

Application, Applicant Letter, Site

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1301 - Project # PZ-19-00157

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 # A 36352 CITY ELECTION WARD # 2

Legal Description of Property: EMMA JEAN HEIGHTS SUB 3RD (18) S23 TOIN, R26E, BLOCK 9, LOT 1

Address or General Location (If unknown, contact City Engineering): 1302 JEAN AVENUE, BILLINGS, MT 59105

Zoning Classification: Residential 7000

Size of Parcel (Area & Dimensions): 9917 sq ft - see attached

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application - Attachment "B"

Variance(s) Requested: Increase in structure size from 30% of lot (9917 sq ft x 30% = 2975.1 sq ft) to 3237 sq ft - 32.64% of lot - see Attach "C"

Facts of Hardship: Please see attachment "C"

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

Owner(s): Michael D + Janna L Myers
(Recorded Owner)
720 Kenya St Billings MT 59106
(Address)
406 855 4642 Buckshot1250@gmail.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 payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Michael D Myers / Janna L Myers Date: 08/05/2019
(Recorded Owner)



August 5, 2019

ATTACHMENT "C"

City of Billings
Chairman of the Board of Adjustments
Planning and Community Services Department
2825 3rd Avenue North, 4th Floor

Subject: Variance Application
Block 9, Lot 1
Emma Jean Heights Subdivision

Submitted by: Michael D and Janna L Myers
720 Kenya Street
Billings, MT 59106
(406) 855.4642

Question 1-A: *What prevents you from using this property in conformance with the Zoning Regulation requirements?*

Answer:

This phase of the development known as the Emma Jean Heights Subdivision is zoned R 7000. The majority of currently available lots within this subdivision are at or very near 7,500 sqft. In fact and at this time, all remaining home sites on Jean Street are about 7500 sqft. There were four (4) residential lots on Jean Street larger than about 7500 sqft. Only one remains available, Block 9 Lot 9, at 8224 sqft, 1693 sqft smaller than the lot on which we are requesting a variance (Block 9, Lot 1, 9917 sqft).

R7000 Zoning allows only 30% of the lot to be used for structure. A 7500 sqft lot allows a maximum residential home structure of 2250 sqft, including garages and any covered porch and/or patio. New construction homes are commonly built with 3-car garages. A standard 3-car garage is about 20-feet deep by 32 feet wide, totaling 640 square feet, reducing the home/patio/porch to 1610 sqft. A common covered front porch is about 5' or 6' deep by 10' to 15' wide. With a minimum of 50 sqft for a covered porch it leaves 1590 square feet for the home and patio. A small covered patio of 10' x 10' or 100 sqft leaves a maximum home size of 1490 square feet; small in today's new construction residential housing market.

Emma Jean Heights Subdivision Block 9, Lot 1, is 9917 square feet. 30% of that lot is 2975.1 sqft. Our planned home, minus our planned covered porch, covered patio, and attached garages is 1943 square feet, well inside the allowed 2975.1 sqft allowed.

It is not possible to fit a standard short-box quad cab pickup in a 20' deep garage, close the roll-up garage door, and walk around the pickup. In fact, the bumper-to-bumper length of a standard 2017 short-box (5.5') quad cab Ford pickup is exactly 231.9", or 19.325 feet, leaving 8" of space between the front and rear pickup bumpers and the garage door and back wall of the garage. 8" is insufficient to allow maneuverability of any sort and leaves no room to get around either the front or back of the pickup to gain entry into the home from the garage. At least six (6) additional feet of garage depth is necessary to lower the tailgate and/or navigate around the vehicle.

Three-car garage homes are more desirable than 2-car garage homes and have better resale value. They are perceived as more desirable and more “up-market”. Our home plan includes 1,168 sqft of garage and storage space including three (3) stalls for vehicles and yard and other equipment/tools plus a small amount of additional storage to make up for not having a basement or second floor for storage.

Overall and not including a roof over our porch and patio, our home and garage/storage area is 3111 sqft, 135.9 sqft more than allowed by code. Our health requires we live on one floor and have a covered patio and front porch.

Our variance request, if granted, allows us to cover our porch and a small portion of our patio, plus add a small amount of garage storage. These small enhancements improve our ability to more fully enjoy our home. These common improvements add to the overall value of our home and have a positive influence on the EMMA JEAN HEIGHTS development, our local community, and neighborhood.

One way to decrease the footprint of a home is to have a second floor or a basement. Michael and Janna gave these two options very serious consideration. They discussed this with their primary health care providers. They were both advised to eliminate stairs wherever they were able to do so.

Both Janna and Michael Myers have physical limitations requiring that they eliminate stairs whenever possible. Janna Myers has a “bad/trick” knee that is weak and occasionally collapses without warning, making it dangerous for her to safely negotiate stairs. At times it is necessary for Janna to wear a knee brace and/or use crutches. During these times it is extremely difficult for her to negotiate stairs. Janna’s low back is also unstable, causing it to spasm on occasion. When Janna is suffering low back spasms it is, again, very difficult for her to negotiate stairs.

