



TO: City-County Planning Division

SUBJECT: County Variance #292 Project number: 19-00059

Dear Members of The City-County Planning Board,

I recently received this variance letter and have studied everything on this and talked to many concerning this. I noticed that a few members in the subdivision never received letters on this matter from you.

After much thought and consideration, I hereby state that I am absolutely against this variance. Number one; I know Jack so the decision wasn't easy to make. Before I moved to Billings in 2008, I had, through Metro realtors, looked at close to 150 homes. The number one and two reason I bought this home was the construction of the house and the covenants which I was assured are written in stone.

Jack was the first to inform me to keep my garbage can in the garage and also that I couldn't keep my boat parked outside unless it was parked on cement, behind front of house, with a gate so it wouldn't be in view. I have noticed though that the last few years he has slacked from his duties of enforcing covenants. I have seen junked vehicles parked at a residence, garbage cans out front in full view, campers and boats parked in front of homes in plain view, business's run from residences, and homes not completed as outlined in the covenants.

My fear is some time Jack will then want to run his roofing business from this location. I even went out to his present location and looked at its dimensions. If he built this new building at two levels, and his present has one, he would closely have the same amount of square footage. We do not need more traffic as we already have way too much in this small location. Another fear is that this would set a precedent for the subdivision as I was informed by one neighbor, that Jack promised Heather, a landowner, that when he got his building approved he would sell her back property to her location so she could erect a building. This whole thing is nothing more than a crack in the door that will blow up the whole subdivision. I believe Jack has far more in mind than building one building. This project will also depreciate the value of people's personal homes within the subdivision.

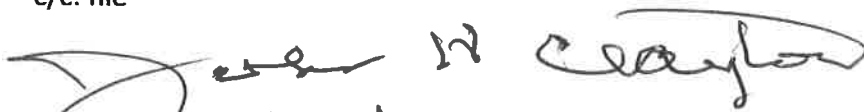
Our subdivision is already under attack. On the East county road to the subdivision or Nobelwood Drive, many junked vehicles are parked on County property. On the North side of subdivision or Westgate, Bob from Digger INC. has purchased and presently has heavy equipment parked there. I do believe though that Bob will not do anything to take

away from the subdivision as he lives across the street. My whole life investment as with others in the subdivision, is in my home. Anytime, anything not falling within the limits of our covenants, is taking money out of each homeowner in the subdivision. Anytime covenants are not enforced is a loss to all homeowners. I am,

Respectfully,

John H Clayton

c/c: file


5/21/2019

Engineering Inc



3333180
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05/17/2005 02:15P

DECLARATION OF RESTRICTIONS EMERALD EAGLE ESTATES SUBDIVISION

RON S. HILL LIVING TRUST and JACK H. SPRAGUE
to
THE PUBLIC

WHEREAS, the undersigned, Ron S. Hill Living Trust and Jack H. Sprague, are the owners of EMERALD EAGLE ESTATES; and,

WHEREAS, the aforesaid owner desires to place building and use restrictions on the above-described premises;

NOW, THEREFORE, in consideration of the premises, the undersigned hereby establishes and declares the following business restrictions and protective covenants which shall be applicable to all the above-described real estate.

This Restrictive Declaration of Covenants is made this 31st day of March, 2005, by RON S. HILL LIVING TRUST and JACK H. SPRAGUE, hereinafter referred to as "Declarants".

GENERAL RESTRICTIONS

1. All persons, corporations, or other entities, who shall hereafter acquire any interest in and to the above-described real estate shall be taken and held to agree and covenant with the owners of the lots and with their heirs, devisees, trustees, and assigns, to conform to and to observe the following covenants, restrictions, and stipulations as to the use thereof, and as to the construction of residences and improvements thereon.
2. The covenants will apply to all lots contained in Emerald Eagle Estates Subdivision. Ron S. Hill Living Trust and Jack H. Sprague reserve the right to amend this "Declaration of Restrictions" to the extent that it is necessary to include additional lots and blocks of subsequent filings as to Emerald Eagle Estates Subdivision.
3. Each lot in the subdivision shall be used solely for residential purposes. No structure shall be erected, altered, placed or permitted upon any such residential lot, other than one detached single-family dwelling not to exceed two stories in height. "Split level" structures will be permitted. No structure shall exceed 32-feet in height. Garages shall not be for more than three cars. The term residential purpose as used herein shall be construed to exclude hospitals, duplex houses, to exclude the rental of portions of homes, to exclude professional and commercial uses, and to further exclude all rehabilitative, correctional, child care, and mental health center homes, half-way houses or other affiliated institutions, and any such usage of this property is expressly prohibited.
4. None of the lots in the subdivision shall at any time be used for the purpose of any trade, profession, manufacturing, or business of any description, and no noxious or offensive activity shall be carried on nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.



