

Appeal - Variance 1283 - 2213 3rd Ave No - Fence Materials
Applicant Letter and Site Plans

April 20, 2018

To: City Board of Adjustment
c/o Nicole M. Cromwell, AICP
Zoning Coordinator
Billings City-County Planning Division

From: Diana Kay Bachmann
2213 2nd Avenue North
Billings, MT 59101
406-661-7393, 406-697-7303

Re: PLN. Fence Permit, Project # PLN-18-00581

Thank you for considering my appeal of the above permit's denial on March 22, 2018.

I believe the denial is a misinterpretation of the fence code:

- ① The fence is made of wood, a commonly used fence material as listed in Sec. 27-604, Fences, Walls and Hedges, Article 27-600.
- ② Also, on the Fence Permit issued 03/22/18 by Jeanette Vieg, under "Specific Information Requested", "Fence Materials," wood is listed.
- ③ The denial, however, states pallet slats.
- ④ Sec. 27-604 (c) states fencing materials shall not be constructed from wood pallets. I have no wood pallets up as my fence -- it is made of wood slats/pickets -- some of which have come from clean, good solid wood of pallets used for holding/bracing glass and/or appliances. Pictures are provided -- the fence has yet to be finished: sanded down, evened out and painted depending on the Board's decision. There are no nails, screws, hazards sticking out.

Finally, I had this new fence put up to cover and replace the old, worn wire and chain-link fences to

improve, enhance and secure my property;
to be an active participant in the downtown
Billings improvement/beautification areas; and
to be a good neighbor.

Thank you very much for your consideration.

Sincerely,

Diana Kay Bachmann

2213 2nd Avenue North
Billings, MT 59101

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April 20, 2018

Attachments: Photos of above residence
and fence taken
April 3, 2018, snow on ground
and April 18, 2018, ground dry.

P2-18-00068



P2-18-00068



4/17/2018

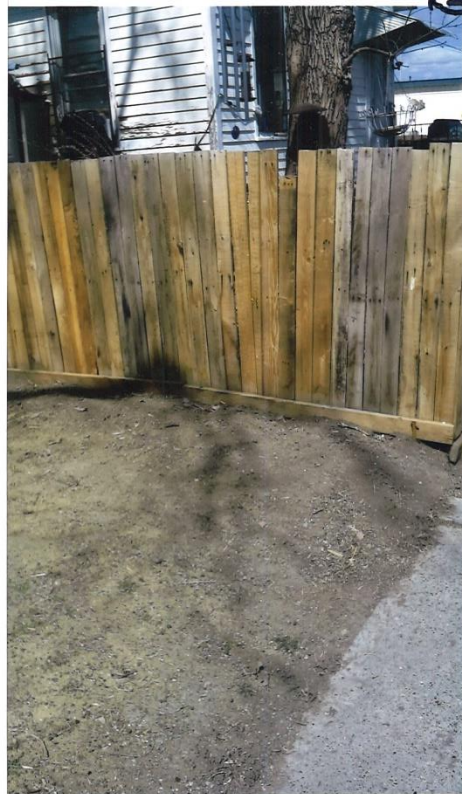
Dear Code Enforcement,

My name is Ralph Studer I own Property at 2221st Av. N. The property borders 2213rd: Ave. N. The property at 2213 has received a notice of code violation. The owner has appealed this notice and I am writing to support her appeal. I understand the code if material is used improperly. In the case of 2213 the material used may have come from a source that has a negative connotation. But there was a lot of time and attention used in choosing the boards and how they have been put together. (The project is not finished). As America moves to reuse products, stop waste and extend the life of the land fill here in Billings this project is an excellent example of this philosophy. On top of that not everyone can afford hundreds of dollars to improve their property. Speaking of improving property, as a neighbor I believe this fence has provided many benefit to the owner and neighborhood. She has dogs and this keeps them more reserved toward area activity. It covers the many different material that made up the previous fence. This fence will match the house and be a big improvement when finished, which is very welcome to me as a neighbor. As we continue to have many transients up and down the alley and street this solid fence will offer a lot more security to the single female homeowner. If this fence is finished properly I encourage you to make an exception in this case. Thank You for your consideration.