Applicant Michael Myers suffered a low back injury 35 years ago. Now 71, Michael’s lumbar spine at L3-L4-L5 is bone-on-bone and very unstable. Having to negotiate stairs on a regular basis is unwise and ill-advised. Moving or bending “wrong” can result in Michael being completely immobile for several hours.

We could reduce the structure size of our planned home by not covering the front porch and back patio. This action would result in our home structure being 3111 square feet, still 135.9 sqft more than the overall 2975.1 sqft allowed. Over the past 20 years, Michael Myers has had four (4) significant and 22 total skin cancer surgeries. He has gone through sixty (60) days of chemotherapy for the treatment of his multiple skin cancers. Michael is now far more sensitive to the cumulative effects and negative consequences of prolonged direct sun exposure (backyard barbeques, gathering outdoors with friends on the patio, having family over to enjoy a meal outdoors, etc.) and enjoy the porch and patio with their five sons and seven grandchildren. The “easy fix” is to cover the porch and a portion of the patio. These two common home features count as additional structure, resulting in our request for this variance and your approval of it.

Removing the roofs from the porch and patio would only allow the home owners to enjoy the porch or patio in the winter months or during the summer before 8am or after 8pm, when the sun’s UVA and UVB rays are least damaging. This “fix” is well outside what would be described as the “normal and customary enjoyment” of their home.

Question 1-B: Why is there a need for the intended use of the property at this location?

Answers:

1. Residential building lots are less expensive in Billings Heights compared to the West End of Billings.
2. The Emma Jean Heights Subdivision is within the city limits, has all city services, is a well-planned community subdivision, has quality constructed homes, a responsible and involved developer, and has a mix of family groups and ages
3. The lot we purchased, Block 9, Lot 1 is the largest lot of the 20 currently platted on Jean Avenue.
4. After viewing many available residential lots and Billings subdivisions under construction, Janna and Michael Myers determined Emma Jean Heights Subdivision was the best fit for their budget.
5. Lot owners Michael and Janna Myers were not informed and were not aware of the 30% structure rule until they had purchased the lot and were well into planning their home.

**Further considerations supporting the granting of this variance request –
Being a “good” neighbor and responsible member of the community:**

1. Our Emma Jean home plan includes spray foam insulation to greatly improve the thermal efficiency of our home. Our current home has spray foam insulation as well as fiberglass bats and is incredibly energy efficient. While current neighbors having similar homes without foam insulation are paying natural gas bills of up to \$300 a month during a hard winter, our highest heating bill in 12 years has been \$82, including the use of gas for hot water and cooking.

Our current home has an 80% efficiency gas furnace. Our Emma Jean home will have a 96% efficient gas furnace, making us responsible users of the natural resources available to us.

2. Our Emma Jean home also includes installing an “On-Demand” hot water system by A.O. Smith further reducing the natural gas we use. It is far more energy efficient to heat water “on demand” than it is to keep a 40 or 50 gallon hot water tank hot every hour of every day.
3. Michael and Janna Myers are responsible neighbors. Please contact Tim and Kachmir Watt, 700 Kenya Street, Billings, MT 59106, (406) 794.4788. Tim, Kachmir and their two young children live one home North of Michael and Janna and have been our neighbors for approximately nine (9) years.
4. David and Karen Pals have been friends of Michael and Janna most recently since 1989. Michael has known David since about 1963. David and Karen can attest to Michael and Janna’s character and general behavior. 632 Luther Circle, Billings, MT 59102. (406) 850.4929

The folks above can attest to the history of Michael and Janna keeping their property neat, tidy, and well maintained, as well as being responsible, cordial, and “neighborly”.

5. Michael and Janna intend continuing their commitment to “do their part” to foster a safe neighborhood, without being “nosy busybodies”. Over the years in our current neighborhood we have “pitched in” and helped neighbors in need; from Michael or Janna babysitting toddlers while the other drove the ailing parent to the Billings Clinic Urgent Care facility and staying with the kids and ailing parent until the situation was resolved, to providing financial support to a neighbor whose house burned to the ground.
6. Michael and Janna have producing apple and plum trees on their current property. They have happily shared their fruits with multiple neighbors over the years. Michael and Janna have also shared the bounty of their garden with neighbors who want and appreciate “home-grown” produce. When their garden was larger in earlier years, they shared their produce with Montana Rescue Mission.
7. Michael is a former member of the Billings Police Foundation and former president of the King Avenue Estates Property Owners Association

