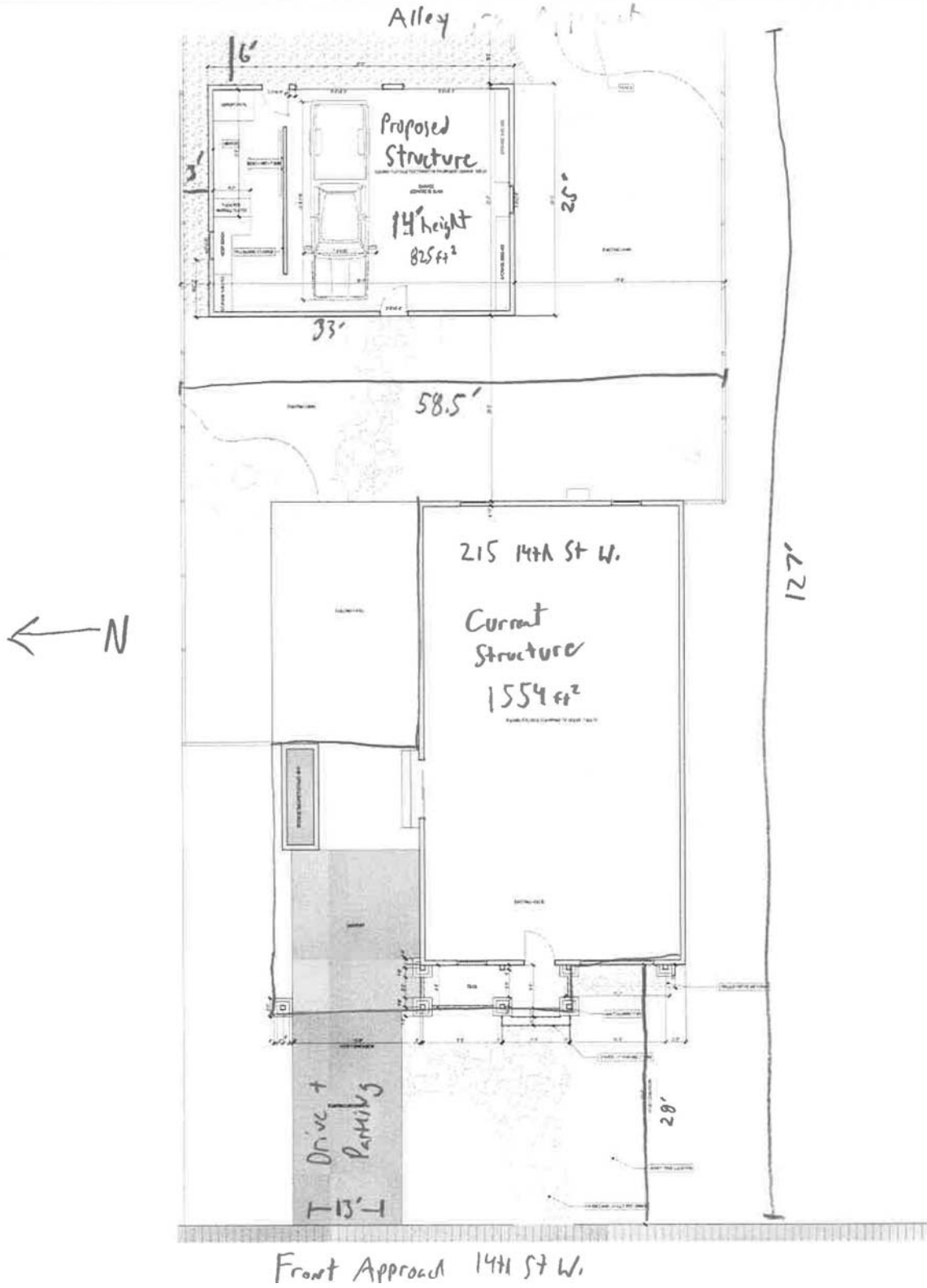


Looking from the alley at the subject property

**ATTACHMENT**  
Surrounding Zoning & Site Location



ATTACHMENT  
Site Plan



**Attachment**  
**Application**



**APPLICATION FORM**

**CITY VARIANCE**

**ID: Billings Variance #** 1257 - **Project #** P2-17-00021

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings Zoning Regulations.

TAX ID # A11453 CITY ELECTION WARD # 3

Legal Description of Property: Normandy Add 2nd Filing, S05, T01S, R26 E, Block 11, Lot 2

Address or General Location (If unknown, contact City Engineering): 215 14th St W

Zoning Classification: Residential 7000

Size of Parcel (Area & Dimensions): 7440 Sq. Ft.

Covenants or Deed Restrictions on Property: Yes  No

If yes, please attach to application

Variance(s) Requested: Lot % covered by roofed structures ↑ from 30% to 32%  
2381 SF

Facts of Hardship: Limited parking and storage and security provided by current property

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

Owner(s): Jon David Walton  
(Recorded Owner)  
215 14th St W Billings, MT, 59102  
(Address)  
406-698-6214 JONBOYMT@HOTMAIL.COM  
(Phone Number) (email)

Agent(s): Mattie Walton  
(Name)  
215 14th St W Billings MT, 59102  
(Address)  
406-647-2028  
(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: [Signature] Date: 1-26-17  
(Recorded Owner)

Attachment  
Applicant Letter

p1 2.