Ralph P Studer

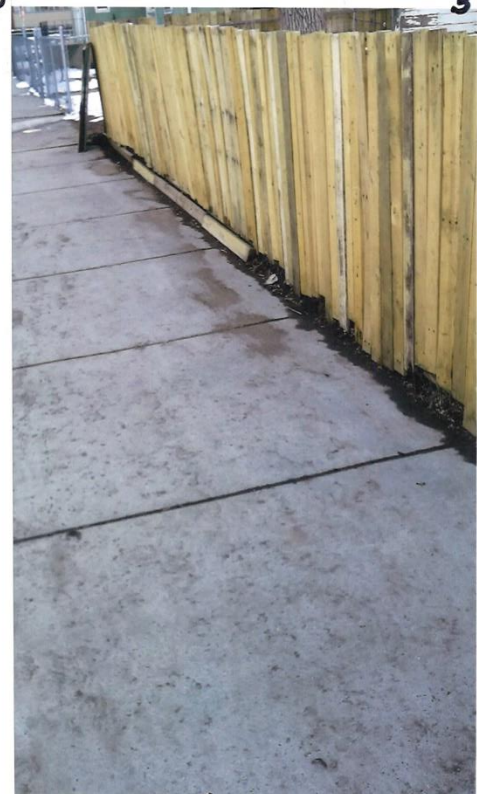


April 3, 2018 →



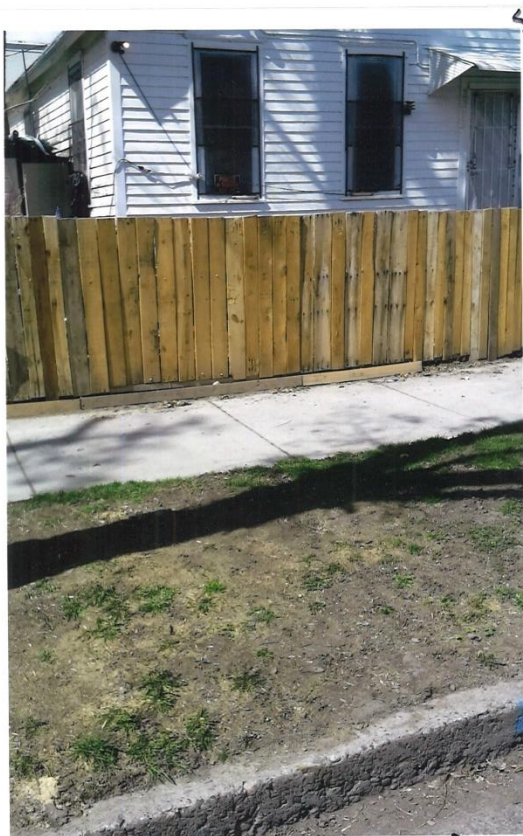
April 18, 2018 →

West Side Unfinished

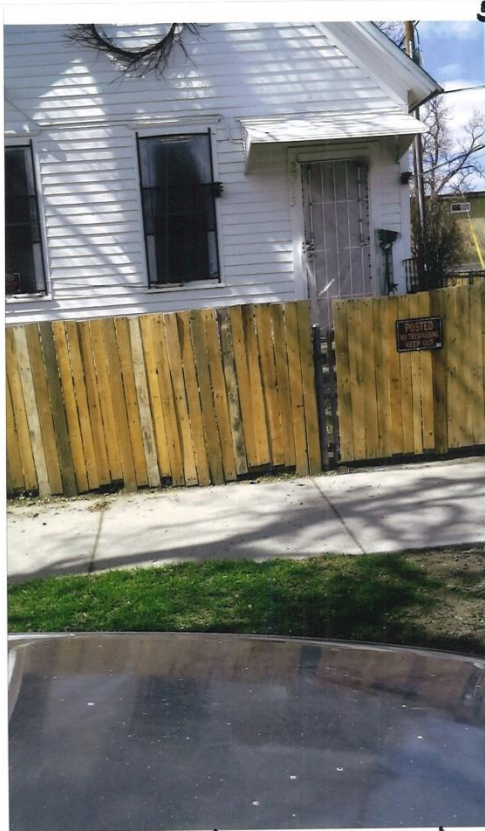


April 3, 2018 →

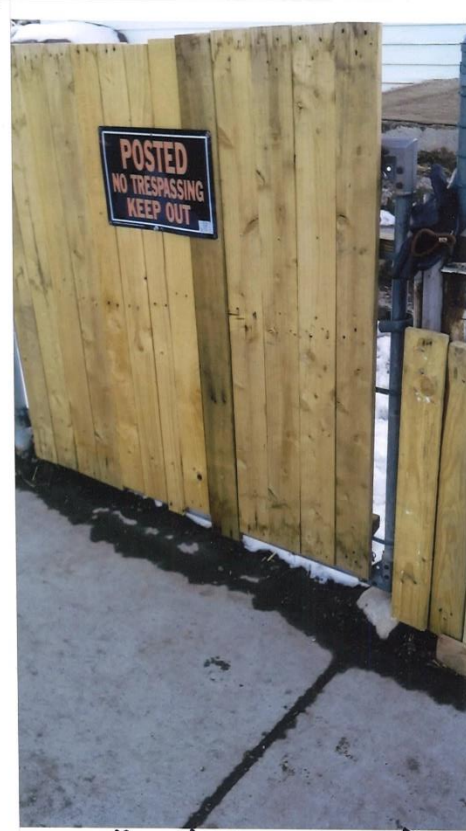
Front Unfinished



April 18, 2018 →

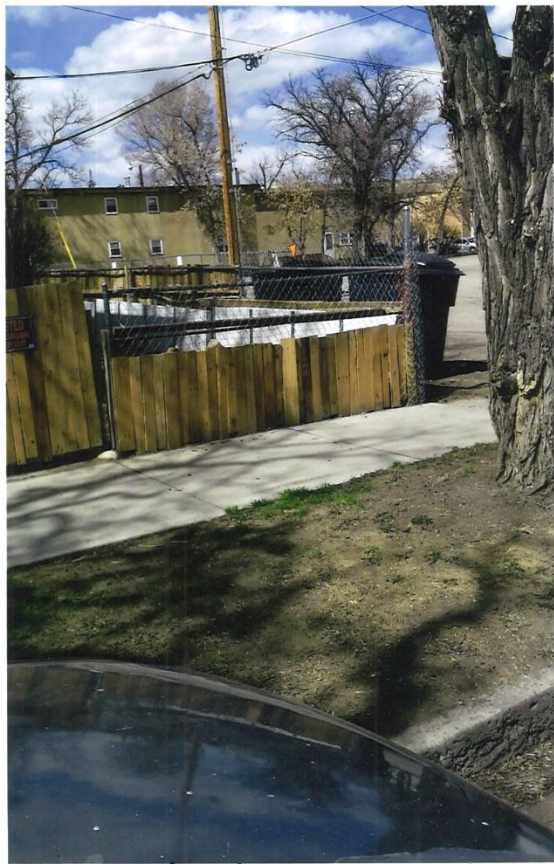


April 18, 2018 →



April 3, 2018 →

Front Gate Unfinished



April 18, 2018 →

Front at alley not finished



April 18, 2018 →



April 18, 2018 →

Alley Not finished



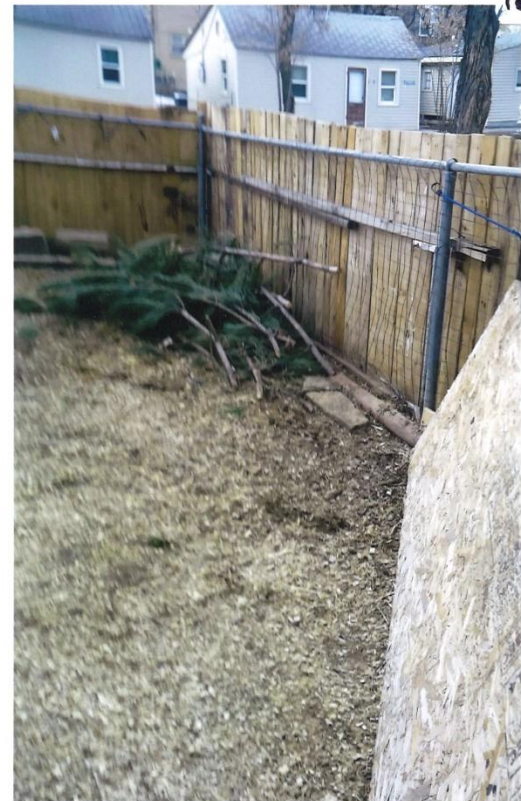
10

April 3, 2018 →
Alley Not Yet Finished



11

March 23, 2018 →



12

March 23, 2018 →
Old Fence Outside
New Fence



City of Billings and Yellowstone County
Zoning Jurisdiction Fence Permit
2825 3rd Ave. North, 4th Floor, Billings, MT 59101



Easements and property lines are the responsibility of the property owner.
BEFORE YOU DIG - CALL 811

Property Address: 2213 2nd Ave. No., Billings, MT 59101
 Applicant Name: Diana Kay Bachmann Mailing Address: Same
 Phone: 406-661-0793 E-mail: dkb.pets.kr@gmail.com
 Agent Name: _____ Mailing Address: _____
 Phone: _____ E-mail: _____

Property Information:
 Replacement? Yes **Replacement fences must meet current codes.
 Fence Material: Wood Slats Retaining Wall? Yes No
 Zoning: CBD Height 4'
 Front Setback: _____ (feet) **Fences over 4 feet are required to be behind the front setback in most zoning districts.

