



ZONING VARIANCE REQUEST



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

Check one: City of Billings Variance Yellowstone County Variance

Address North of Mission Oaks Dr., between Morocco Dr. and Matador Ave.

Legal Description Lots 17-25, Block 31, of proposed High Sierra Subdivision 16th Filing

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

1. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements?
2. Why is there a need for the intended use of the property at this location?
3. Statement to Chairperson of the Board Adjustment. What is intended to be done with the property, including new construction or change in the use of the property and why the variance is being sought.

Required Project Uploads

- [Site Plan](#) --Signed Application and Statement (Variance Questions)
- [Radius Map & Certified List of Property Owners](#) --[Typed Mailing Labels Certified Surrounding Property Owners](#)

Online Access: <https://services.billingsmt.gov/citizenaccess/>

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 Request for a Variance. Also, I attest that all the information presented herein is factual and correct.

Recorded Owner(s) Gary Oakland/High Sierra II, Inc.

Owner's Address 175 N. 27th Street, Suite 900, Billings, MT 59101

Owner's Phone Number 406-248-3641 (E-mail) goakland@oaklandcompanies.com

Applicant/Agent Sanderson Stewart c/o Gary Owen

Applicant/Agent's Address 1300 N. Transtech Way, Billings Mt 59102

Applicant/Agent's Phone Number 406-869-3342 (E-mail) gowen@sandersonstewart.com

Signature of Recorded Owner(s)  Date 6/01/2020

AUTHORITIES: Procedures and review Criteria for Variance requests Billings Montana City Code (BMCC) 27-1506 et seq. (SEC. 27-1506. CITY VARIANCES, CITY BOARD OF ADJUSTMENT a) Authority. The City Board of Adjustment shall have the authority to grant a variance from the terms of this chapter in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to City Variance 2020-2021 updated Nov 8, 2019 the lot shape or topography, a literal enforcement of the provisions of the chapter would result in unnecessary hardship.

AUTHORITIES: Procedures and Review Criteria for County Variance requests: Unified Zoning Regulations Section 27-1511 et seq. SEC. 27-1511. COUNTY VARIANCES, YELLOWSTONE COUNTY BOARD OF ADJUSTMENT a) Authority. The County Board of Adjustment shall have the authority to grant a variance from the terms of the chapter in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to the lot shape or topography, a literal enforcement of the provisions of the chapter would result in unnecessary hardship.

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

June 1, 2020

Mr. Mark Noennig
Chairperson of the Board of Adjustments
2825 3rd Avenue North
Billings, MT 59101

Reference: Zoning Variance for a Portion of High Sierra Subdivision, 16th
Sanderson Stewart Project No. 82061.134

Dear Mr. Noennig:

Statement of Proposal

The owner, Mr. Gary Oakland/High Sierra II, Inc., is currently seeking a zone change and zoning variance for Lots 17 – 25, Block 31 of proposed High Sierra Subdivision, 16th Filing, which is located between Morocco Drive and Matador Avenue and north of Mission Oaks Drive in Billings Heights. The overall area requesting the zone change and variance is approximately 2.4 acres. The site is currently annexed in the City of Billings and has been used for agricultural purposes.

The property is currently zoned Residential 7000-Restricted. The applicant is requesting a zone change from Residential 7000-Restricted to Residential 5000. The applicant intends to construct new one level duplex homes on the property. However, the Residential 5000 zoning only allows up to 40% lot coverage. The owner is requesting a variance to allow up to 50% lot coverage which would provide a housing option with three bedrooms, three car garage, covered porches and patios all on one level. If allowed, the single level duplexes with up to 50% lot coverage would provide the community, senior citizens in particular, a much needed accessible and safe housing option for those looking to remain on one level.

The following are the answers to the questions required for the zoning variance:

What reasons prevents you from using this property in conformance with the Zoning Regulation requirements?

The zoning requirement states the maximum allowed lot coverage for Residential 5000 zoning is 40%. The developer wishes to construct single level duplexes on the lots. The square footage required for 3 bedrooms, 3-car garage units with covered porches and patios exceeds the allowable lot coverage.

Why is there a need for the intended use of the property at this location?

The intent of this development is to build one level duplex units that will provide the community with an accessible, safe and economical housing option. The units will be inclusive of all buyers but

Mr. Mark Noennig
June 1, 2020
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would allow senior citizens a housing option to remain all on one level. The one level duplex units have been successfully constructed in a subdivision adjacent to High Sierra Subdivision and have proved to be a sought-after housing option for the City of Billings.