Jon Walton  
215 14th Street West  
Billings, Montana

1 February 2017

Chairperson of the Board of Adjustment  
Planning and Community Services Department  
2825 3rd Avenue North  
Billings, Montana

Dear Chairman Noennig:

It is intended that a new detached garage be added to the residential property on 215 14th Street West. The addition of this garage will allow for adequate parking along with safe storage of household supplies and provide works space + room for tools.

Zoning Regulation requirements may not be met with the addition of the proposed garage. The lot coverage restriction for all buildings, sheds, and porches/decks that are 30 inches or higher of the ground is set at 30%. The current square footage footprints are 1554 for the home+carport and 170 for existing detached storage (to be removed); the proposed garage square footage footprint is 825. This combines with the primary structure to a total proposed building and storage square footage footprint of 2379. With the total lot square footage of 7440, the total proposed percentage of lot coverage would be 31%. An exceedance of the allowance.

The home currently has an attached carport, but it does not provide security of personal belongings or enough parking for all of the residents.

Thank you for taking the time to consider the proposal for the new addition of a detached garage. Please contact me if you have any further questions at 406-698-6214.

Sincerely,



## DETERMINATIONS

The Board of Adjustment shall make the following determinations prior to granting a variance:

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;**

There are no special circumstances that exist which are peculiar to the land. The applicant wishes to add a detached accessory structure.

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;**

There have been 8 variance requests in the surrounding neighborhood, for setback and lot size. There are at least 9 other properties in the surrounding neighborhood that are over the maximum allowed lot coverage without a variance approval.

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;**

Granting this variance would not confer a privilege to this applicant that others in the subdivision do not have. This is an old subdivision and Staff found several properties that were over the maximum allowed lot coverage.

4. **That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

The variance approval is in harmony with the general purpose and intent of the zoning regulations and the growth policy.

5. **In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity 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;**

Staff is recommending the following conditions for the variance request;

1. The variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 33% (2,439 square feet) in a Residential 7,000 (R-70) zone, for the purpose of construction 1 new detached garage. No other variance is intended or implied with this approval.
2. The variance is limited to the Lot 2, Block 11, Normandy Subdivision, 2<sup>nd</sup> Filing, generally located at 215 14<sup>th</sup> Street West, Tax ID# A11453.
3. The applicant will submit and obtain a building permit for the construction within 12 months of variance approval and have it completed within 18 months.
4. The garage will be constructed in substantial conformance to the drawings submitted with this variance request.
5. Construction or demolition activity will not occur prior to 7 am or after 8 pm daily.
6. The applicant shall meet all other city code requirements for the proposed addition with the exception of this variance.
7. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.

8. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

**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**

If the variance is approved; the property owner shall apply for a building permit to construct the garage within 12 months and complete construction within 18 months.

**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.**

The granting of this variance would not allow a use that is not already allowed in the zoning district – Residential -7000 zoning districts allow residential accessory structures and additions.



## City Board of Adjustment

**Meeting Date:** 04/05/2017

**SUBJECT:** Variance 1258 - Riverfront Pointe Subdivision - Setbacks, Lot Coverage

**THROUGH:** Wyeth Friday

**PRESENTED BY:** David Green

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### Information

#### REQUEST

**City Variance 1258 – 5518 Sacagawea Dr – Lot Area and setbacks** – A variance from 27-308 requiring a minimum lot area of 55,000 square feet for two 4-unit apartments and five duplexes to allow 43,310 square feet; from 27-309 requiring a minimum front setback of 20 feet from the front property line to allow 8 feet; from 27-309 requiring a minimum side adjacent to street setback of 10 feet to allow 5 feet; and from 27-308 requiring a minimum front setback of 15 feet to allow 8 feet in a Highway Commercial (HC) zone on lot 26A, Block 10, Riverfront Pointe Subdivision. Tax ID: A31299. Presented by Dave Green, Planner II

#### RECOMMENDATION

Planning staff recommends conditional approval based on the findings of the 7 criteria for Variance 1258.

#### APPLICATION DATA

OWNER: McCall Homes, LLC

AGENT: McCall Homes, LLC

LEGAL DESCRIPTION: Block 10, Lot 26A, Riverfront Pointe Subdivision

ADDRESS: 5518 Sacagawea Drive

CURRENT ZONING: Highway Commercial

EXISTING LAND USE: Vacant

PROPOSED USE: Apartments, Duplexes and Commercial Uses

SIZE OF PARCEL: 43,310 square feet

#### CONCURRENT APPLICATIONS

None.

#### APPLICABLE ZONING HISTORY

**Subject Property** - This is the original zoning of the subject property since 2006.

**Surrounding Property** - There have been other zoning applications in the area, including special reviews and zone changes, but no variances.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: HC  
Land Use: Single family and multi-family dwellings

SOUTH: Zoning: Public  
Land Use: Cemetery

EAST: Zoning: HC  
Land Use: Multi family dwellings

WEST: Zoning: HC  
Land Use: Commercial

## **BACKGROUND**

This is a variance request to allow reduced setbacks and a smaller lot size than required by zoning. The applicant is asking for a setback variance from the required side setback on Elysian Road and from front setback requirements from Muldowney Lane for residential and commercial development. This development is unique in that the property lines are already a significant distance from the edge of the existing Muldowney Lane and will allow of a parking lane to be added along the roadway, with a wide landscape boulevard. The boulevard will be 14.5 feet, and the sidewalk will be 10 feet wide. On Elysian Road, there is a 20 foot wide easement that runs along the south property line. There is a total of approximately 42 feet from the edge of the proposed commercial building to the back of the existing curb. This includes the 8 foot setback request, 20 foot wide pipeline easement, and a 5 foot sidewalk with a 5 foot planting boulevard. There is also an additional 10 foot planting area in that distance. The engineers drawing that is provided also shows that the project with the smaller setbacks would not interfere with the required clear vision zone at the corner of Elysian Road and Muldowney Lane. Clear vision zones are measured from the property lines and not the back of existing curbs.

