



County of Yellowstone Board of Adjustment
AGENDA-Thursday, June 13, 2019, 4:00 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 the County Board of Adjustment Members and Planning Department Staff.

Public Comment

Motion. Approval of Minutes: January 10, 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:

1. **County Variance – #292 – 120 Sunlight Circle – Variance to allow detached structure larger than the maximum** - A variance from section 27-308 requiring a maximum detached structure size of 1,447 sf to allow a maximum of 2,800 sf in a Residential- 9600 (R-96) zone, on Block 2, Lots 5 & 6, Emerald Eagle Estates Subdivision, a .92-acre parcel of land. The purpose of the variance is to allow a detached accessory structure of 2,800 square feet. Tax ID: C15082 & C15083. Presented by Karen Husman, Planner I.

Other Business/Announcements

Adjournment

The County Board of Adjustment will hear all persons wishing to speak relative to the proposed variance. Testimony regarding the above mentioned items may also be submitted in writing to the Planning Division, 4th Floor of the Miller Building, 2825 3rd Ave North, Billings, MT 59101 or phone 657-8246. Additional information on any of these items is available in the Planning and Community Services Office. 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 Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us.

County Board of Adjustment

Meeting Date: 06/13/2019

Information

Subject

Motion. Approval of Minutes: January 10, 2019

Attachments

YBOAminutes_2019_01_10_DRAFT

**Yellowstone County Board of Adjustment
Meeting Minutes, January 10, 2019
DRAFT- To be approved by a Motion-February 14, 2019**



The County Board of Adjustment met on January 10, 2019 in the 1st Floor Conference Room of the Miller Building located at 2925 3rd Avenue North. Chairperson Boucher called the meeting to order at 4:00 p.m.

Name	Title	03/08/2018	05/10/2018	11/08/2018	01/10/2019	02/14/2019					
Blaine Poppler	Vice Chair	1	1	1	1	-					
Carlotta Hecker	Board member	1	1	1	1	-					
Troy Boucher	Chairman	1	1	1	1	-					
Tyler Bush	Board member	-	-	-	E	-					
Vacant		-	-	-		-					

Chairman Hecker introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I, Tammy Deines, Planning Clerk

Others in Attendance: Tobin Novasio; Pam Ask; Jeff Kanning Collaborative Designs; Tim Sather; Clint Reynolds

Public Comments: There were no public comments.

Approval of Minutes: November 8, 2018

Motion

Board member Poppler made a motion and Board member Boucher seconded the motion to approve the November 8, 2018 meeting minutes as submitted. The motion passed with a unanimous voice vote.

Disclosure of Conflict of Interest: There were no disclosures of conflict of interest.

Disclosure of Exparte Communication

There were no disclosures of exparte communication from the Board.

PUBLIC HEARINGS:

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearing 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 for reviewing and acting on each variance.

**Yellowstone County Board of Adjustment
Meeting Minutes, January 10, 2019
DRAFT- To be approved by a Motion-February 14, 2019**



Item #1: County Variance #291-1932 US Highway 87 East-Lockwood Schools-Land Use Contrary to Zoning. Karen Husman, Planner I, presenting.

Nicole Cromwell read the rules and procedures for a public hearing and the legal ad for county Variance #291.

REQUEST

Variance 291 – 1932 US Highway 87 East – Lockwood Schools – Land Use Contrary to Zoning – A request to conduct a public forum on a public agency request to use agency land contrary to zoning. The County Board of Adjustment has no power to approve, deny or attached conditions to the proposed use. State law (MCA 76-2-402) requires a forum before the Board of Adjustment to receive public comment. The legal description of the property is C/S 918, Tract A and is in a Public (P) zoning district. The site plan will not meet the required perimeter landscaping (Sec. 27-1100) or the required number of off-street parking spaces (Sec. 27-1200). Tax ID D05970.

REASONS

This is a request to use public land for public purposes contrary to zoning. Lockwood Schools submitted site plan will not meet the required perimeter landscaping (Sec. 27-1100) or the required number of off-street parking spaces (Sec. 27-1200). State statute allows public agencies to use land contrary to zoning after a public hearing is held by the local Board of Adjustment. As illustrated in MCA 76-2-402(2), the Board shall have no power to deny the proposed use but shall act only to allow a public hearing for comment on the proposed use.

The state law provision that exempts local agencies from local zoning compliance provides an opportunity for the public to provide comment and eliminates the need for one government authority to approve, deny or place conditions on the necessary public improvements of another public agency. Many public agency projects are subject to other permitting and development permissions ranging from financial authority and building code compliance to state and federal environmental policy conformance. These processes also offer the opportunity to provide public comment.

