



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, October 7, 2020, 6:00 p.m.
Virtual Video Conference Format

NOTICE TO THE PUBLIC

Notice is hereby given that the Board of Adjustment of the City of Billings, Montana will hold a public meeting on **Wednesday, October 7, 2020, at 6:00 p.m.** Due to the COVID-19 health concerns, the format of the City Board of Adjustment meeting will be held in a virtual videoconferencing environment. The normal hearing room on the 1st Floor at 2825 3rd Ave North (Miller Building) will be closed during the meeting and no one will be attending this hearing in person. Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to **Board via email before 1:00 PM on Wednesday, October 7, 2020.** All emails received prior to this time will be read into the record for the public hearing.

Call the meeting to order.

Introduction of City Board of Adjustment Members and Planning Department Staff.

Public Comment

Approval of Minutes: September 2, 2020

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 Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings. The Public may call in during specific Public Comment periods at **(406) 237-6165**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Live coverage can be viewed here <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>. Public hearings will be held for the following items:
- 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:

- a. **City Variance 1319** – 4749 Gold Creek Trail –The applicant is requesting a variance from Section 27-308 requiring a maximum 30% lot coverage in a Residential – 9600 (R-96) zone to allow 38% on Lot 14, Silver Creek Estates Sub., a 9,600 square foot parcel of land. The purpose of the variance is to allow minimum ADA requirements to build a single level home. Presented by: Karen Husman, Planner I

- b. **City Variance 1320 - 1119 Pepper Lane** - A variance from 27-310(i) requiring the side wall height of a detached structure be no greater than the side wall height of the existing residential structure to allow 12-foot side walls, and from 27-310(i) requiring a maximum detached structure footprint of 1,000 square feet to allow maximum footprint of 1,008 square feet in a Residential 7,000 (R-70) zone, on Block 1, Lot 10 & 11 Marilyn Sub., a 8,875 square foot parcel of land. The purpose of the variance is to allow construction of a new detached garage. Presented by Karen Husman, Planner I

Other Business/Announcements

Adjournment

Information on the preceding item(s) may be obtained at the Planning & Community Services Department, 4th Floor of the Miller Building, 2825 3rd Ave North, Billings, MT 59101 or phone 247-8676. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony. Information on the preceding item(s) may be obtained at the Planning & Community Services Department, 4th Floor of the Miller Building, 2825 3rd Ave North, Billings, MT 59101 or phone 247-8676. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony to Planning Division at the address above.

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.

City Board of Adjustment

Meeting Date: 10/07/2020

Information

Subject

Approval of Minutes: September 2, 2020

Attachments

2020_09_02_draft

CITY BOARD OF ADJUSTMENT

MINUTES September 2, 2020

Name	Title	Applications												
		01/01/2020	02/05/2020	03/04/2020	04/01/2020	05/06/2020	06/03/2020	07/01/2020	08/05/2020	09/02/2020	10/07/2020	11/05/2020	12/02/2020	
David Mitchell	Member	-	-	A	-	1	-	1	E	1				
Dave Hagstrom	Member	-	-	1	-	1	-	1	1	E				
Paul Hagen	Member	-	-	1	-	1	-	1	1	1				
Jeff Bollman	Vice Chair	-	-	E	-	1	-	1	1	1				
Oscar Heinrich	Member	-	-	E	-	1	-	1	1	1				
Martin Connell	Member	-	-	1	-	1	-	1	1	1				
Mark Noennig	Chair	-	-	1	-	1	-	1	1	1				
TOTAL NUMBER OF APPLICATIONS 2020		01/01/2020	02/05/2020	03/04/2020	04/01/2020	05/06/2020	06/03/2020	07/01/2020	08/05/2020	09/02/2020	10/07/2020	11/05/2020	12/02/2020	TOTAL
Variance		-	-	2	-	5	-	5	2**	1				13

**1 Item continued and 1 postponed both from 7/1/2020 meeting.

Chair Noennig called the meeting to order at 6:00 p.m. The City Board of Adjustment met virtually thru Zoom <https://zoom.us/j/95905224215>.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I; and Robbin Bartley, Administrative Assistant.

Attending:

Public Comment

Chair Noennig opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There was none.

Approval of Meeting Minutes

Meeting minutes for August 5, 2020.