The surrounding zoning is all Highway Commercial with the exception of the cemetery to the south which is zoned public. Riverfront Pointe is all zoned HC, although it is currently all residential development. Josephine Landing is a Planned Development with a very wide range of housing choices. The area is a developing neighborhood with much more development planned for the area in the near future. Much of the existing development is a mixture of housing options sometimes within the same block. Traffic in the area is increasing and with the new developments to the southwest the intersection of Muldowney Lane and Elysian Road will be signalized in the near future.

The Planning staff is recommending conditional approval of the proposed variance. There are circumstances where the side and front of the property will always have wide areas of landscaping and sidewalk that will make them appear to be well set back from the road edges. The developments around this parcel have higher density and the smaller parcel of this proposal has not deterred the developer from having an open internal space for the future residence. There will also be connections with sidewalks to connect this development with those surrounding this development to give a very open feel to the entire area. The proposed variance meets the guidelines of the 2016 Growth Policy to build housing options in existing neighborhoods where they fit in, and it fits with the City's Infill Policy, including supporting additional dwelling units on under-developed lots. The staff is recommending conditions of approval to ensure the property is developed as planned in a timely fashion to add to the neighborhood.

## **RECOMMENDATION**

Staff recommends conditional approval based on the findings of the 7 criteria for Variance 1258.

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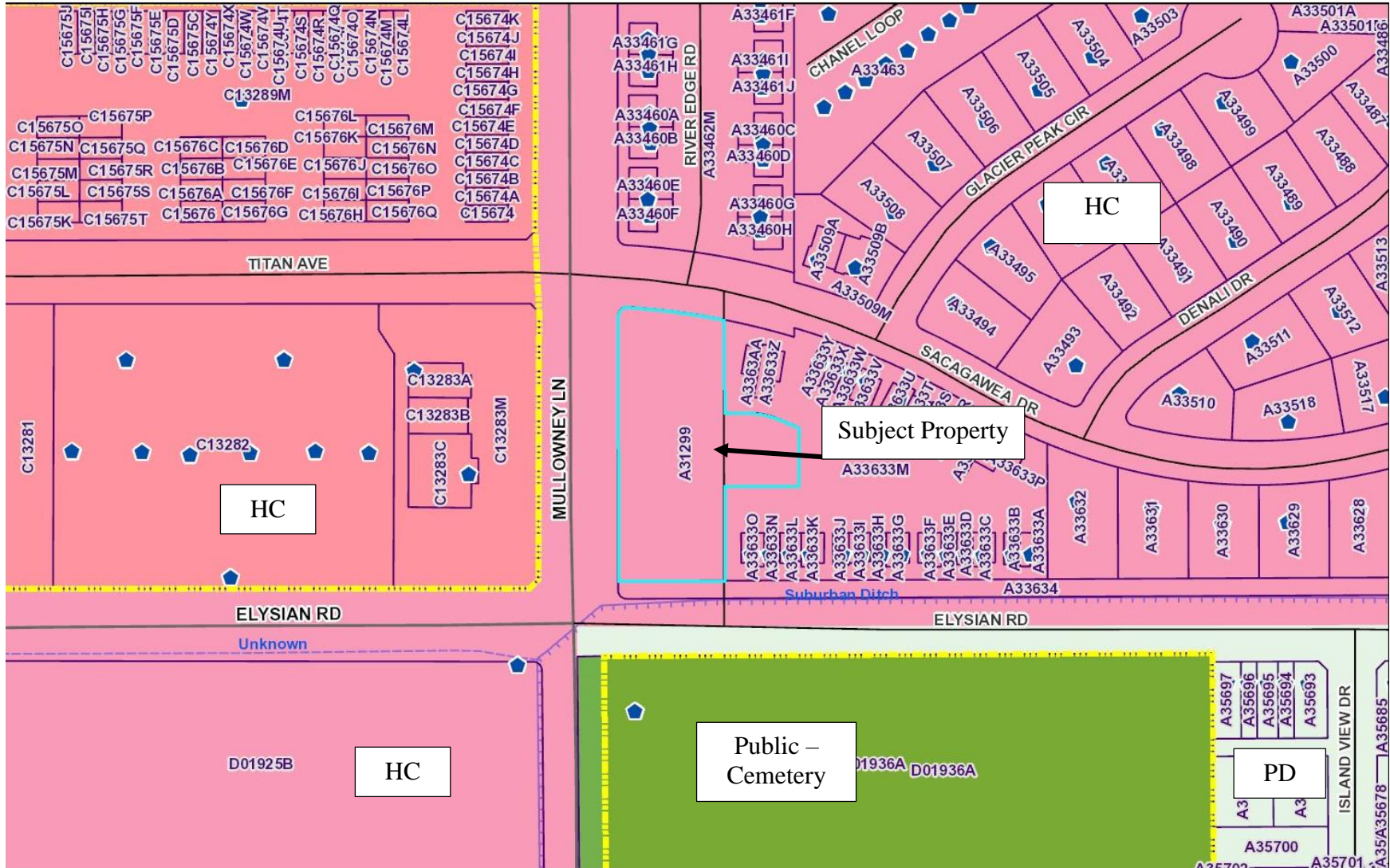
### **Attachments**

Zoning Map and Site Photos  
Review Criteria and Findings  
Applicant Letter and Site Plan  
Applicants Review of the 2016 Growth Policy  
Comment from Surrounding Neighbor  
Comments from McCall Development

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Variance 1258 – Riverfront Pointe Subdivision – Setbacks, Lot Coverage  
Zoning Map and Site Photos

VAR 1258







Picture showing all the tax ID codes and density surrounding the subject property.