RECOMMENDATION:

The Planning Division is recommending the Board conduct the public hearing and allow comment on the Lockwood Schools perimeter landscaping and required number of parking spaces.

Discussion

Chairperson Boucher called for questions and discussion from the members of the Board. There was none.

Public Hearing

Chairperson Boucher opened the public hearing and asked if there is anyone wishing to speak in favor or against County Variance #291.

Yellowstone County Board of Adjustment

Meeting Minutes, January 10, 2019

DRAFT- To be approved by a Motion-February 14, 2019



Tobin Novasio, Superintendent, Lockwood Schools, 3455 Ford Road

Mr. Novasio represents the Lockwood School District. He stated the school has forward a request to place “No Parking” signs placed on Highway 87. They hope to alleviate parking issues by moving the event location to the southerly portion of the parcel. He gave an overview of the proposed project. There is no intention of holding multiple events at one time. Regarding the letter of protest, Mr. Novasio explained there is a 60-foot nonexclusive access agreement along Stonehaven. This project will include paving of Stonehaven Road as they wished to have two ways to egress from the parking lot. He pointed out the location of the 48-space staff parking lot and the auxiliary gymnasium.

Jeff Kanning, Collaborative Design Architects, 1008 Poly Drive, Billings, Montana

Mr. Kanning stated public meetings were started in December and they received positive responses. The school decided to build on a 66-acre site and the plan is to be a Class A school in the future. The State of Montana awarded Lockwood School District the ability to become a K-12 school last December. The plan is to create a "junior college campus" feel and centralize the parking. Currently the campus has 374 parking spaces and this plan will provide an increase of 240 parking spaces. The overall onsite parking will be increased by 300 spaces. The design will address student safety and will benefit the communities of Lockwood and Billings as a whole. Mr. Kanning compared parking availability of nearby high schools. Regarding the landscaping, the variance request will address landscaping requirements along Stonehaven and Highway 87. Langlas and Associates are under contract for construction and they hope to begin March 11, 2019. In response to question by Board member Poppler, Mr. Kanning said Stonehaven will be built with a 30-foot width with gravel shoulders.

Clint Reynolds, 5916 Sam Snead Trail, Billings, Montana

Mr. Reynolds is representing the neighboring mobile park. He asked for clarification on the 4 478 additional spaces and it was given by Jeff Kanning and Tobin Novasio. He asked to see the landscaping site plan and it was provided by Ms. Husman. He asked about bunching some streets along Stonehaven track area to buffer the housing. Mr. Reynolds commented other entities will use this facility.

Chairperson Boucher asked if there is anyone else wishing to speak in favor or against County Variance #291. There was none. At 4:24 p.m., Chairperson Boucher closed the public hearing.

Other Business/Announcements

- **Announcement:** The February 14, 2019 Yellowstone County Board of Adjustment meeting is cancelled due to a lack of applications. The next meeting will be held as legally announced and advertised.

Adjournment: Adjourned 5:30 p.m. (DRAFT- TO BE APPROVED BY A MOTION MARCH 7, 2019)



County Board of Adjustment

Meeting Date: 06/13/2019

SUBJECT: County Variance 292 - 120 Sunlight Circle

THROUGH: Nicole Cromwell

PRESENTED BY: Karen Husman

Information

REQUEST

County Variance – #292 – 120 Sunlight Circle – Variance to allow detached structure larger than the maximum - A variance from section 27-308 requiring a maximum detached structure size of 1,447 sf to allow a maximum of 2,800 sf in a Residential- 9600 (R-96) zone, on Block 2, Lots 5 & 6, Emerald Eagle Estates Subdivision, a .92-acre parcel of land. The purpose of the variance is to allow a detached accessory structure of 2,800 square feet. Tax ID: C15082 & C15083. Presented by Karen Husman, Planner I.

RECOMMENDATION

Staff is recommending denial of the application.

APPLICATION DATA

OWNERS: Jack Sprague

PURPOSE: Construct a garage larger than what is allowed

LEGAL DESCRIPTION: Block 2, Lots 5 & 6, Emerald Eagle Estates Subdivision

ADDRESS: 120 Sunlight Circle

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

EXISTING ZONING: R-96

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Variance	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
120 Sunlight Circle	None				
SURROUNDING PROPERTY	Variance	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-96
Land Use: Residential

SOUTH: Zoning: R-96
Land Use: Residential

EAST: Zoning: Outside Zoning
Land Use: Residential

WEST: Zoning: R-96
Land Use: Residential

BACKGROUND

The applicant is requesting a variance from Section 27-310.i requiring a maximum detached accessory building footprint greater than 1,447 square feet to allow a maximum footprint of 2,800 square feet for a proposed new garage. The owner would like to park all of their autos and recreational vehicles in one structure.