If you have any questions, or need anything else from the applicant or me, please let me know at 406/656-5255.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary T. Owen", with a long horizontal flourish extending to the right.

Gary T. Owen, PE
Senior Engineer

EXHIBIT A

LOT LAYOUT

WITHIN

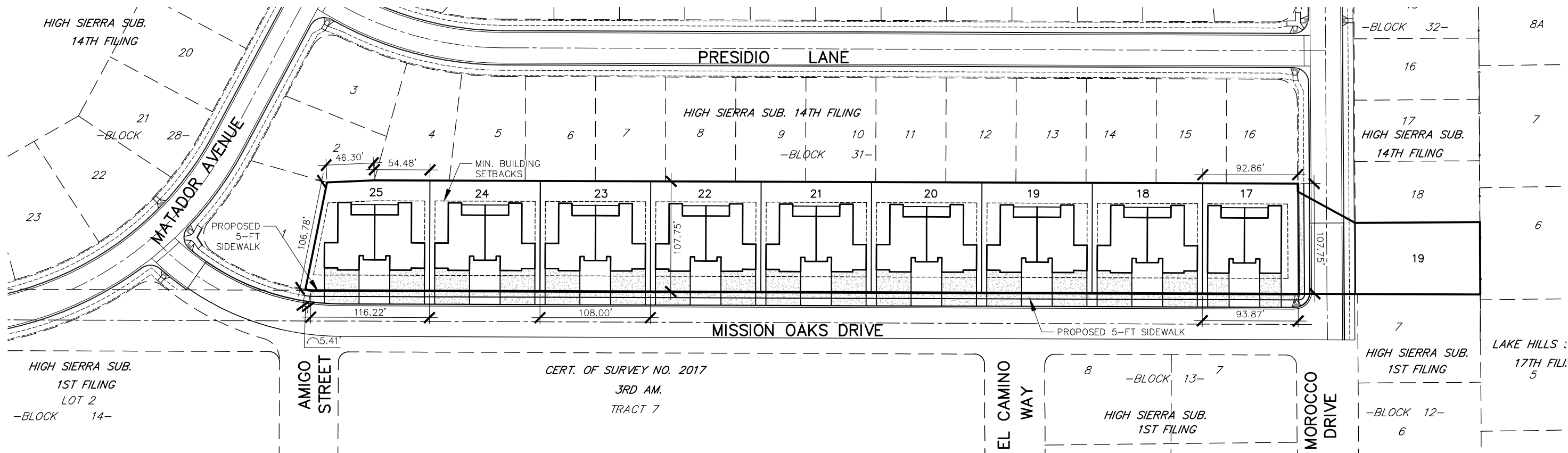
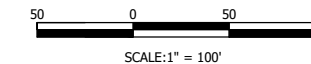
PROPOSED HIGH SIERRA SUBDIVISION, 16TH FILING

PREPARED FOR : HIGH SIERRA II INC.