Subject Property



View south along Mullowney



View north along Mullowney



View west across Mullowney



View south down Mullowney



View west along Elysian

## **DETERMINATIONS**

The Board of Adjustment shall make the following determinations prior to granting a variance:

- 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;**

There are no special circumstances existing on this property creating a hardship that is peculiar to this land. The request is being made to create a development that is similar to what is around it. There is high density housing in the area in Riverfront Pointe and also in Josephine Crossing. These two development have higher density than most developments in Billings and the requested variance would continue that design philosophy.

- 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;**

There are two developments in the area that have a higher density than many developments in Billings. Riverfront Pointe has a higher density especially along Mallowney Lane and the north side of the subdivision where there are apartments. There are also many multi-plexes throughout Riverfront Pointe. Josephine Crossing is a development that has very high density and has been well received by people looking for more housing options without large yards to maintain. This proposed development would fit in with the surrounding development in the area.

- 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;**

The variance will not allow the applicant any special privileges. The request will be in harmony with the higher density in the area.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

The variance is in harmony with the general purpose and intent of the zoning regulations and the growth policy including the 2016 Growth Policy and the City's Infill Policy.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity 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;**

Staff is recommending the following conditions for the lot size variance request:

1. The variance is from 27-308 requiring a minimum lot area of 55,000 square feet for two 4-unit apartments and five duplexes to allow 43,310 square feet; from 27-309 requiring a minimum front setback of 20 feet from the front property line to allow 8 feet; from 27-309 requiring a minimum side adjacent to street setback of 10 feet to allow 5 feet; and from 27-308 requiring a minimum front setback of 15 feet to allow 8 feet in a Highway Commercial (HC) zone.
2. The variance is limited to Lot 26A, Block 10, Riverfront Pointe Subdivision. No other variance is granted or implied.
3. The owner will apply for a building permit for the 1<sup>st</sup> new structure on the property within 12 months of Board approval.

4. The owner will have construction of this project underway within 24 months of Building Permit issuance.
5. The owner will meet all required building codes, engineering codes and other city codes applicable at the time of Building Permit application for the dwelling units.
6. Failure to begin or complete the actions required by this variance approval will void the variance.
7. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

**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**

The Planning staff recommends a building permit application for the first building be submitted within 12 months of Board approval and the construction on this project be underway within 24 months of building permit issuance.

**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.**

The granting of this variance would not allow a use that is not allowed in the zoning district. Multi-Family dwellings and businesses are an allowed use in the HC zone.

Variance 1258 – 5518 Sacagawea  
Applicant Letter and Site Plans

**APPLICATION FORM**

CITY VARIANCE

ID: Billings Variance # 1258 - Project # 17-00032

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings Zoning Regulations.

TAX ID # A31299 CITY ELECTION WARD # 3

Legal Description of Property: Block 10, Lot 26A, Riverfront Pointe Sub

Address or General Location (If unknown, contact City Engineering): 5518 Sacagawea Dr.

Zoning Classification: Highway Commercial

Size of Parcel (Area & Dimensions): 43,310 SF, Approximately 300ft x 225ft

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

If yes, please attach to application

Variance(s) Requested: See Letter

Facts of Hardship: See Letter



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

Owner(s): McCall Homes, LLC  
(Recorded Owner) 1536 Mullowney Lane, Suite 100. Billings, MT 59101  
(Address) 406-651-5354 brad@mccallddevelopment.com  
(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: [Signature] Date: 3/6/17  
(Recorded Owner)



March 6, 2017

City of Billings Board of Adjustments  
Mark Noennig, Chairman  
2825 3rd Ave. North  
Billings, MT 59101

Dear Mr. Noennig and Board,

Through a purchase in 2016, McCall Homes is the owner of this lot which fronts Mullowney Lane between Sacajawea and Elysian Road, at the entrance to our project, Josephine Crossing. Josephine Crossing is nearing completion with nearly 400 of 450 homes occupied to date. Riverfront Pointe is nearing completion of nearly 300 homes. McCall Homes purchased this lot with the intent of creating a mixed use corner to enhance our neighborhood (the Riverfront Point and Josephine Crossing neighborhoods collectively) by providing space for neighborhood services (the commercial space on the Mullowney/Elysian corner as well as the Live/Work flats) within a walkable distance. We also wanted to provide a wider mix of housing types, which in this case includes high quality, yet attainable, one and two bedroom apartments, and live/work flats. Though we could have built more units by right if we connected the buildings, or built larger buildings, we believe that our plan makes for a more attractive streetscape, and a better designed space for the residents. The setback variance's primary drivers are to provide a better courtyard design, while also enhancing the building's presence to the streetscape and sidewalk. In our PD zone in Josephine Crossing, the front setbacks are 5 ft, so this would feel consistent with the area. For parking, though no variance is needed in this regard, we are planning to widen the street section to provide a parking lane in front of the site on Mullowney Lane, as well as provide onsite garages and surface parking. In short, we believe that our plan will result in an attractive project that will provide much needed services and enhance housing choice.