The subject property is in an area of single family dwellings. The properties to the east are outside of the zoning jurisdictional area. The code allows up to two 1,447 square foot detached accessory buildings on the lot. The detached garages could be built to meet the size allowed by the zoning regulations. The existing single family dwelling is on one lot as a primary structure, the adjacent lot is contiguous and in the same ownership and the intent is to aggregate the lots.

Planning staff has reviewed the application and has received correspondence from three neighboring property owners concerning the new building (copy attached). The main concern is the character of the neighborhood, the possibility of the larger garage being used for commercial purposes, and that granting the variance would be against the restrictions of their covenants.

SUMMARY

STAFF 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 no special circumstances that exist which are peculiar to the land. The applicant has not stated a hardship with the property. The code allows up to two 1,447 square foot detached accessory buildings on the lot. The detached garages could be built to meet the size allowed by the zoning regulations. The existing single family dwelling is on one lot as a primary structure, the adjacent lot is contiguous and in the same ownership and the intent is to aggregate the lots.

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;

Allowing the variance would give the applicant rights not commonly enjoyed by other tracts in the same district. There have not been any similar variances granted in the area or surrounding neighborhoods. The variance would allow the applicant special privileges. Other lots in this subdivision have developed as defined by the zoning code.

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 would confer a special privilege to this applicant as similar sized detached barns and garages are not apparent in this subdivision and in similar neighborhoods. Granting the variance requested will confer on the applicant a special privilege that is denied by this Chapter to other land in the same district.

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 not 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 has no conditions for a recommendation of denial.

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 would be no time limit with a recommendation of denial.

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.

Granting this variance will not approve a use that is not otherwise allowed in the R-96 zoning district. Detached garages and accessory buildings are allowed in the county residential zoning districts, however the size requested is inconsistent with limitations placed on property in the district.

RECOMMENDATION

Staff is recommending denial of the application based on the determinations within this staff report.

Attachments

Zoning Map SitePhoto
Application & Applicant letter
Site Plan & Elevation
Letters of Opposition

ATTACHMENT
Site Photographs



Subject property





APPLICATION FORM

COUNTY VARIANCE County Variance # 292 - Project # PLN-19-00059

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the Yellowstone County Unified Zoning Regulations.

TAX ID # C15083 & 82 COUNTY COMMISSIONER DISTRICT # _____

Legal Description of Property: NE 1/4 of Section 29 T. 1N. R. 27E. P. 1M. M. Yellowstone County Montana. Lots 5 & 6 B/R. 2 Emerald Eagle Estates

Address or General Location (If unknown, contact County Public Works): _____

1104 120 Sunlight Cir. Blgs. Mnt. 59101

Zoning Classification: R 90

Size of Parcel (Area & Dimensions): 40.107

Covenants or Deed Restrictions on Property: Yes No _____

If yes, please attach to application

Variance Requested: Build one shop To The Full Size allowed From the County Per square Footage of the Lot.

Facts of Hardship: Two shops ^{6' 144sq ft each} eight Foot Separation would not Function well and look like a farm that would Hurt Future Sales of the subdivision

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

Owner(s): Jack Sprague
(Recorded Owner)
110 Sunlight Cir. Blgs Mnt. 59101
(Address)
(406) 698-0500 Jack @ Sprague roofing, Net.
(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: Jack Sprague Date: 3/28/19
(Recorded Owner)



