



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, June 5, 2019 @ 6:00 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd 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:

The minutes of the Board meeting of May 1, 2019.

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. **Variance 1293- 4302 Ryan** - The applicant is requesting a variance from Section 27-308 requiring a maximum of 30% lot coverage to allow 36% lot coverage for the existing structure and a proposed addition in a Residential -7000 (R-70) zone, on Block 4, Lot 11 of Orchard Lane Subdivision, a 6,600 square foot parcel of land. The purpose of the variance is to allow the existing structures currently at 33% and construction of a new proposed additional living space of 221 square feet. Presented by; Karen Husman, Planner I

- b. **Variance 1294 – 2229 Burlington Ave** – A variance from Section 27-308 requiring a minimum lot size of 7,000 sf to allow minimum lot size of 6,979 sf in a Residential-7000 (R-70) zone, on Lot 8, of amended lots 3 & 4, Arnold Sub 2nd Filing, S06, T01 S, R26 E, a 7,976 sf parcel of land. The purpose of the variance is to allow a lot line relocation for a property to be reduced to 6,979 sf. Presented by; Karen Husman, Planner I.

Other Business/Announcements

Adjournment

Information on the preceding item(s) may be obtained at the City-County Planning Division, 4th Floor of the Miller Building, 2825 3rd 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

City Board of Adjustment

Meeting Date: 06/05/2019

Information

Subject

The minutes of the Board meeting of May 1, 2019.

Attachments

BBOA_2019_05_01_draft

CITY BOARD OF ADJUSTMENT

MINUTES May 1, 2019

Name	Title	0	0	0	0	0	0	0	0	0	0	1	1	1
		1	2	3	4	5	6	7	8	9	0	1	2	
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		0	0	0	0	0	0	0	0	0	0	0	0	0
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		1	1	1	1	1	1	1	1	1	1	1	1	
		9	9	9	9	9	9	9	9	9	9	9	9	
David Mitchell	Member	-	-	-	E	E								
Dave Hagstrom	Member	-	-	-	1	1								
Paul Hagen	Member	-	-	-	1	1								
Jeff Bollman	Member	-	-	-	1	E								
Oscar Heinrich	Member	-	-	-	1	1								
Martin Connell	Member	-	-	-	1	1								
Mark Noennig	Chair	-	-	-	1	1								

TOTAL NUMBER OF APPLICATIONS 2019	0	0	0	0	0	0	0	0	0	0	1	1	1	T
	1	2	3	4	5	6	7	8	9	0	1	2	0	O
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	1	1	1	1	1	1	1	1	1	1	1	1	1	
	9	9	9	9	9	9	9	9	9	9	9	9	9	
Variance	-	-	-	1	1									2

Chair 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 3rd 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: Christian Helland, Vonda Sorenson

Public Comment

Chair Noennig opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting.

Approval Meeting Minutes

Member Heinrich made a motion for the approval of April 3, 2019 minutes. Member Connell seconded the motion to approve. Minutes were approved by unanimous voice vote 5-0.

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

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

Public Hearings

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 read the legal description and presented **City Variance 1292**.

City Variance 1292 – 432 (434) Alderson Avenue – Lot Area, setbacks & lot coverage - A variance from Section 27-308 requiring a minimum lot area of 9,600 square feet for two (2) dwelling units to allow a minimum lot area of 7,000 square feet: from 27-308 requiring a twenty (20) foot rear setback to allow a minimum of six foot six inches (6’6”); from 27-308 requiring a minimum side setback of 5 feet to allow a side setback of two feet six inches (2’6”); and from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 48%; in a Residential 7,000 (R-70) zone, on Lots 30 & 31 Block 34, Suburban Homes Addition, a 7,000 square foot parcel of land. The purpose of the variance is to allow the existing duplex to remain on the lot and to obtain a rebuild letter for financing purposes. Tax ID: A15179

Recommendation:

Staff recommends conditional approval of the proposed variance.