Clear Vision:
 Corner lot? Yes No If "Yes", is it a controlled intersection? Circle what applies:
 Traffic Signal Yield Stop sign
 Clear Vision? Yes No If "Yes", see the attached examples and circle those that apply:
 (1a) Driveway & Alley (1b) Central Business District Driveway & Alley (1c) Minor Street Stop (2b) All-Way Stop (2c) Minor Street Yield
 (2d) Traffic Signal (2e) Central Business District Stop Sign or Traffic Signal Intersection (3a) "Uncontrolled" Intersection (3b) 2-Leg Uncontrolled Intersection (3c) Uncontrolled Permanent "T" Intersection

OFFICE USE ONLY

Fee: \$25.00 Receipt #: 158617 Permit # PLN-18-00581
 Site Visit Required? Yes No Notify Code Enforcement? Yes No

denial

CE 18 01043

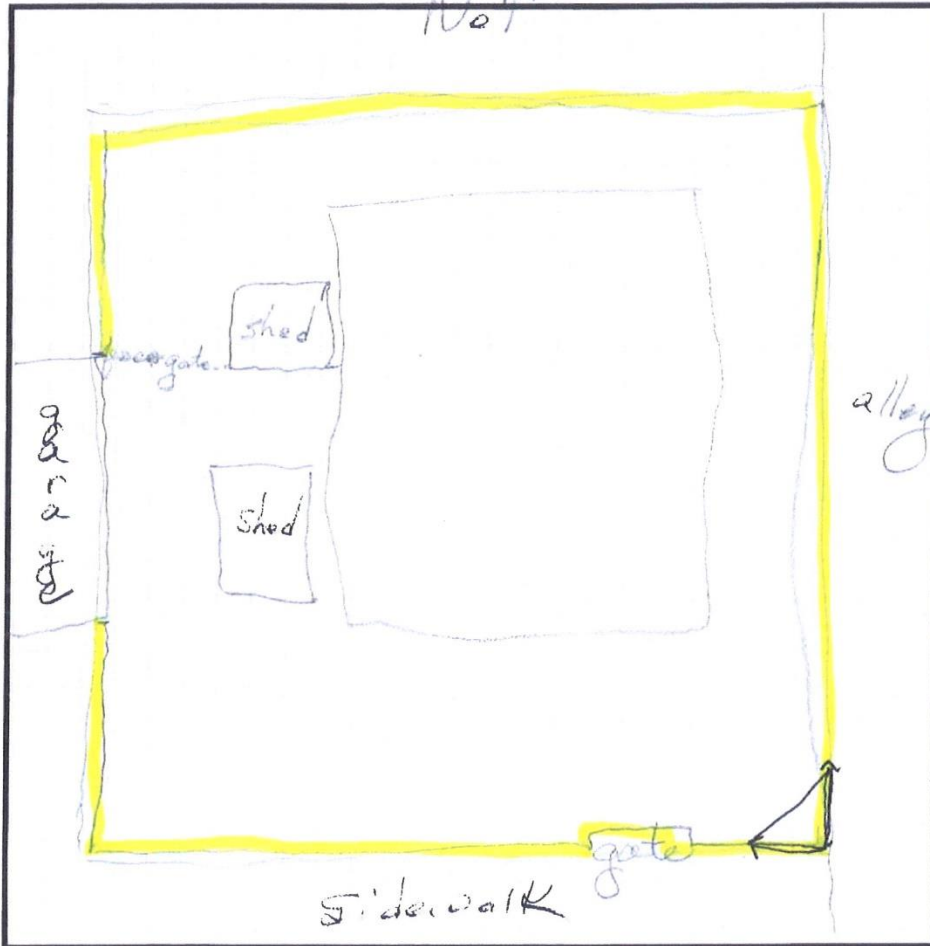
Tanya



City of Billings and Yellowstone County Zoning Jurisdiction Fence Permit



Use the space provided below to show existing lot lines, structures, all drive approaches (including neighboring drive approaches), streets, alleys, proposed fence location, and height.



This permit will allow a property owner to place a fence on their property. Except in Agricultural-Open Space (A-1), Controlled Industrial (CI) and Heavy Industrial (HI) zones or planned developments, **NO** fence may exceed 48 inches within the required front yard setback. Maximum fence height outside the front setback shall not exceed 6 feet in height. Applicable clear vision triangles shall remain free of any object over 30 inches in height. The property owner should act on this permit within one (1) year of approval.

By signing this permit, I agree to follow all applicable regulations governing location and size of fences on my property.

APPLICANT SIGNATURE: Diana Kay Bachman DATE: 03/22/18

PLANNING APPROVAL: Janelle Deig DATE: 3/22/18