

Application & Applicant Letter

**APPLICATION FORM**

**CITY VARIANCE**

ID: Billings Variance # 1319 - Project # P2 20-00204

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 # A35940 CITY ELECTION WARD # 4

Legal Description of Property: 4749 Gold Creek Trail, LOT 14  
Silver Creek Estates, Subd. 532, T01 N, R25 E, Block 5

Address or General Location (If unknown, contact City Engineering):  
4749 Gold Creek Trail

Zoning Classification: R96 9,600 SF

Size of Parcel (Area & Dimensions): 120' x 80', 2.2 acres 9,583<sup>7</sup>

Covenants or Deed Restrictions on Property: Yes  No

If yes, please attach to application  38%

Variance(s) Requested: Allow 37.6% Lot coverage A

Facts of Hardship: Home owners require single level  
Living for ADA needs while minimizing lot size.

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

Owner(s): Jackie Clement  
(Recorded Owner)  
263 North Stillwater Road Absarokee, MT  
(Address) 406-688-8682 jmyc7@aol.com 59001  
(Phone Number) (email)

Agent(s): Jake Niebauer  
(Name) 4643 Elk Ridge Trl.  
(Address) 406.606.0205 jake@zyhausbuilt.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: Jackie Clement Date: 9-4-2020  
(Recorded Owner)



**Objective:**

It is my goal, to obtain a variance in allowable lot coverage for a residential lot, located in NW Billings. For the purpose of providing a single-level focused ADA floor plan while minimizing lot size, thus reducing the burden of additional yard requiring upkeep, while at the same time giving them the required amount of ADA square footage living space on the main level.

**Question 1a:**

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

**Answer:**

The accessibility requirements of the future occupants require one-level living, while keeping the lot as small as possible. Although the home maintains a somewhat modest floor plan, space requirements of the ADA friendly floor plan put the lot coverage at 37%. The current R96 zoning only allows for 30% coverage.

**Question 1b:**

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

**Answer:**

There are not any ADA friendly homes currently on the market that will suit their future needs. Waiting for the unlikely possibility of something so specific to become available, is not realistic with the current timeline. New construction is the best if not only option. This lot was purchased because of its modest lot size and proximity to Rimrock Rd. Rimrock is a major thoroughfare, allowing a direct route to hospitals. Other lots with these benefits will require the same variance request and they are not economically feasible.

**Statement:**

Dear Mr./Mrs. Chairperson,

I am applying for this variance on behalf of my clients, who will require an ADA conforming house in the near future. They have recently sold their home and are hopeful that we may proceed with construction as soon as possible. As stated above, this home is fairly modest, this request for variance does not come from a place of excess, but from a need to provide single level living, due to future accessibility needs. I think our ADA friendly floor plan allows for that. The home will require a large "roll-in" style shower, accessible toilet, closet and vanity area. They also require a main floor office and second bedroom while maintaining adequate pathways throughout the house to accommodate their forthcoming life style. We cannot just put this home on a bigger lot, as a larger lot and associated maintenance will not be ideal for someone with physical limitations, nor is it economically feasible to hire it out. Thank you for your consideration.

Respectfully,

  
Jake Nienaber  
ZuHaus Construction