Staff proposes the following conditions of approval:

- 1. The variance is to allow a minimum lot area of 7,000 square feet: a 6’6” foot rear setback a side setback of 2’6”; and a maximum lot coverage of 48% No other variance is intended or implied with this approval.**
- 2. The variance is limited to Lots 30 & 31 Block 34, Suburban Homes Addition, generally located at 432 (434) Alderson Avenue.**
- 3. The applicant shall meet all other city code requirements with the exception of this variance.**
- 4. 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.**

Questions for Staff:

Member Heinrich asked how many total tenants live there and is it being taxed as a duplex. Where do they park?

Chair Noennig opened the public hearing at 6:10PM and asked if there was anyone wishing to speak in favor or against City Variance #1292.

Christian Helland, 53C Beaperch Ave, Bozeman, owner

This Variance request is to obtain a rebuild letter for financing. It is a duplex. There is a garage, carport and 2 other parking spaces.

Vanda Sorenson 139 Avenue C, Billings, MT

Why isn't he occupying the premise. Staff indicates we don't regulate tenancy. Chair Noennig stated his occupancy has no bearing on this Variance.

Rebuttal

One occupant needs to move and I will move in.

Close hearing 6:18 pm

Member Hagstrom made a motion to approve and Member Hagen seconded the motion to approve City Variance #1292 with staff recommendations.

Member	Yes	No	Not Present
David Mitchell			X
Dave Hagstrom	X		
Paul Hagen	X		
Jeff Bollman			X
Oscar Heinrich	X		
Martin Connell	X		
Mark Noennig	X		

The motion to approve City Variance #1292, passed 5-0.

Other Business: Nomination of 2019 Chair and Vice Chair

Nominate chair: Board member Connell nominated Mark Noennig.

Board member Hagen nominated Oscar Heinrich. Board member Heinrich recuses, due to personal obligations.

Nominate vice chair: Board member Connell nominates Paul Hagen
Board member Heinrich nominates Jeff Bollman.

Paul Hagen withdraws.

Mark Noennig is Chair. Jeff Bollman is Vice chair.

Nicole Cromwell advises the Board about the displayed Re:Code hand outs and States the conclusion to Rezone is near.

The meeting adjourned at 6:23 PM.

ATTEST: DRAFT. To be approved by a motion June 5, 2019.



City Board of Adjustment

Meeting Date: 06/05/2019

SUBJECT: Variance 1293- 4302 Ryan

THROUGH: Nicole Cromwell

PRESENTED BY: Karen Husman

Information

REQUEST

Variance 1293- 4302 Ryan - The applicant is requesting a variance from Section 27-308 requiring a maximum of 30% lot coverage to allow 36% lot coverage for the existing structure and a proposed addition in a Residential -7000 (R-70) zone, on Block 4, Lot 11 of Orchard Lane Subdivision, a 6,600 square foot parcel of land. The purpose of the variance is to allow the existing structures currently at 33% and construction of a new proposed additional living space of 221 square feet. Presented by; Karen Husman, Planner I

RECOMMENDATION

Staff recommends conditional approval of the variance.

APPLICATION DATA

OWNERS: Jacquelyn Kelly

PURPOSE: To allow a new addition to the existing home

LEGAL DESCRIPTION: Block 4, Lot 11 of Orchard Lane Subdivision

ADDRESS: 4302 Ryan Lane

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

EXISTING ZONING: R-70

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SIMILAR PROPERTY					
4234 Phillips	1014	Sept 5, 2007	34% Lot Coverage	Yes - 5194sf	removal of existing shed required
618 Hallowell			34%	5899sf lot	No Variance on file
4352 Ryan			33%	6480sf lot	No Variance on file
4210 Phillip			37%	5194sf lot	No Variance on file
4206 Phillip			43%	5194sf lot	No Variance on file
4336 Ryan			50%	6480sf lot	No Variance on file
4303 Stone			32%	6248sf lot	No Variance on file
4308 Murphy			43%	6233sf lot	No Variance on file
655 Orchard			38%	6468sf lot	No Variance on file
603 Stephensen			32%	5980sf lot	No Variance on file

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-70
Land Use: Residential
SOUTH: Zoning: R-70
Land Use: Residential
EAST: Zoning: Public
Land Use: Park
WEST: Zoning: R-70
Land Use: Residential

BACKGROUND

This is a variance request from Section 27-308 requiring a maximum of 30% lot coverage to allow 36% for the existing structure and a proposed addition in a Residential -7000 (R-70) zone, on Block 4, Lot 11 of Orchard Lane Subdivision, a 6,600 square foot parcel of land. The purpose of the variance is to allow the existing structures currently at 33% and construction of a new proposed additional living space of 221 square feet.