We are requesting a lot area, and a setback variance. The underlying residential zone for Highway Commercial is Residential Multi-Family -Restricted (RMF-R).

**Lot area Variance:**

Our site plan includes:

- 2 - Buildings with 4 Attached Units, Requiring 10,000 SF lot area each
- 5 - Buildings with 2 Attached Units, Requiring 7,000 SF lot area each
- 1 - 2,048 SF Corner Store Commercial building, no minimum Lot area in HC zone. ??

55,000 SF Required, 43,310 Available.


**Setback Varlance:**

For the RMF-R Residential, we would like to request a front setback on 8 ft, vs. 15 ft. For the Highway Commercial Corner Store Building, we would like to request a front setback of 8 ft, vs. 20 ft and a side adjacent to street setback of 5 ft, vs. 10 ft. Our engineer, Sanderson Stewart, has evaluated the clear vision zones to determine that these requested setbacks for this site plan will still meet those requirements. This is noted on the Engineer's site plan.

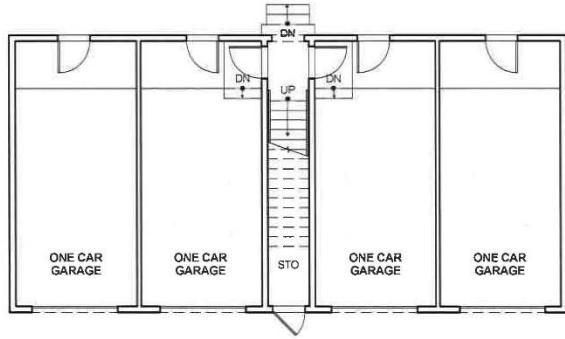
Please review the attached site plans, both Architectural, and Engineering. Also attached, you will find pictures of the site as it exists today, as well as, concepts representative of the 4 unit buildings to the front (Form Follows Finance Fourplex), and the 2 unit buildings to the rear (Tuck Under). The 32x64' commercial space is yet to be designed, but it is intended to be single story, with traditional storefronts, in the character of single story, "Main Street Montana" buildings. Please let us know if you have any questions about our design for this site, as we would be glad to provide any additional information that could help clarify our intentions for this site.

Thank you for your consideration.

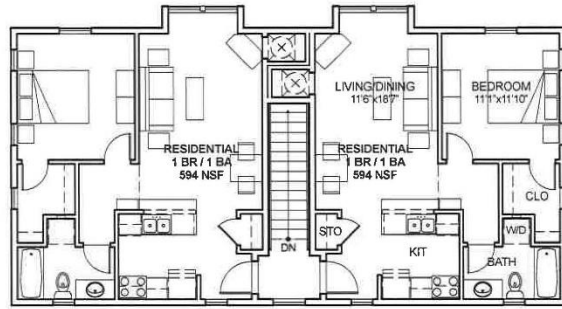
Sincerely,



Brad McCall, Partner  
McCall Homes



FIRST FLOOR



SECOND FLOOR

**AK**  
ANDERSON | KIM  
234 West Third Street, Suite D  
Conroy, California 95928-9424  
(530) 892-9197 v/f  
info@andersonkim.com  
www.andersonkim.com

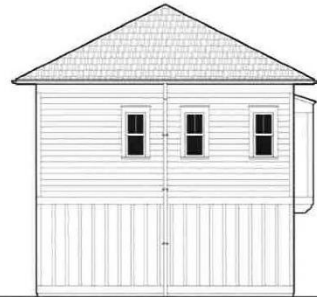
**FLOOR PLANS**  
September 2, 2014



**APARTMENTS ABOVE TUCK-UNDER PARKING**  
THE VILLAGE AT HENDRIX  
1600 Washington Avenue  
Conway, Arkansas 72032



ALLEY ELEVATION



COURTYARD ELEVATION

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Conroy, California 95928-9424  
(530) 892-9197 v/f  
info@andersonkim.com  
www.andersonkim.com

**BUILDING ELEVATIONS**  
September 2, 2014

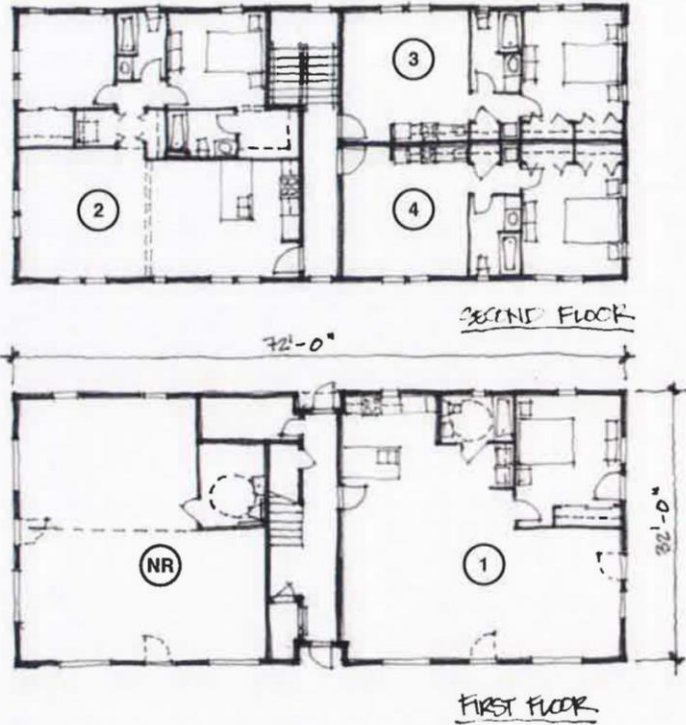


**APARTMENTS ABOVE TUCK-UNDER PARKING**  
THE VILLAGE AT HENDRIX  
1600 Washington Avenue  
Conway, Arkansas 72032

Unit	Program	Area
1	1BR - First Fl.	1,080 SF
2	2BR - Second Fl.	1,034 SF
3	1BR (#1) - Second Fl.	540 SF
4	1BR (#2) - Second Fl.	540 SF
Common Area		488 SF
Residential Subtotal		3,682 SF
NR	Non-Residential	906 SF
<b>Total</b>		<b>4,588 SF</b>