Motion

Board Member Heinrich moved and Board Member Hagen seconded the motion to approve the August 5, 2020 minutes. The motion carried with a unanimous voice vote.

Disclosure of any Conflict of Interest, Ex Parte Communications and Site Visits

A form has been implemented for disclosures. If any Member circled yes to a Conflict of Interest or Ex Parte Communication, it will be explained here.

Public Hearings

Nicole Cromwell reviewed the procedures for public hearings 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 and acting on each variance.

City Variance 1318 - 213 S 30th Street – Lot area and setbacks - A variance from 27-308 requiring a minimum lot size of 13,000 square feet to allow a minimum lot size of 7,000 square feet, and requiring a 5 foot side setback and 15 foot rear setback to allow zero (0) foot side and rear setbacks in a Residential Multi Family-Restricted (RMF-R) zone, on Lots 19-20, Block 166, Billings Original Townsite, a 7,000 square foot parcel of land. The purpose of the variance is to allow three (3) existing single family dwellings a rebuild letter. Tax ID: A01096

RECOMMENDATION

Planning staff has reviewed this application & is recommending conditional approval of Variance #1318. Based on the Determinations for granting a variance.

1. The variance is to allow the existing three homes (or 1 duplex and 1 single family dwelling) on the 7,000 square foot parcel of land, and to allow zero (0) foot side and rear setbacks to conform to zoning in order to allow a rebuild letter. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 19-20, Block 166, Billings Original Townsite generally located at 213 S 30th Street.
3. The applicant/and/or property owner shall meet all other city code requirements with the exception of this variance.
4. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Questions for staff:

Board member Heinrich what happens if the owner does not make the improvements. Staff replied the court ordered an abatement. The property was then sold to Quito Keutla. If he does not make the improvements, the court order is still in effect and abatement will take place. Project RE:Code will be in compliance in this situation. The approved variances will be grandfathered. Building requirements will require fire walls to address the 0 foot setbacks.

Public Hearing

Chairman Noennig opened the public hearing at 6:14PM and asked if there was anyone wishing to speak in favor or against City Variance 1318.

Chairman Noennig asked if there is a time limit on the rehabilitation. There is nothing stopping abatement. We have a willing party for improvements.

Applicant: Quito Keutla, 19808 142 PL SE, Renton, Washington

He is requesting a variance to receive a loan to improve the property.

Board member Heinrich asked for a timeline.

Mr. Keutla plans on 6 months. Possibly tearing down the 3 buildings and getting an architect to design.

Favor

NONE

Opposed

NONE

Discussion

Chair Noennig called for questions and discussion from the members of the Board.

At 6:16PM, Chairman Noennig closed the Public Hearing and called for a motion.

Motion

Board Member Mitchell made a motion to and Board Member Connell seconded the motion to conditionally approve **City Variance 1318** with Staff recommendations.

Member	Yes	No	Not Present
David Mitchell	X		
Dave Hagstrom			X
Paul Hagen	X		
Jeff Bollman	X		
Oscar Heinrich		X	
Martin Connell	X		
Mark Noennig	X		

The motion to approve City Variance 1318 passed with a 5-1 vote.

Other Business:

October 7, 2020 meeting. Chairman Noennig asked for a recap on Project RE:Code. Staff replied listing the upcoming Public Hearing dates and times. Stating they can be observed on FB Live and are being held at the City of Billings Parks and Recreation Building. It is unknown how many applications we will hear next month.

ADJOURNMENT: The meeting adjourned at 6:23PM.

ATTEST: DRAFT. To be approved by a motion at the next regularly scheduled meeting.
Robbin Bartley, Administrative Assistant.



City Board of Adjustment

Meeting Date: 10/07/2020

SUBJECT: City Variance 1319 - 4749 Gold Creek Trail

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

City Variance 1319 – 4749 Gold Creek Trail –The applicant is requesting a variance from Section 27-308 requiring a maximum 30% lot coverage in a Residential – 9600 (R-96) zone to allow 38% on Lot 14, Silver Creek Estates Sub., a 9,600 square foot parcel of land. The purpose of the variance is to allow minimum ADA requirements to build a single level home. Presented by: Karen Husman, Planner I

RECOMMENDATION

Planning staff has reviewed this variance and is forwarding a recommendation of denial of the request to allow increase lot coverage, based on the determinations detailed in the summary section of this memo.