The majority of lots in the area are zoned R-70 but have less than 7,000 square feet in lot area. Orchard Lane Subdivision, 2nd Filing was filed in 1954 and this home was built in 1955. Orchard Lane Subdivision was annexed to the city limits in 1964 and the current zoning was applied in 1972. Most of the surrounding lots were developed before the current 1972 zoning regulations existed. Staff found many other developed properties over the lot coverage limitation of 30%. The request is to allow the existing structure and a proposed addition to the home. There are similar properties in the subdivision and in adjacent neighborhoods. Staff has found one similar variance in the subdivision and several similar properties that have not obtained variances but are over lot coverage.

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

SUMMARY

Findings of the Review Criteria Variance 1293 – 4302 Ryan

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 conditions or circumstances with the land that create a hardship. The applicant is requesting this variance in order to have additional living space for a growing family. The structures are currently at 33% lot coverage according to the Yellowstone County Tax record. This would add another 3% lot coverage for a total lot coverage of 36%. Approval of the variance would bring the property into compliance with the current zoning regulations.
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 is one other lot coverage variance of record in the area. There are several other properties over the maximum allowed lot coverage in the district without variances. The literal interpretation of the provisions of this Chapter would deprive the applicant of rights enjoyed by other tracts in the same district; therefore, allowing the applicant a variance to increase the lot coverage to 36% would not deprive the applicant of these rights.
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 for 36% lot coverage on this property would not be granting a special privilege to this owner. Other lot coverage variances have been granted and other property in the neighborhood are over the 30% maximum without the benefit of a variance.
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 36% based on the lot area of 6,600 square feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 11, Block 4, Orchard Lane Subdivision, 2nd filing, generally located at 4302 Ryan Ave.
3. The applicant will submit a building permit application within six months of Board approval.
4. Construction will be completed within eighteen months of variance approval.
5. There will be no construction activity before 7 am or after 8 pm.
6. Failure to start or complete actions required in this approval will void the variance.
7. Any future construction or re-construction of the existing structure will require compliance with all other zoning regulations and city ordinances that apply at the time of construction or re-construction.
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 The property owner shall apply for a building permit to construct within 6 months of Board approval and complete the construction within 18 months of building permit approval.

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 – R-70 zoning allows residential additions.

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

Attachments

Zoning Map & Site Photos
Application Applicant Letter
Site Plan
Photos submitted by applicant

Attachments
Zoning Map & Site Photos





West



East



North



South across the alley



North to the rear yard

Application & Applicant letter

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1293 - Project # P2-19-00069

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 # A12373 CITY ELECTION WARD # 3

Legal Description of Property: lot 11, Block 4 of Orchard Subdivision, Second Filing, in the City of Billings, Yellowstone County, According to Official Plat Thereof and on File and of Record in Office of Clerk and Recorder of said County, Doc No. 526777
Address or General Location (If unknown, contact City Engineering): _____

Zoning Classification: See attached Tax Statement R-70

Size of Parcel (Area & Dimensions): lot Size 6600 S.F.

Covenants or Deed Restrictions on Property: Yes No
If yes, please attach to application Standard Conveyance Exemptions for Easements, Mineral Rights etc.

Variance(s) Requested: Present Coverage 245 S.F. Additions 2215 S.F.

