

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1282 - Project # P2-18-00063

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 # D00514A CITY ELECTION WARD # 5

Legal Description of Property: S10, T01 S, R25 E, C.O.S. 2063, PARCEL 2A AND ANNEX 02-18702 (09)

Address or General Location (If unknown, contact City Engineering): Located within the Lenhardt Sq PUD and generally located where Marsh Roberts and curves to become S 44th St W, Tract 2A

Zoning Classification: MF-4

Size of Parcel (Area & Dimensions): 19.13 Acres, Approx 1400' E to W, 620' N to S

Covenants or Deed Restrictions on Property: Yes X No

If yes, please attach to application

Variance(s) Requested: A variance to the height restrictions in the MF-4 zoning district of the Lenhardt Square Planned Development Agreement to allow for the construction of a 45' tall building.

Facts of Hardship: See Attached

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



Owner(s): See Attached
(Recorded Owner)

(Address)

(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: 4/2/2018
Owner Agent (Recorded Owner)

**Lenhardt Square Master Association
Design Review**



2 April 2018

Nicole Cromwell, Zoning Coordinator
City of Billings Planning Division
2825 3rd Avenue North, 4th Floor
Billings, Montana 59101

Dear Ms. Cromwell,

The applicant has requested a variance in height for two buildings to allow the construction of two apartment buildings in Tract 2A along Monad Road and Georgina Drive (as approved through the Special Review process) with an overall height of 46', which exceeds the MF-R height restriction of 40'.

As you remember, this project has been previously submitted for special review regarding density and number of units per building in a proposed planned development project within Lenhardt Square. The requested additional height allows the architecture of the buildings to include components of and access to the upper levels which are consistent with the architectural standards and guidelines for Lenhardt Square construction.

Per the applicant's proposed plan and documentation, the request is approved for a variance in height up to fifty (50) feet. We understand the proposed project will support and complement the existing and planned Lenhardt Square development, helping us achieve the vision of the Founders and the City of Billings.

Please keep in mind this consent by the Reviewer does not convey blanket approval for all other requirements for the development; all Lenhardt Square design standards and procedures must be adhered to and submitted by the applicant in the required drawing formats for review and approval.

Please let me know if you have any questions or need additional information.

Lenhardt Square Master Association Design Review

Daniel McElmurray
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April 2, 2018

Nicole Cromwell
Zoning Coordinator
City of Billings Planning Division
2835 3rd Ave North, 4th Floor
Billings, MT 59101

Reference: Variance Application for Tract 2A of Lenhardt Square
Project No. 07054.29

Dear Ms. Cromwell,

I am writing on behalf of our client, Bill Hanser, to request a variance to the height limitations included in Exhibit B of the Lenhardt Square Planned Development Agreement. The variance request will allow for the construction of apartment buildings to a height of 46 feet within the MF-4 Zoning District on Tract 2A where the allowed height is 34 feet. The apartment buildings for which this variance is being requested are also the subject of a Special Review application to allow for their construction within the MF-4 Zoning District. That Special Review request and this Variance Request both have the support of the Founders of Lenhardt Square.

The property is intended to be developed with residential uses. The development plan contains two apartment buildings, with 86 units each for a total of 172 apartments. In addition to the apartments, there are planned to be 61 townhomes arranged in groups of four and five, plus four apartments located above garages. The site is approximately 19 acres in size. The apartment buildings are to be located on the southern and eastern edge of the development, along Monad Road and Georgina Drive. Along Georgina Drive they will be across the street from the Interurban Apartments. The Interurban Apartments are located in MF-R Zoning District with an allowable height of 40 feet.

The variance is being sought to allow for the apartment buildings to be constructed to a height of 46 feet. This is above the 34-foot allowed in the MF – 4 Zoning District. The 46-foot building height is being requested to allow for the economical design and construction of attractive and functional apartment buildings that will create and retain value in the West Billings community. The apartment buildings will contain three stories and have an attractive peaked roof. This would not be possible



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Ms. Nicole Cromwell
April 2, 2018
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with only a 34-foot building height. The buildings achieve the 46-foot height only at the peak of the roof, which is setback from the building façade on all four sides.

Please see the next page for a list of attachments.

Sincerely,



Karl Barton, AICP
Senior Planner

KB/tc
Enc.
P:07054.29_Variance_App_Ltr_040218_SC

List of Attachments

- A. Tract 2A Lenhardt Square Overall Vicinity Map
- B. Tract 2A Location Within Lenhardt Square
- C. Building Elevations
- D. Site Plan
- E. Exhibit B of Lenhardt Square Planned Development Agreement

Below are the responses to the questions included in the Variance Application:

What reasons prevent you from using this property in conformance with the Zoning Regulation requirements?