19.7% of the building is non-residential.

FHA mortgages allow for a maximum of 20% non-residential.



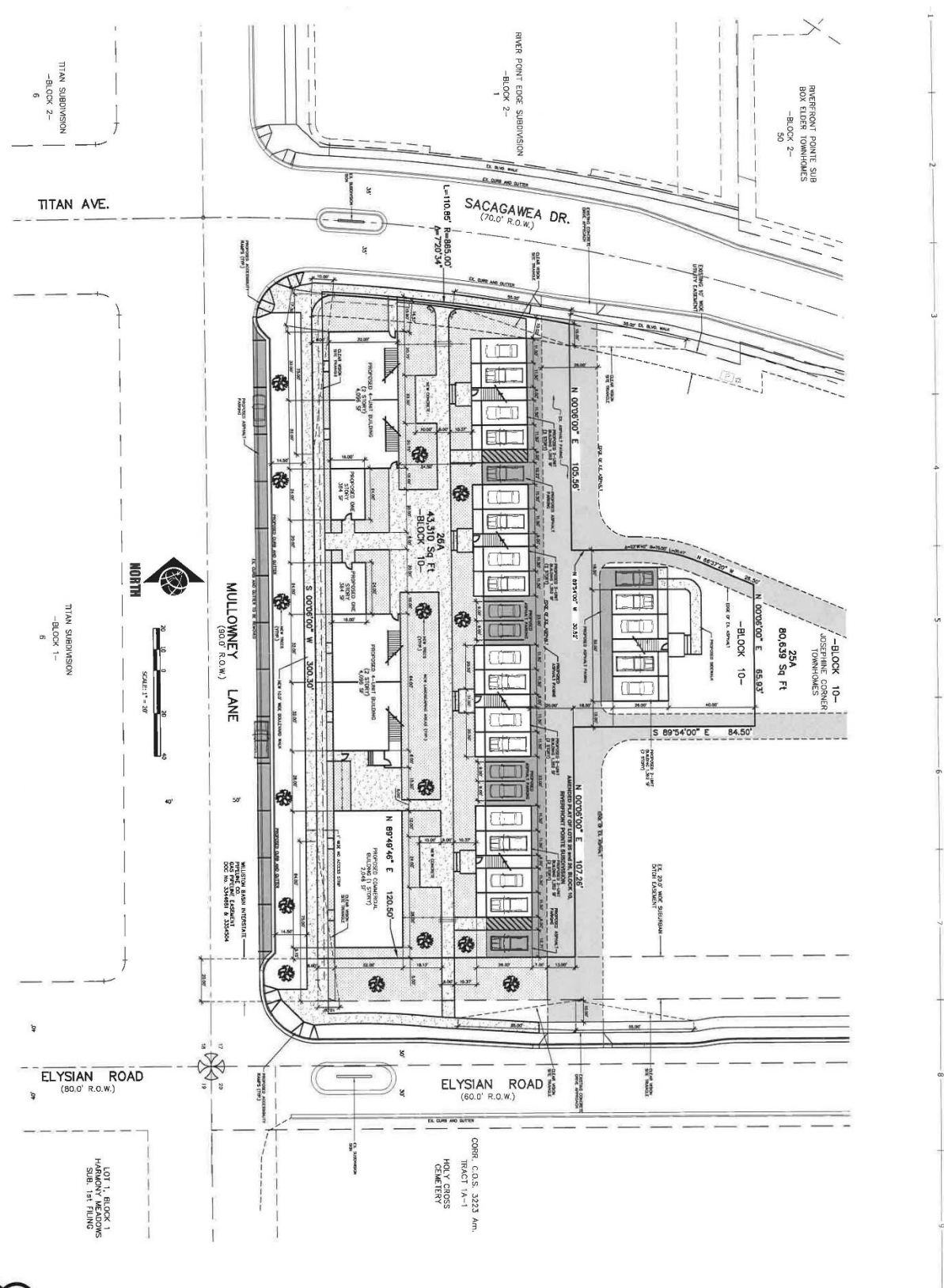
**AK**

ANDERSON | KIM  
architecture - urban design


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**"Form Follows Finance" Fourplex**  
Multifamily Housing for the New Economy



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**JOSEPHINE CORNER TOWN HOMES**

AMENDED LOT 26, BLOCK 10,  
RIVERFRONT POINTE SUBDIVISION  
5518 SACAGAWEA DRIVE  
BILLINGS, MT

SITE PLAN

DATE: 6/26/2017

FILE: 150111-01 JOSEPHINE CORNER TOWN HOMES

PROJECT NO.: P-15066

DATE: 6/26/2017

QUALITY ASSURANCE: 100%

DESIGNER: SANDERSON STEWART

DATE: 6/26/2017

PROJECT NO.: P-15066

DATE: 6/26/2017

**SANDERSON STEWART**

www.sandersonstewart.com



shall be a matter of public record.