Proposed lot Coverage 236 S.F. REQUEST-Proposed lot Coverage % = 36%

Facts of Hardship: Limited space for family

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

Owner(s): Jacquelyn Kelly
(Recorded Owner)
4302 RYAN AVE, Billings, MT 59101
(Address)
245-8402 H 208-4175 C jkelly53@yahoo.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: Jacquelyn Kelly Date: 4/29/19
(Recorded Owner)



City of Billings
Planning & Community Services Department
2825 3rd Ave. North, 4th Floor
Billings, MT 59101

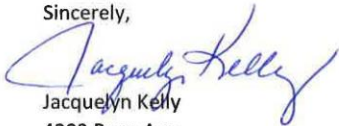
ATTENTION: CHAIRPERSON OF THE BOARD OF ADJUSTMENT

This statement will accompany the variance application/package for the following:

1. There are no reasons that prevent me from using this property which is in conformance with the Zoning Regulation requirements. I have resided on this property since my purchase of the home in 1989.
2. The need for the intended use of the property is to: a) upgrade my home which I intend to live in throughout my life span; 2) construct additional and consistent space for another small bedroom to accommodate my family; and, 3) I purchased this lot in 1989 when I was a single, divorced mother and have taken pride in the upkeep of my home ever since. Homes on this block and subdivision are continually being remodeled, upgraded and maintained. I respectfully request the same opportunity while I can secure the financial means, but need the variance approval to proceed.
3. The variance is requested for 2366 SF or proposed lot coverage of 36%.
4. The proposed new construction does not change the use of the property.

If you need further information, please advise.

Sincerely,



Jacquelyn Kelly
4302 Ryan Ave.
Billings, MT 59101
245-8402 H
208-4175 C

Lot size - 6600 S.F.

ZONE R-7000

4302 RYAN

30% Lot Coverage Allowed: 1980 S.F.

PRESENT COVERAGE: 2145 S.F.

ADDITION ADNS: 221 S.F.

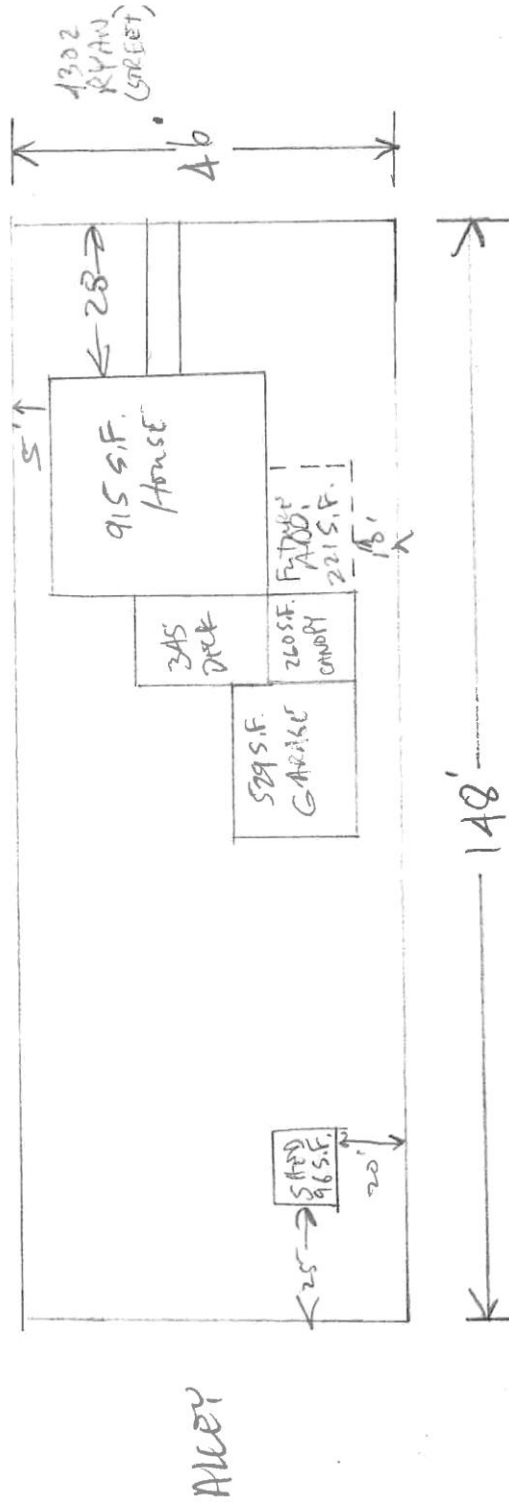
PROPOSED Lot Coverage 2366 S.F.