5. No lot shall be subdivided for the purpose of constructing more than one dwelling on any lot as platted. After public sewer is provided to the area, the lots may be subdivided to provide an additional building site in accordance with local, state and federal regulations.
6. Any building or residence erected shall be of new construction.
7. No structure of a temporary nature can be used as a residence, either temporarily or permanently. The exterior of the dwellings shall be finished in their entirety before they can be occupied.
8. Two dogs and/or two cats are the only animals allowed per house. Pets shall be restricted to their owner's property. Barking shall be kept to a minimum and subject to City/County Ordinances and enforcement.
9. Any residence hereafter to be erected shall be commenced within 30 days after equipment and/or materials used in the construction thereof are moved onto the sight. After construction has started, the work must continue until the structure is completed. No building hereafter to be erected shall be commenced until authority for the construction of such a building has been secured from the Architectural Control Committee (as defined in #19).
10. No trash, ashes, obsolete materials or non-operating or non-licensed vehicles or portions of thereof may be allowed to accumulate in any portion of Emerald Eagle Estates Subdivision. All trash, or other refuse, cans and containers in these lots shall be kept in garbages or in enclosures such that they will be concealed from street view. No burning barrels shall be allowed on the premises. Garbage cans shall be located inside the garage except on days when garbage pickup is made.
11. Exterior construction shall include:
 - i. Architectural grade shingles
 - ii. Brick or stone accents on the house and matching mailbox with house numbers on the house and mailbox. No contractor or any other names are allowed on the mailbox stones.
12. Any masonry block buildings shall be covered with stucco or otherwise covered with an exterior siding.
13. No buildings or other structures except fences shall be located less than 25 feet from the front and 20 feet from the rear lot lines. No buildings or other structures except fences shall be located less than 8 feet from the side lot lines unless on a corner where set back from side lot line shall be 20 feet. Set backs on the Cul-de-sac lots shall be 20 feet in the front and back and 8 feet on the sides. Lots off the Cul-de-sac shall be at least 25 feet in the front, 20 feet in the back and 8 feet on the sides.
14. No fences shall be erected in any front yard except as is necessary to join a side yard fence to the residence. Fences shall be wood, vinyl or chain link. No barbed wire or woven wire will be permitted.



- 24. No clotheslines are permitted.
- 25. These Covenants and Restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date of this being recorded. After which time, said covenants and restrictions shall be automatically extended for successive periods of 10 years at a time, unless revoked or changed by owners of at least 60% of the lots bound by these Covenants and Restrictions.
- 26. Invalidation of any of these Covenants or Restrictions by judgment or court order shall in no way affect any of the other provisions that shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarants have executed this Declaration the day and year first above written.

RON S. HILL LIVING TRUST
By: Ron S. Hill
Ron S. Hill, Trustee

JACK H. SPRAGUE
By: Jack H. Sprague

STATE OF MONTANA)
 : ss.
County of Yellowstone)

On this 31st day of March, 2005, before me, a Notary Public for the State of Montana, personally appeared RON S. HILL, known to me to be the TRUSTEE of the RON S. HILL LIVING TRUST, who signed the foregoing instrument and acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written.



Carol Johnson
Notary Public for the State of Montana
Printed name: Carol Johnson
Residing at: Billings, MT
My commission expires: May 12, 2006

STATE OF MONTANA)
 : ss.
County of Yellowstone)

On this 31st day of March, 2005, before me, a Notary Public for the State of Montana, personally appeared JACK H. SPRAGUE, who signed the foregoing instrument and acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written.



Carol Johnson
Notary Public for the State of Montana
Printed name: Carol Johnson
Residing at: Billings, MT
My commission expires: May 12, 2006

Husman, Karen

From: Deines, Tammy
Sent: Friday, May 24, 2019 11:29 AM
To: Husman, Karen
Cc: 'phawkins@mt.gov'
Subject: FW: [EXTERNAL] Variance #292 / 19-00059

Hello Karen,

Please include the public comment below for the public hearing on Variance #292 as requested by Mr. Hawkins.
Thank you,

Tammy Deines, Planning Clerk
City of Billings Planning Division
2825 3rd Ave N 4th Floor
Billings, MT 59101
247-8610
[City of Billings](#)



From: Hawkins, Paul [mailto:phawkins@mt.gov]
Sent: Friday, May 24, 2019 8:30 AM
To: Deines, Tammy <DeinesT@billingsmt.gov>
Subject: [EXTERNAL] Variance #292 / 19-00059

ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

Please add this as comment to the Public hearing on Thursday June 13th.

I am an adjacent neighbor adding a comment on the requested Project number 19-00059, and in reference to Variance #292 . Just asking if the land is zoned as residential, is a commercial building allowed? Looking at the 27-1511(d) it appears that Sprague would deviate from the Regulations by: (3) would be getting "special privilege", (4) not in harmony with general purpose, (7) very inconsistent.

Husman, Karen

From: Deines, Tammy
Sent: Friday, May 24, 2019 3:57 PM
To: 'Dan Geiger'
Cc: Husman, Karen; Cromwell, Nicole
Subject: RE: [EXTERNAL] Fw: County Variance #292

Dan,

Thank you for your comments regarding County Variance #292. I am forwarding them to our staff to be included in the public comment for this application.

Tammy Deines, Planning Clerk
City of Billings Planning Division
2825 3rd Ave N 4th Floor
Billings, MT 59101
247-8610
City of Billings



From: Dan Geiger [mailto:dangeiger44@yahoo.com]
Sent: Friday, May 24, 2019 2:27 PM
To: Deines, Tammy <DeinesT@billingsmt.gov>
Subject: [EXTERNAL] Fw: County Variance #292

ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

Subject: County Variance #292

Dear Members of the City-County Planning Division:

Please consider my concerns regarding the request for a variance #292 to allow detached structure larger than the maximum.

I am opposed to it for the following reasons:

1. It changes the intended purpose of the neighborhood from residential to commercial/business. The community of Lockwood has struggled to maintain a balance of residential and commercial with commercial business seeping into residential neighborhoods over the years. This proposed change will bring added trucks

and moving materials through the neighborhood for storage. If approved appropriate use is very difficult to control after the fact.

2. The structure is in direct view and not pleasing and congruent with the neighborhood. This area of Lockwood has strived to maintain high standards to render the neighborhood pleasing and appropriate to enhance property values.

3. If a precedent is made then the continued creep of commercial/business into residential areas will be accelerated.

4. Resale values and ease of sale will be more difficult and thus lower property values.

Thanks you for your consideration. I ask that you remain steadfast to the intended purpose of the neighborhood, residential.

Best regards,

Dan Geiger
3825 Trailmaster Drive
Lockwood, Mt 59101
406 861-5547