(d) *City board of adjustment action.* The city board of adjustment, before it grants a variance shall determine:

- (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;
- (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;
- (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;
- (4) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and with the comprehensive plan;
- (5) In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity 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;
- (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
- (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.

### **2016 BILLINGS GROWTH POLICY STATEMENT AND GUIDELINES**

**Statement:** In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

#### **Growth Guidelines:**

##### **Essential Investments (relating public and private expenditures to public values)**

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- **Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.**

- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital.
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community
- A cost/benefit study is important to make cost effective land use decisions

**Place Making (Enhance, maintain, preserve, and improve existing public places)**

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Locally grown foods help sustain agriculture, provide healthy options, and support local businesses
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

### Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

### Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

### Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

- Accessory dwellings units provide an important type of affordable housing options if compatible
- Energy efficient housing can reduce energy consumption

**Mobility and Access (transportation choices in places where goods and services are accessible to all)**

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

**Prosperity (promoting equal opportunity and economic advancement)**

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

Attached is the site plan drawing that I received for purposes of the City Variance 1258. As you can see on this document, the site plan only acknowledges the 20' wide ditch easement, it does not acknowledge the 20' wide park land that is currently owned by the City. It appears by this document, that the city-owned park land would be impacted by the improvements to this corner, but not for its purpose, for the "Heritage Trail" as indicated on the plat.

Some thoughts:

1. Is it the intent to require builders/developers build a sidewalk in the Elysian Road ROW, only to have a 10' multi-use trail adjacent to it?
2. There are existing town homes along Elysian, which the landscaping is not complete, what are the builder's intentions on the 20 feet from the edge of the property lines across the park, then to the right-of-way to the curb? Was this outlined in the town home site improvement plan?
3. Is the Parks Department aware of the construction activity?
4. The SIA doesn't address a timing trigger for the park (trail) improvements, just the fact that the developer will pay for 50% of it, plus the remaining funds that were already allocated for the cash-in-lieu? There are SIA waivers, but the SIA is not clear to me that the waivers are for the PMD to maintain the park AND an SID to "build" the park?

As your consultant working on both the trails and parks plan, this just seems to be an example (and hopefully an isolated one), where we could catch the low hanging fruit and provide an excellent contribution to this city park and make an important (and timely) connection on the trail.

Jolene Rieck, PLA  
Principal Landscape Architect  
Peaks to Plains Design, PC

Dave,

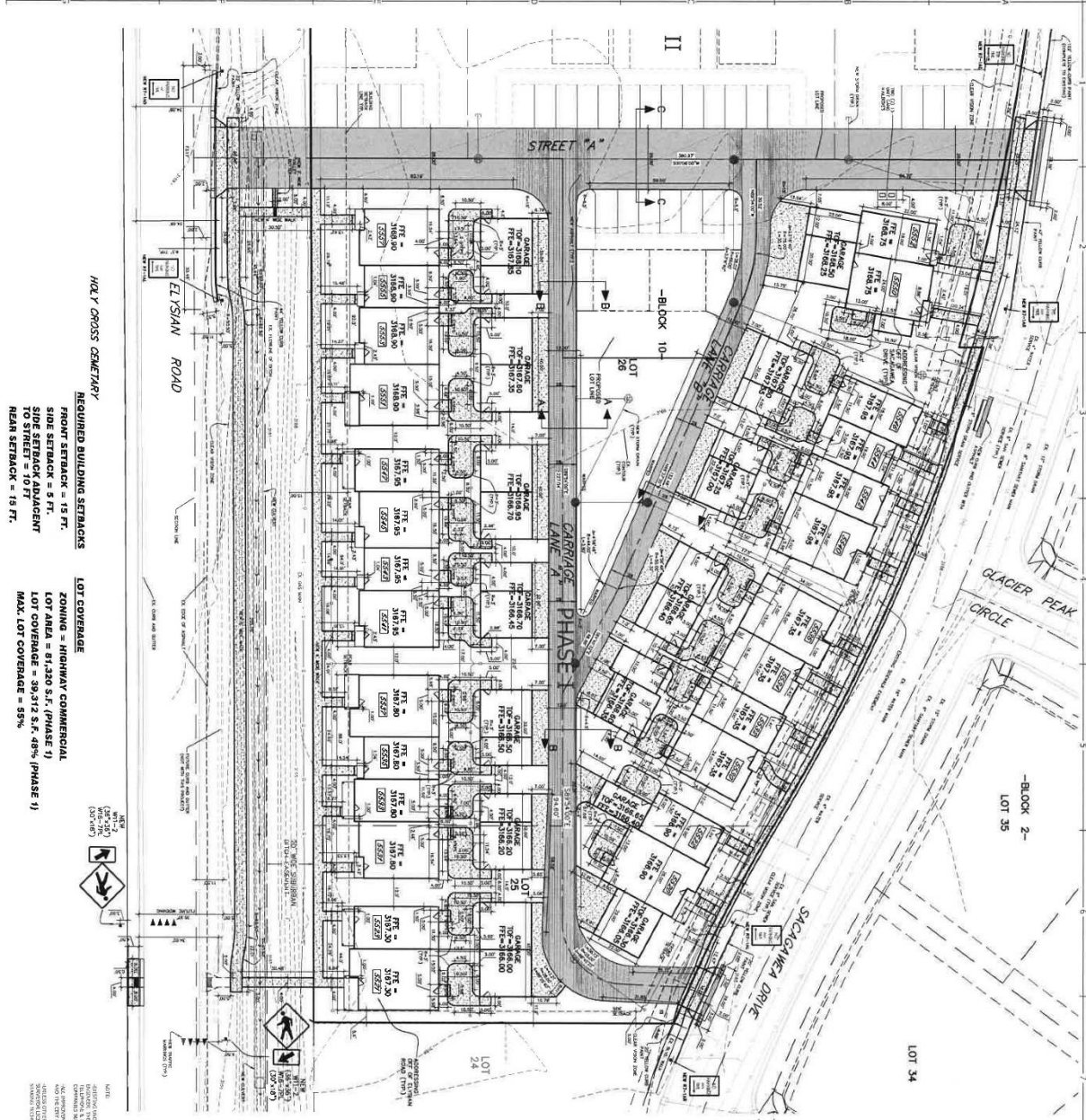
Thanks for bringing this to my attention. I would be glad to comment back to each of the points raised by Jolene with Peaks to Plains. Please see the attached site plan for the townhomes that are already permitted and in process by us (as a builder) on the adjacent lot. Most of the questions raised were addressed through that earlier process. It is our sincere intention to provide a wonderful walkable neighborhood. The intent of this new project is to provide neighborhood services as well as more housing choices to the residents of this area. Of note, on the town home site plan, you will see a pedestrian crossing that will be created at the east end of the site to allow neighbors from Josephine Crossing to safely cross Elysian from the South sidewalk to the north, to access the new town homes and the coming corner stores. This was not required, but rather our choice as we saw the need for making this connection.