REQUEST: - PROPOSED Lot Coverage % = 36%



0 5 10 15 20'

Site Plan













City Board of Adjustment

Meeting Date: 06/05/2019

SUBJECT: Variance 1294 - 2229 Burlington Ave

THROUGH: Nicole Cromwell

PRESENTED BY: Karen Husman

Information

REQUEST

Variance 1294 – 2229 Burlington Ave – A variance from Section 27-308 requiring a minimum lot size of 7,000 sf to allow minimum lot size of 6,979 sf in a Residential-7000 (R-70) zone, on Lot 8, of amended lots 3 & 4, Arnold Sub 2nd Filing, S06, T01 S, R26 E, a 7,976 sf parcel of land. The purpose of the variance is to allow a lot line relocation for a property to be reduced to 6,979 sf. Presented by; Karen Husman, Planner I.

RECOMMENDATION

Staff recommends conditional approval of the variance.

APPLICATION DATA

OWNERS: Mary Lou Miller Revocable Trust

AGENT: Cliff Miller, Trustee

PURPOSE: lot line relocation

LEGAL DESCRIPTION: Lot 8 , Amd lots3 & 4, Arnold Sub. 2nd filing

ADDRESS: 2229 Burlington Ave.

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

EXISTING ZONING: R-70

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SIMILAR PROPERTY					
2104 Alderson	408	5/29/84	Lot size	Y	Duplex on 11,200sf in R-60 (11,500 req)
2319 Alderson	1087	3/2/11	Lot size	Y	4 plex on 8400 sf in R-60. (10,000 Req)
2208 Alderson	1088	3/2/11	Lot size	Y	9 plex on 15,729 sf. In R-60 (17,500 req)
2323 Alderson	1093	5/4/11	Lot size	Y	4plex on 8,800 sf in R-60 (10,000 req)
2314/2316 Yellowstone	1141	3/6/13	Lot size	Y	Duplex on 9,000sf in R-70 (9,600 req)
2310/2312 Yellowstone	1152	6/5/13	Lot size	Y	Duplex on 9,000sf in R-70 (9,600 req)

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-60

Land Use: Residential & Residential-Multi 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 a minimum lot size of 7,000 square feet to allow a lot line relocation and reduce the lot area to 6,979 sf. The property owner currently owns both parcels at 2225 Burlington Avenue and 2229 (subject parcel) Burlington Avenue. When the original home at 2225 Burlington was built across the lot line, the owners intended to keep both parcels. Later, a second dwelling unit was added at 2229 Burlington (Lot 8) to the west for a family member. The lot line relocation will allow the parcels and structures to be conveyed separately.

The owner would now like to sell the parcels separately. A lot line relocation is needed, however the relocation of the lot line will create a nonconforming lot size (less than 7,000 sf for a single family dwelling) for the property at 2229 Burlington. There have been other lot size variances approved in this area of Billings. The reduction in lot size is small - 21 square feet - and will not negatively affect the neighborhood. There will be no physical indication that anything has changed in the neighborhood.

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

SUMMARY

PROPOSED 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 not any special circumstances that exist in this situation other than the structure at 2225 Burlington Avenue was built over an existing lot line. The property can not be separated without completing a lot line relocation to bring the lot line away from the existing 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;

The subject property is in a subdivision where there have been several lot size variances. There have been similar variances granted in the surrounding neighborhoods. Denying the variance 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;

The variance will not allow the applicant any special privileges. Similar variances have been granted 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.

Approval of this variance would allow the applicant to bring the property into conformance with the current zoning code.

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 is to allow a minimum lot area of 6,979 square feet. No other variance is intended or implied with this approval.
 2. The variance is limited to Lot 8, of amended lots 3 & 4, Arnold Subdivision 2nd Filing, generally located at 2229 Burlington Avenue.
 3. The applicant shall meet all other city code requirements with the exception of this variance.
 4. 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 There will be no time limit restrictions as the structure is already constructed.
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 – single family dwellings are allowed in the R-70 zone.

