

CITY VARIANCE

APPLICATION FORM

ID: Billings Variance # 1308 - Project # P2-20-00053

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-28722, A28722, A28721 CITY ELECTION WARD # A28721M

Legal Description of Property: Unit numbers 3112, 3116, 3120 of Villas on the Park located on lots 1, 2, 3 & 4, Block 3 of Terra West Subdivision, 3rd filing in the City of Billings, Yellowstone County, Montana  
Address or General Location (If unknown, contact City Engineering):

3112, 3116 & 3120 Solar Blvd, Billings MT

Zoning Classification: Condo

Size of Parcel (Area & Dimensions): full parcel ~ 20,012'; 3112 = ~ 6655'; 3116 = ~ 6710'

Covenants or Deed Restrictions on Property: Yes X No \_\_\_\_\_  
If yes, please attach to application Bylaws 3120 = ~ 6655 SEE attached for dimensions

Variance(s) Requested: Approve the 3 homes to be on lots that are smaller than the typical 8,000 sq feet.

Facts of Hardship: SEE attached

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

Owner(s): Lynette M. Burrowes Burrowes Family 1995 Living Trust  
(Recorded Owner)  
3120 Solar Blvd, Billings MT  
(Address)  
(971) 255-9304 lmbmmt@gmail.com  
(Phone Number) (email)

Agent(s): Lynette Burrowes, Trustee of the Burrowes Family 1995 Living Trust  
(Name)  
13170 SW Forest Glen Ct, Beaverton OR 97008  
(Address)  
(971) 255-9304 lmbmmt@gmail.com  
(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: SEE signature above Date: 2/27/20  
(Recorded Owner)

SEE attached addendum



**Addendum to City Variance Application form:**

Facts of hardship: Some background info.....When the 5 unit project was completed, the developer/contractor appears to have circumvented the system by making this a condo project. The four lot area is just over 40,000 square feet, which was plenty of room to build 5 single family dwellings on 8,000 square foot lots. But they would have had to have it surveyed from 4 lots to 5. Instead, they built 3 homes on 2 lots that were approximately 10,000 square feet each. And then 2 homes each on a full lot of just over 10,000 square feet each.

As a 'condo' project, declarations of unit ownership were filed as well as bylaws for the project. In reading the declarations of unit ownership, the property owners do 'own' the dirt, so they are not true condos. The bylaws were set up and an HOA was established, on paper. The HOA was never set up, there are no true common areas and no shared expenses. There has never been an HOA meeting as there was no purpose for meetings nor the HOA – even on paper.

Because of the condo designation and the lack of an active, funded, HOA, Fannie Mae (FNMA) would consider this a non-warrantable condo project. I do have significant knowledge in this part of the process as I have been a mortgage loan underwriter for many years. And condo financing has become increasingly difficult over the past several years.

When any one of the property owners sell, unless they obtain financing that will not be sold on the secondary market, financing would be difficult. The units would not qualify at all for government financing.

In order to provide prospective buyers the financing options they deserve, the 5 homes need to be converted to single family dwellings. The 3 units built over 2 lots need to have a variance to accept a lot size of less than the typical 8,000 square feet.

Once the variance has been approved, the properties will be surveyed to create new legal descriptions for the 5 free standing, individual homes. Also, the declarations of unit ownership and the bylaws will be extinguished.

**Owner(s) continued:**

Marlene E. Grimm  
3116 Solar Blvd, Billings MT  
(406) 656-3302  
[grimmme@charter.net](mailto:grimmme@charter.net)

*Marlene E. Grimm* 2-27-2020  
\_\_\_\_\_  
Marlene E. Grimm Date

✓ Daniel Joseph and Karen L. Kohm  
3112 Solar Blvd, Billings MT  
(406) 799-3880  
[d\\_kohm@msn.com](mailto:d_kohm@msn.com)

*Daniel Joseph Kohm* 2/27/2020  
\_\_\_\_\_  
Daniel Joseph Kohm Date

*Karen L. Kohm* 2/27/2020  
\_\_\_\_\_  
Karen L. Kohm Date

To: City of Billings Planning Board  
From: Individuals affected by Villas on the Park variance request  
Re: Variance request  
Date: February 26, 2020

We, the undersigned individuals, are the owners of record of 3060 and 3102 Solar Boulevard, Billings MT.

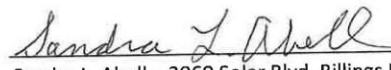
We are aware of and support the variance application being submitted to the planning board to have 3112, 3116 and 3120 Solar Boulevard, Billings MT to be approved at a lot size less than the typical 8,000 square feet for a single family residence.

It is our intent, once the variance is approved, to have all five homes (3060, 3102, 3112, 3116 and 3120) surveyed and have them identified as single family residences as well as have the recorded condo/townhome documents extinguished.


We have engaged Tyler Dugger of Tolliver Law Office to assist us in completing the legal documents necessary to complete this task.

Thank you for your assistance,

  
Dale E. Abell – 3060 Solar Blvd, Billings MT

  
Sandra L. Abell – 3060 Solar Blvd, Billings MT

  
Dennis C. McGinnis – 3102 Solar Blvd, Billings MT

  
Bonnie L. McGinnis – 3102 Solar Blvd, Billings MT