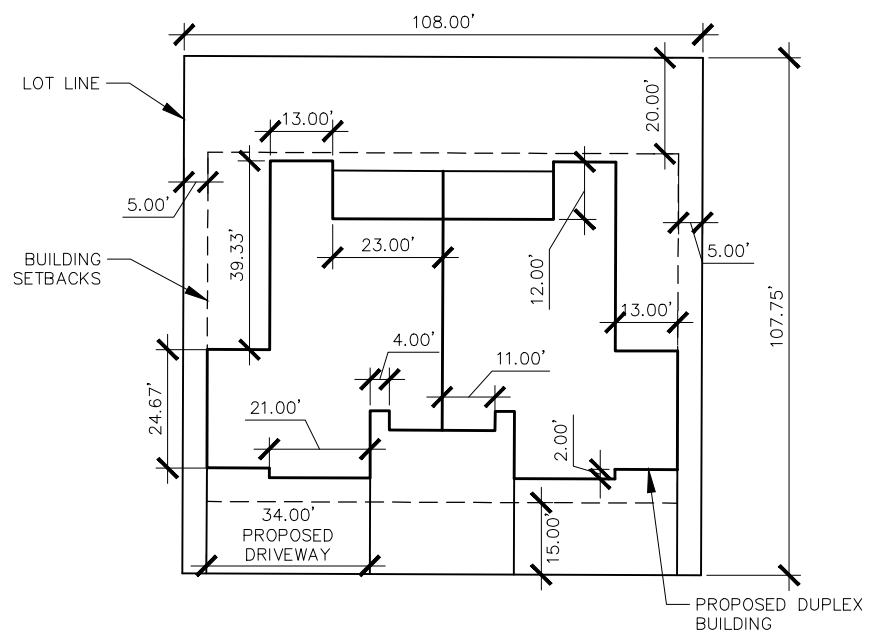
PREPARED BY : **SANDERSON STEWART**

JUNE, 2020

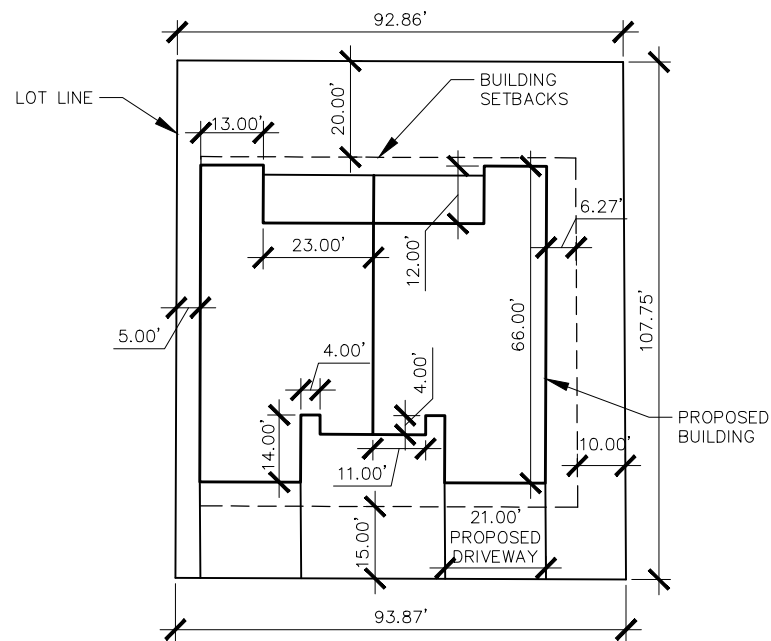
BILLINGS, MONTANA



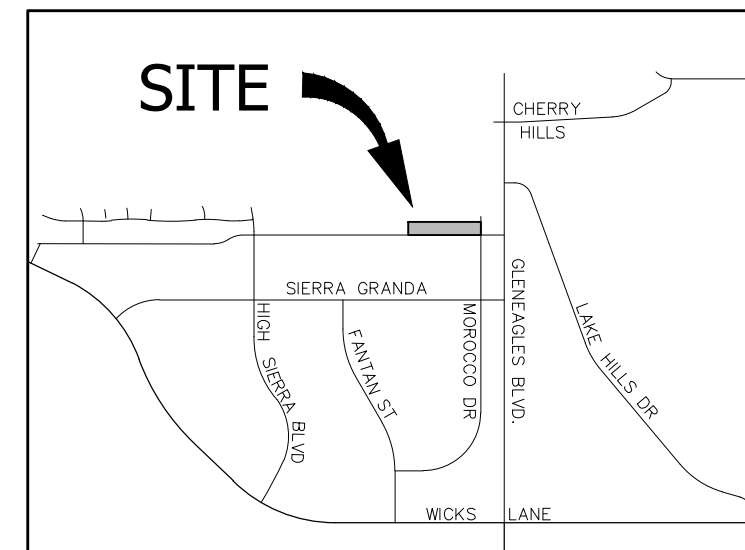
CERT. OF SURVEY NO. 2017
3RD AM.
TRACT 7



TYPICAL 3-CAR UNIT
LOTS 18-25



TYPICAL 2-CAR UNIT
LOT 17



VICINITY MAP
NOT TO SCALE

**STATE OF MONTANA
COUNTY OF YELLOWSTONE**

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CHECKED THE RECORDS IN MY OFFICE FROM **02/07/20 TO 05/15/20** AND THE LISTED PEOPLE ARE THE OWNERS OF RECORD FOR THE ENCLOSED LISTED PROPERTY.

SIGNED AND SEALED THIS **15th Day of May**, 2020.