The height restrictions in the MF-4 Zoning District are intended for maintaining compatibility within areas of townhome style development. The development proposed here contains apartment buildings separated from nearby townhomes by parking lots and garages. Requiring the apartments to conform to the 34-foot height requirement where it is not necessary in order to maintain compatibility will require design approaches that are unnecessarily expensive and do not result in an attractive or livable building that will add value to the West Billings community. Other apartment buildings in the City of Billings are not limited to 34 feet in height.

It should be noted that the 46-foot building height is measured to the peak of the roof, which is set back significantly from the façade of the buildings on all four sides. This greatly reduces the apparent height of the building.

This variance is being requested on what is a large parcel, with the apartments for which the variance is being sought taking up only a portion. Also, it is adjacent to already constructed apartments and separated from shorter buildings by parking lots and garages.

Why is there a need for the intended use of the property at this location?

There is a need for the intended use of this property at this location because the Billings community benefits from having a diverse housing stock that provides options for people based on their needs, preferences and budgets. The construction of the apartments proposed in this Variance Request would increase the housing stock diversity in Billings. This site is a good location for apartments because of its location within an area, either containing or planned to contain a mix of housing types, near to the arterial street network, and near to commercial amenities.

ATTACHMENT E: EXHIBIT B OF LENHARDT SQUARE
 PLANNED DEVELOPMENT AGREEMENT

EXHIBIT B
GENERAL REQUIREMENTS*

| Minimum Lot Size Per Structure | MF-4** | MF-R** | MU** |
|------------------------------------------------------------|-----------------|--------------------------------------------|-----------------|
| 1 dwelling unit | 6,000 | 6,000 | |
| 2 dwelling units | 7,000 | 7,000 | |
| 3 dwelling units | 8,500 | 8,500 | |
| 4 dwelling units | 10,000 | 10,000 | |
| 5 dwelling units | | 11,000 | |
| 6 dwelling units | | 12,000 | |
| 7 dwelling units | | 13,000 | |
| 8 dwelling units | | 14,500 | |
| 9 dwelling units | | 16,000 | |
| 10 or more dwelling units | | 1,500 sq.ft. each additional dwelling unit | |
| Setback Requirements (in feet) | | | |
| Front: | | | |
| From Linear Parkway | 5 ¹ | 5 | 5 |
| From streets (right-of-way) | 20 ² | 20 | 0 ³ |
| Sides:⁴ | | | |
| 1 Story | 5 | 5 | 5 |
| 2 Story | 8 | 8 | 8 |
| 3+ Story | 9 + 1 | 9 + 1 | 0 |
| Side Adjacent to Street | 10 | 10 | 0 |
| Rear⁴ | 20 | 15 | 0 |
| Arterials | 25 | 25 | 25 |
| Maximum Height (in feet) | 34 | 40 | 80 ⁵ |
| Maximum Lot Coverage | 50% | 50% | 100% |
| Maximum Average Densities (Dwelling Units/Acre) | 10 | 20 (Tract 1A) 15 (Tract 3A) | 20 ⁷ |
| Fence/Wall/Berm/Shrub Max. Height | | | |
| Front Yard and Adjacent to Street | 2 | 2 | 2 |
| Rear and Side Yards not on Street | 8 | 8 | 6 |

* The limitations described in this table are subject to, and in no way supersede, all applicable building codes and regulations. Developers shall at all times comply with the International Building Code, the International Fire Code, and all other local, state, or federal building codes or regulations.

** As of the date this Agreement was originally approved, these zones correspond to the following Tracts: MF-4 (Tract 2A, Tract 5A.1); MF-R (Tract 1A, Tract 3A); MU (Tract 4A, Tract 5A.2).

¹ If not inconsistent with the Master Design Guidelines and upon approval of the Reviewer, the front setback from any Linear Parkway may be reduced to less than 5 feet, provided the structure is a minimum of 5 feet from any hard surface walkway or bikeway in the Linear Parkway.

² Staggered building facades and angled placement of structures relative to the front lot line are encouraged in all zones. The minimum setback requirement in the MF-4 zone is also a maximum setback or "build-to" requirement. In that zone at least 20% of the façade must be at the setback line (from the street right-of-way and Linear Parkway) if the structure is oriented parallel to the street. If the structure is oriented at an angle to the street, at least one structural corner of the structure must be located at the setback line.

³ At 40 feet or 3 stories visible from street, remainder of floors must be set back at least 30% of the depth of the lot.

⁴ Zero lot lines allowed pursuant to 27-617 Unified Zoning Regulations and for accessory structures and garages.