1. It is our intention and plan to build a 5' sidewalk along the alignment of what could be the Heritage trail at some time in the future. This was discussed with the parks department and agreed upon in the fall of 2015 when we first started planning for this site. The parks department agreed to the 5 foot sidewalk, as it would be possible to add an additional 5 feet later. As the trail is proposed along this alignment, but not yet funded, the parks department felt this was adequate for the time being. Additionally, all other lots in Riverfront Pointe provided no sidewalk, or any improvements to this frontage, as it was their backyard.
2. We intend to landscape the entire section from the street to the townhomes. Most of this space was previously open ditch, as it is to the east. In order to have an attractive streetscape with homes that address Elysian rather than turning their back to the road, we spent around \$50,000 to pipe this section of ditch so that it could function as a parkway. Also, in a cooperative project with the city, we are paying to move the curb along this frontage back to allow for an on street parking lane. The city is planning to fix the settlement in the road that is a result of the sewer extension project in 2015, and we will contribute the extra funds for the widened section and the new curb.
3. The parks department is aware of this project, as stated above.
4. We do not have a copy of the Riverfront Pointe SIA, so could not comment on SIA questions.

Thank you. Please let me know if there are additional questions.

Brad McCall, CGB, CGP

McCall Homes | McCall Development



**REQUIRED BUILDING SETBACKS**

FRONT SETBACK = 15 FT.  
 SIDE SETBACK = 8 FT.  
 REAR SETBACK = 10 FT.  
 NEAR SETBACK = 15 FT.

**LOT COVERAGE**

ZONING = HIGHWAY COMMERCIAL  
 LOT 24 & 25 = 45% S.F. (PHASE 1)  
 LOT 26 & 27 = 35% S.F. (PHASE 1)  
 LOT 28 & 29 = 35% S.F. (PHASE 1)  
 LOT 30 & 31 = 35% S.F. (PHASE 1)  
 LOT 32 & 33 = 35% S.F. (PHASE 1)  
 LOT 34 & 35 = 35% S.F. (PHASE 1)

**NOTES:**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITIES SHOWN AND HAS FOUND THEM TO BE CORRECT. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF THE UTILITIES SHOWN. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

2. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

3. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS FROM THE ADJACENT PROPERTY OWNERS.

4. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE APPROPRIATE AGENCIES.

5. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE ADJACENT PROPERTY OWNERS.

6. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE ADJACENT PROPERTY OWNERS.

7. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE ADJACENT PROPERTY OWNERS.

8. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE ADJACENT PROPERTY OWNERS.

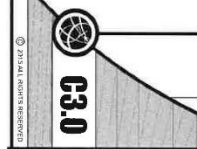
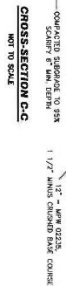
9. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE ADJACENT PROPERTY OWNERS.

10. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE ADJACENT PROPERTY OWNERS.



"CONFORMS TO CONSTRUCTION RECORDS"  
 UTILITIES - APRIL, 2016

5522 - PHOENIX ADDRESSING



**JOSEPHINE CORNER TOWNHOMES - PHASE I**  
 TO PROVIDE SITE & UTILITY IMPROVEMENTS  
 FOR LOTS 25 & 26, BLOCK 10 OF RIVERFRONT POINT SUBDIVISION

BILLINGS, MONTANA  
 OVERALL SITE PLAN

DATE:	04/11/16
TITLE:	PHASE I, UTILITY RECORDS
PROJECT NO.:	770791
SCALE:	AS SHOWN
DESIGNED BY:	DAVID L. STEWART
CHECKED BY:	DAVID L. STEWART
DATE:	04/11/16
PROJECT NO.:	770791
SCALE:	AS SHOWN
DESIGNED BY:	DAVID L. STEWART
CHECKED BY:	DAVID L. STEWART