20 NAMES	\$10.00
CERT	<u>2.00</u>
TOTAL	\$12.00

JEFF MARTIN
CLERK & RECORDER

BY

Beverly Wiley

Beverly Wiley / Recording Clerk

Date: 05/13/2020
Time: 12:28:51
Oper: mshafer

Yellowstone County
TA Reports - Parcel Master List

Page: 1

RANGES: TAX YEAR: (R) 2020 - 2020
PARCEL# : (L) A22221, A22222, A22223,
A22225, A22226, A22226A, A22227,
A27035, A27036, A27037, A27038,
A27043, A27044, A27045, A27046,
A27047, A27048, A27054, A36965, D05245C
TAX TYPE: (A)
LEVY DISTRICT: (A)
SUB-LEVY DIST: (A)
MISC CODE : (A)
LIST CODE: (A)

Certified Thru
5-7-2020
Dept of Revenue
Uma Shey

OPTIONS: SORT ORDER: N INCL RANGES/OPTIONS?: Y

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
D05245C	BILLINGS SCHOOL DISTRICT # 2 ✓ 415 N 30TH ST BILLINGS MT 59101-1252	03-1033-17-1-05-01-0000 S17, T01 N, R26 E, C.O.S. 2017, PARCEL 7, 3RD AMD (84)	2		RE
A27054	BILLINGS SCHOOL DISTRICT #2 ✓ 415 N 30TH ST BILLINGS MT 59101-1252	03-1033-17-1-03-21-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 14, Lot 2	2		RE
A22221	HILL, RON S LIVING TRUST ✓ PO BOX 50636 BILLINGS MT 59105-0636	03-1033-16-2-01-04-0000 L17 LAKE HILLS SUBD 17TH FILING LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 4	2		RE
A22222	HILL, RON S LIVING TRUST ✓ PO BOX 50636 BILLINGS MT 59105-0636	03-1033-16-2-01-05-0000 L17 LAKE HILLS SUBD 17TH FILING LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 5	2		RE

Date: 05/13/2020
Time: 12:31:29
Oper: mshafer

Yellowstone County
TA Reports - Parcel Master List

Page: 2

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
A27036	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-09-11-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 12, Lot 5	2		RE

Date: 05/13/2020
Time: 12:32:24
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Yellowstone County
TA Reports - Parcel Master List

Page: 3

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
A27038	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-09-15-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 12, Lot 7	2		RE
A27037	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-09-13-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 12, Lot 6	2		RE
A27043	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-07-09-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 5	2		RE
A27048	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-07-19-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 10	2		RE
A27035	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-09-09-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 12, Lot 4	2		RE
A27044	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-07-11-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 6	2		RE
A27046	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-07-15-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 8	2		RE
A27045	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-07-13-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 7	2		RE
A27047	LYNDES, JAY C ✓ PO BOX 31733 BILLINGS MT 59107-1733	03-1033-17-1-07-17-0000 HS1 HIGH SIERRA SUBD 1ST FILING HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 9	2		RE
A36965	OAKLAND, GARY ✓ 175 N 27TH ST STE 940 BILLINGS MT 59101-2048	03-1033-17-1-06-31-0000 S17, T01 N, R26 E, C.O.S. 3573, PARCEL A1-1, AMD (20)	2		RE
A22227	RON S HILL LIVING TRUST ✓ HILL, RON S TRUSTEE PO BOX 50636 BILLINGS MT 59105-0636	03-1033-16-2-01-09-0000 L36 SubDivision L36 LAKE HILLS SUB 36TH FILING (19), S16, T01 N, R26 E, BLOCK 17, Lot 9A	2		RE