Yellowstone County Planning
2825 3rd Ave N
Billings, MT 59101

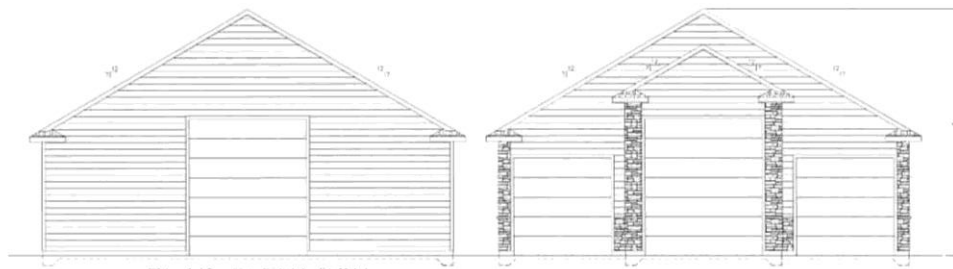
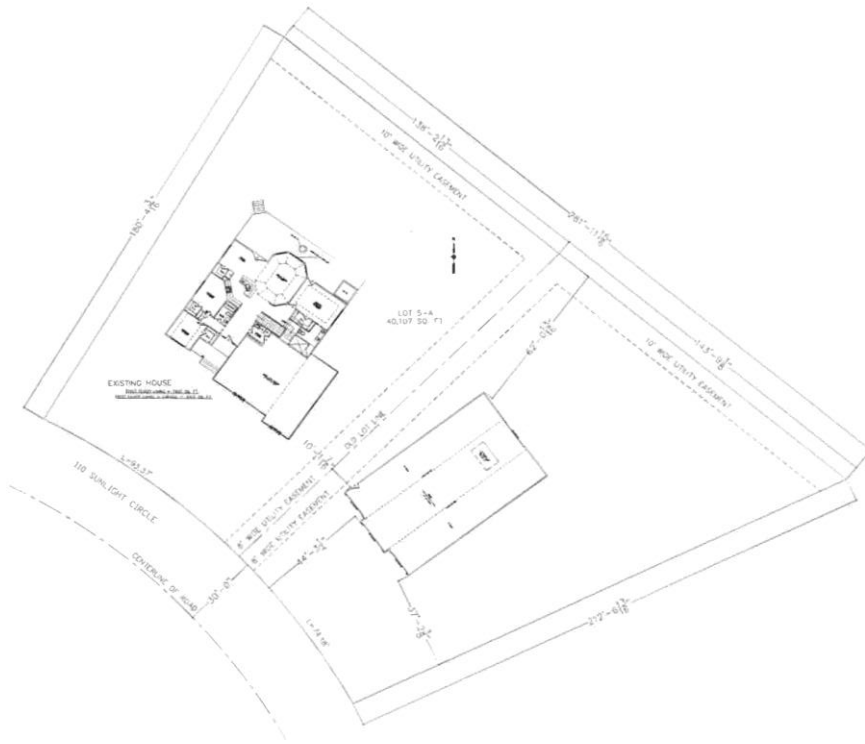
RE: Aggregation on the property located at 110 Sunlight Circle, Billings, MT 59101

To Whom It May Concern,

I am doing an aggregation of the half acre lot next door to my residence located at 110 Sunlight Circle, Billings MT 59101 with the plan of building a shop to store recreational vehicles. My draftsman told me the county has restrictions. When I met with the county to see what the restrictions are, I was informed I could build two 1,446 square foot shops eight feet apart. I would like to park a motor home and other SUVs and combine the square footage to 2,800 square foot and build one shop. The shop's siding and brick will match the existing home at this location. I will match the landscaping and fence work as well.

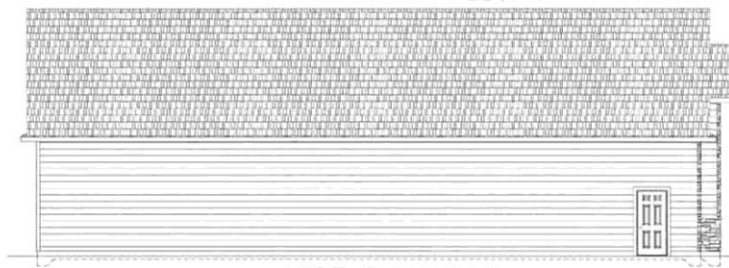
Thank you!

Jack Sprague



REAR ELEVATION
SCALE: 1/4" = 1'-0"

FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



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.

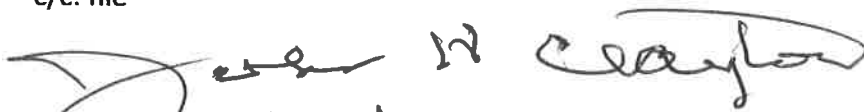
Our subdivision is already under attack. On the East county road to the subdivision or Nobelwood Drive, many junked vehicles are parked on County property. On the North side of subdivision or Westgate, Bob from Digger INC. has purchased and presently has heavy equipment parked there. I do believe though 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
Page: i of 4
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.

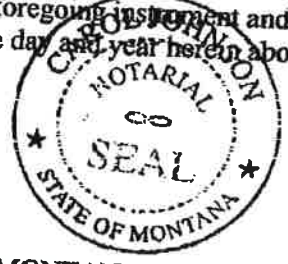
IN WITNESS WHEREOF, the Declarants have executed this Declaration the day and year first above written.

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)

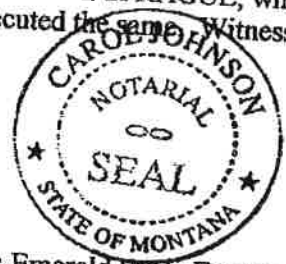
On this 31st day of March, 2005, before me, a Notary Public for the State of Montana, personally appeared RON S. HILL, known to me to be the TRUSTEE of the RON S. HILL LIVING TRUST, who signed the foregoing instrument and acknowledged to me that he executed the same. Witness my hand and seal the day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