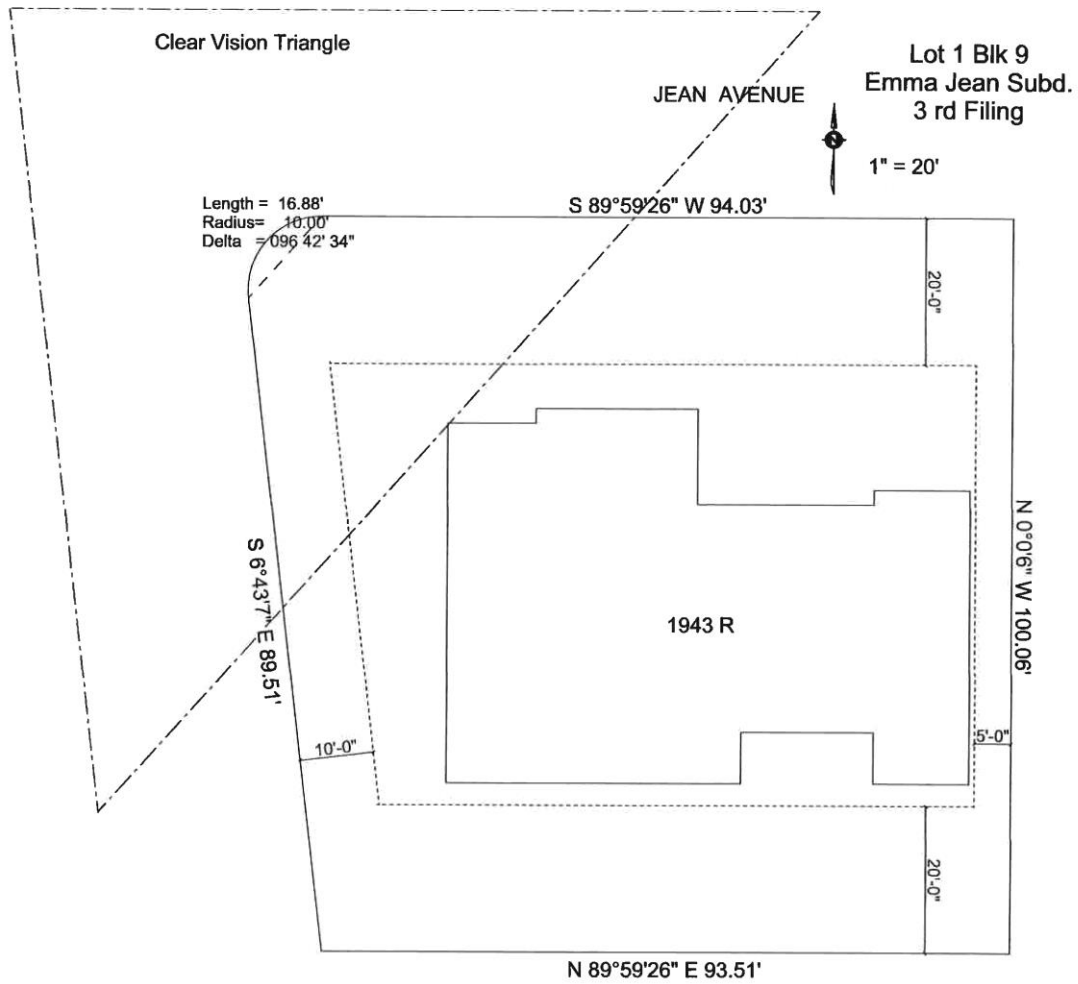
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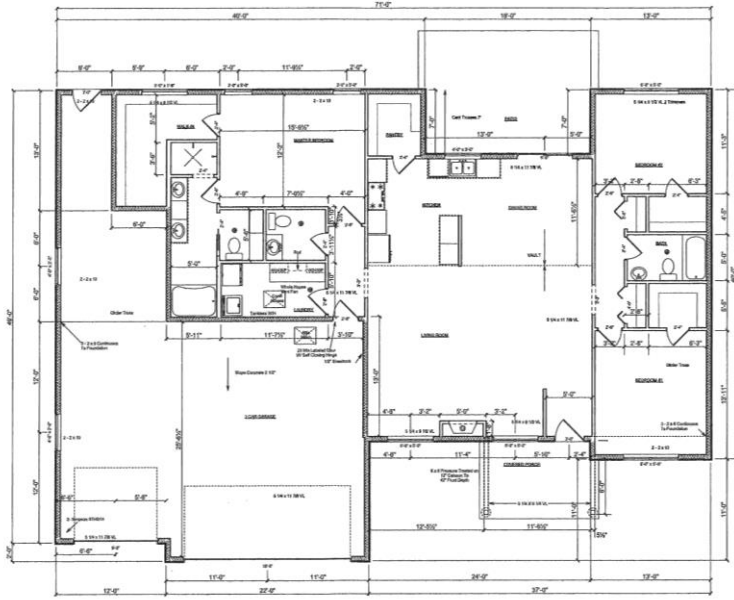


Michael D. Myers
August 5th, 2019



Janna L. Myers
August 5, 2019





MAIN FLOOR 1943 SQ.FT.
 GARAGE 1168 SQ.FT.
 COVERED PORCH 126 SQ.FT.