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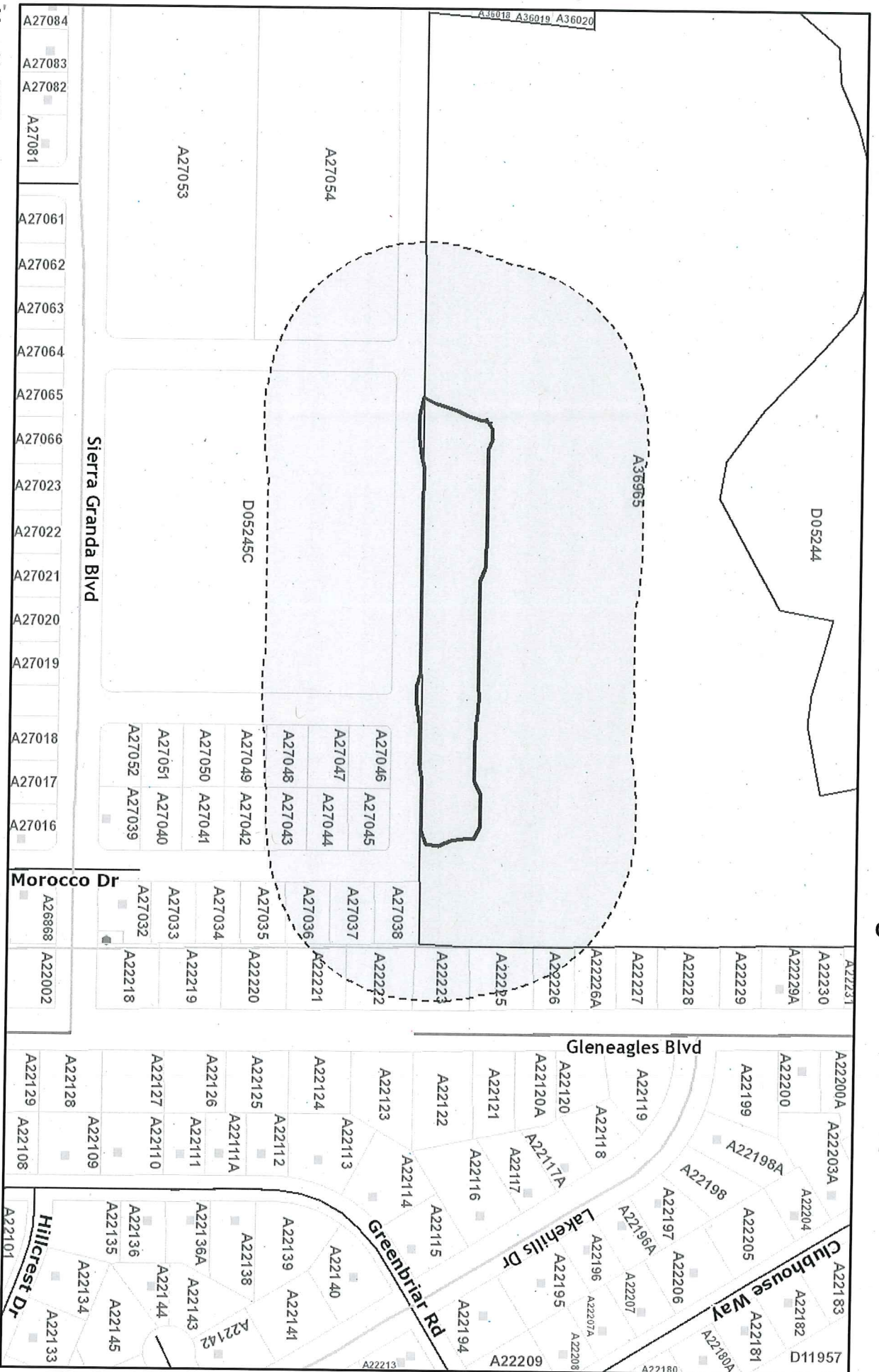
Yellowstone County
TA Reports - Parcel Master List

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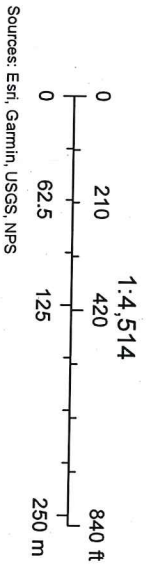
Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Tax Dist	Type
A22226A	RON S HILL LIVING TRUST ✓ HILL, RON S TRUSTEE PO BOX 50636 BILLINGS MT 59105-0636	03-1033-16-2-01-18-0000 L36 SubDivision L36 LAKE HILLS SUB 36TH FILING (19), S16, T01 N, R26 E, BLOCK 17, Lot 8B	2		RE
A22226	RON S HILL LIVING TRUST ✓ HILL, RON S TRUSTEE PO BOX 50636 BILLINGS MT 59105-0636	03-1033-16-2-01-08-0000 L36 SubDivision L36 LAKE HILLS SUB 36TH FILING (19), S16, T01 N, R26 E, BLOCK 17, Lot 8A	2		RE
A22223	RON S HILL LIVING TRUST ✓ HILL, RON S TRUSTEE PO BOX 50636 BILLINGS MT 59105-0636	03-1033-16-2-01-06-0000 L17 LAKE HILLS SUBD 17TH FILING LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 6, & LT 6A BLK 17 LAKE HILLS SUBD 16TH FILING	2		RE
A22225	RON S HILL LIVING TRUST ✓ HILL, RON S TRUSTEE PO BOX 50636 BILLINGS MT 59105-0636	03-1033-16-2-01-07-0000 L16 LAKE HILLS SUBD 16TH FILING LAKE HILLS SUBD 16TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 7	2		RE