APPLICATION DATA

OWNERS: Jackie Clement

AGENT: Jake Nienaber

PURPOSE: The purpose of the variance is to allow minimum ADA requirements to build a single level home.

LEGAL DESCRIPTION: Lot 14, Silver Creek Estates Sub

ADDRESS: 4749 Gold Creek Trail

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Residential

EXISTING ZONING: R-96

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SIMILAR PROPERTY <i>In adjacent neighborhoods</i>					
None					

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-96

Land Use: Residential

SOUTH: Zoning: R-96

Land Use: Residential

EAST: Zoning: R-96

Land Use: Residential

WEST: Zoning: R-96

Land Use: Residential

BACKGROUND

The applicant is requesting a variance from Section 27-308 requiring a maximum 30% lot coverage in a Residential – 9600 (R-96) zone to allow 38% on Lot 14, Silver Creek Estates Sub., a 9,600 square foot parcel of land. The purpose of the variance is to allow minimum ADA requirements to build a single level home.

Staff is recommending denial of the variance request. Staff did not find any other lot size variances in the district or surrounding subdivisions. This is a newer subdivision, and allowing 38% lot coverage would allow the applicant a privilege not granted to others in the subdivision or surrounding areas within the district.

The applicant stated they are requesting the variance in order to comply with ADA requirements, however staff was unable to verify any ADA requirements for home square foot specifications. The site plan submitted indicates the home can be modified to meet the 30% maximum restrictions for the R-96 zoning district and still meet the ADA standards for doorway width, hallway width and counter heights.

SUMMARY

VARIANCE #1319 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 not any special circumstances that exist in this situation other than the applicant would like to build a single level home with a maximum 38% lot coverage exceeding 30%. The applicant cites an ADA requirement for a single level residential home, staff did not find a regulation requiring a specific square foot requirement for an ADA home.

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;

The subject property is in a newer subdivision with vacant parcels and homes newly constructed and under construction. There have been no similar variances granted to exceed the lot coverage within the same district. Denying the lot coverage variance to allow 38% would not deprive the applicant of rights commonly enjoyed by other tracts in the same district. There are no other dwellings in the subdivision that are exceeding the 30% maximum lot coverage.

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;

The variance will allow the applicant a special privilege denied by this chapter. There have not been any similar variances granted in the area. The variance to allow 38% lot coverage would allow the applicant a special privilege that is denied by this Chapter for other land within the same area.

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. Granting a variance for 38% lot coverage is a significant increase in structure size. The lot is 9,600 square feet in size, so 38% lot coverage allows for a 3,600 square foot, foot print for a home.

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;

There are 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

No time limit is set for 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. The granting of this variance would not allow a use that is not allowed in the zoning district – single family dwellings with attached garages are allowed in the R-96 zone.

RECOMMENDATION

Planning staff has reviewed this variance and is forwarding a recommendation of denial of the request to allow an increase lot coverage, based on the determinations detailed in the summary section of this memo.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Site Plan
Letter in support

Zoning Map and Site Photos





Subject Property



South



East



West

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^{sq}

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.