RECOMMENDATION

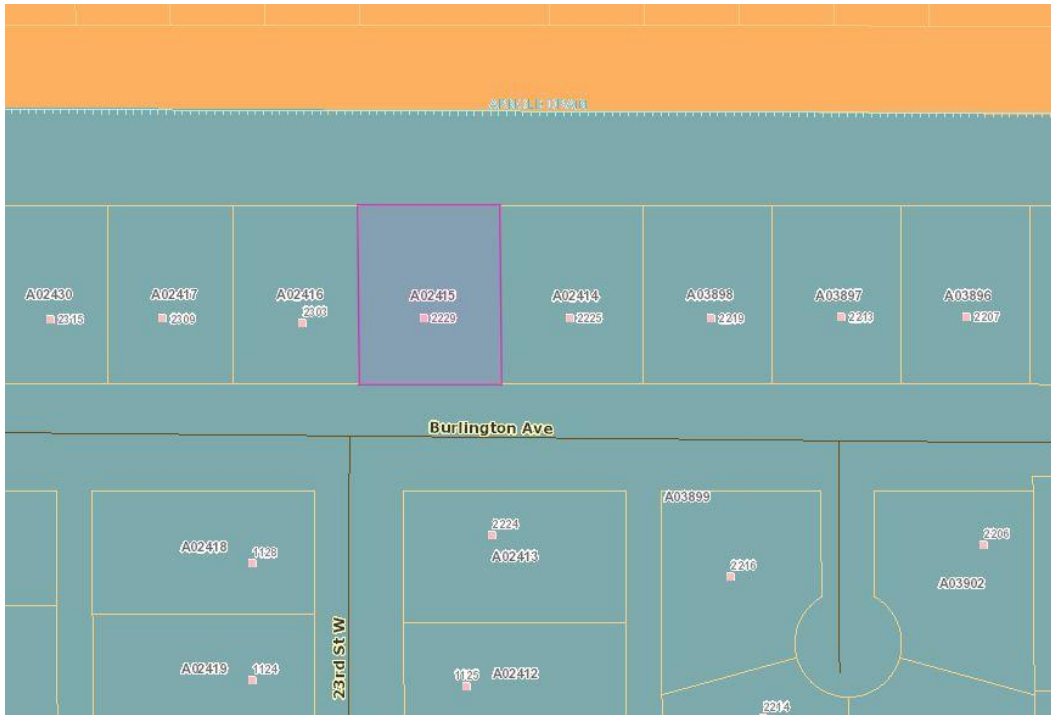
Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

Attachments

Zoning Map & Site Photos
Application Applicant Letter
Site Plan

Attachments

Zoning Map & Site Photos





Subject Property



East



South



Southwest



West

Application & Applicant letter

CITY VARIANCE APPLICATION FORM
ID: Billings Variance # 1294 - Project # PZ-19-00066

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 # A02415 CITY ELECTION WARD # 5
Legal Description of Property: Arnold Subd 2nd filing, S06, T01 S, R26E, Lot 8, AMND Lts 3 & 4

Address or General Location (If unknown, contact City Engineering):
2229 Burlington Ave 59102

Zoning Classification: Residential 7000

Size of Parcel (Area & Dimensions): 7976 80x99.7

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

Variance(s) Requested: property line Moved 10ft reducing lot size to under zoning requirements
Reduce Lot Size allowed from 700^{AS} TO allow 6979⁽²⁾

Facts of Hardship: Adjacent house built over current property line

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

Owner(s): MaryLou Miller Revocable Trust
(Recorded Owner) 4615 Palisades Park Dr 59106
(Address) 406 860-8120 gruven@outlook.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: 4/28/19
(Recorded Owner)



The reason we are applying for a variance is the house at 2225 Burlington Ave was built over the property line and to move the line it would make the lot size of 2229 Burlington under the 7,000 sq ft required of the zoning by about 24 sq ft.

We would like to move the property line so when the time comes both houses can be sold separately

Dear Chairperson of the Board of Adjustment,

In the 70's my father built 2 houses on Burlington Ave. A family home he built larger and over the property line of the neighboring lot which he built a rental home on. There is 10 feet between the 2 homes and a partial fence that would be on the proposed new property line. The problem with moving the property line is that the lot size of 2229 Burlington Ave. would fall below the 7,000 sq. ft. that the property is zoned for by about 24 sq. ft.

We are applying for a variance so that we can move the property line and have the ability to be able to sell the houses separately in the future.

We appreciate your consideration on this matter.

Thanks
Cliff Miller Trustee