TAX_ID	OwnerName	AddNum	Street	StrtSuffix	ShortLegalDescription
A22221	HILL, RON S LIVING TRUST		GLENEAGLES	BLVD	LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 4
A22222	HILL, RON S LIVING TRUST		GLENEAGLES	BLVD	LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 5
A22223	RON S HILL LIVING TRUST	2102	GLENEAGLES	BLVD	LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 6, & LT 6A BLK 17 LAKE HILLS SUBD 16TH FILING
A22225	RON S HILL LIVING TRUST	2112	GLENEAGLES	BLVD	LAKE HILLS SUBD 16TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 7
A22226	RON S HILL LIVING TRUST	2122	GLENEAGLES	BLVD	LAKE HILLS SUB 36TH FILING (19), S16, T01 N, R26 E, BLOCK 17, Lot 8A
A22227	RON S HILL LIVING TRUST	2142	GLENEAGLES	BLVD	LAKE HILLS SUB 36TH FILING (19), S16, T01 N, R26 E, BLOCK 17, Lot 9A
A22226A	RON S HILL LIVING TRUST	2132	GLENEAGLES	BLVD	LAKE HILLS SUB 36TH FILING (19), S16, T01 N, R26 E, BLOCK 17, Lot 8B
A27054	BILLINGS SCHOOL DISTRICT #2			BLVD	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 14, Lot 2
D05245C	BILLINGS SCHOOL DISTRICT #2		SIERRA GRANDA	BLVD	S17, T01 N, R26 E, C.O.S. 2017, PARCEL 7, 3RD AMD (84)
A36965	OAKLAND, GARY				C.O.S 3573 Parcel A1-1
A27043	LYNDES, JAY C	2064	MOROCCO	DR	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 5
A27044	LYNDES, JAY C	2076	MOROCCO	DR	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 6
A27045	LYNDES, JAY C	842	MATADOR	AVE	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 7
A27046	LYNDES, JAY C	2099	EL CAMINO	WAY	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 8
A27047	LYNDES, JAY C	2085	EL CAMINO	WAY	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 9
A27048	LYNDES, JAY C	2071	EL CAMINO	WAY	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 13, Lot 10
A27036	LYNDES, JAY C	2069	MOROCCO	DR	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 12, Lot 5
A27037	LYNDES, JAY C	2083	MOROCCO	DR	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 12, Lot 6
A27038	LYNDES, JAY C	2097	MOROCCO	DR	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 12, Lot 7
A27035	LYNDES, JAY C	2051	MOROCCO	DR	HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 12, Lot 4

High Sierra 16th Filing Lots 17-29 Zone Change from R-70-R



May 11, 2020



Sources: Esri, Garmin, USGS, NPS

**Billings School District #2
415 N 30th St
Billings, MT 59101-1252**

**Ron S. Hill Living Trust
P.O. Box 50636
Billings, MT 59105-0636**

**Jay C. Lyndes
P.O. Box 31733
Billings, MT 59107-1733**

**Gary Oakland
175 N 27th St. Ste 940
Billings, MT 59101-2048**

**Jennifer Owen – Heights TF
906 Royal Ave.
Billings, MT 59105**

TAX_ID	OwnerName	AddrNum	Street	StrtSuffix	ShortLegalDescription
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A27054	BILLINGS SCHOOL DISTRICT #2				HIGH SIERRA SUBD 1ST FILING, S17, T01 N, R26 E, BLOCK 14, Lot 2
D05245C	BILLINGS SCHOOL DISTRICT # 2		SIERRA GRANDA	BLVD	S17, T01 N, R26 E, C.O.S. 2017, PARCEL 7, 3RD AMD (84)
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