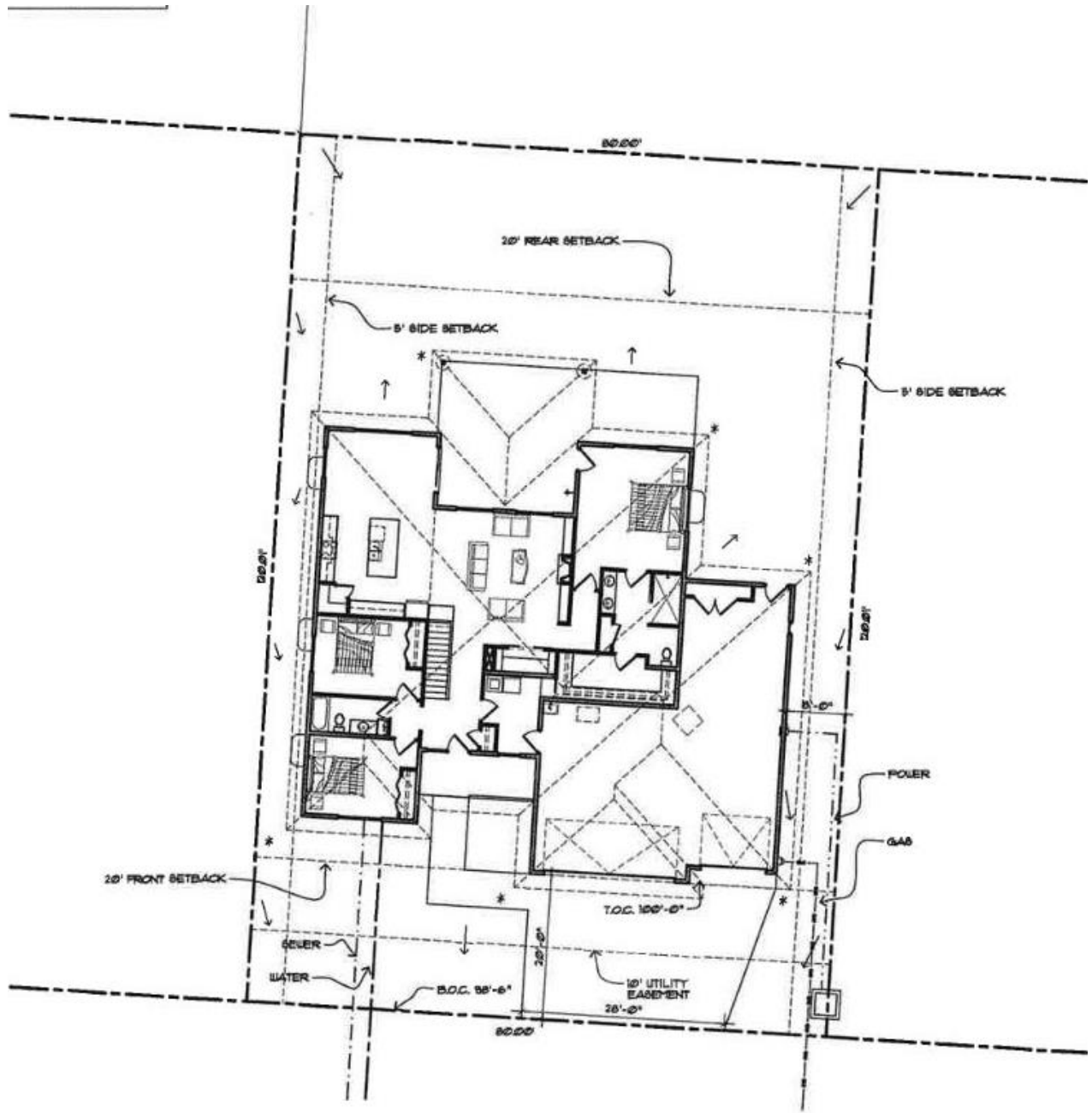
Statement:

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



4749 GOLD CREEK TRAIL

From: Laura Boyer [<mailto:laura@boyerproperties.com>]

Sent: Thursday, September 24, 2020 12:46 PM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; jake@zuhausbuilt.com

Subject: [EXTERNAL] City Variance #1319

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.

To Whom it May Concern:

As the Developer and lot owner of not only the lot right next door but also several lots in the area I am in support of the variance requested by Jake Nienaber. I have seen the plans and the house will fit very nicely into the subdivision.

Thank you

Laura Boyer
406-698-5455
Boyer Properties, LLC
Boyer Land, LLC
Design Builders, Inc.



City Board of Adjustment

Meeting Date: 10/07/2020

SUBJECT: City Variance 1320 - 1119 Pepper Lane - Garage size and wall height

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

City Variance 1320 - 1119 Pepper Lane - A variance from 27-310(i) requiring the side wall height of a detached structure be no greater than the side wall height of the existing residential structure to allow 12-foot side walls, and from 27-310(i) requiring a maximum detached structure footprint of 1,000 square feet to allow maximum footprint of 1,008 square feet in a Residential 7,000 (R-70) zone, on Block 1, Lot 10 & 11 Marilyn Sub., a 8,875 square foot parcel of land. The purpose of the variance is to allow construction of a new detached garage. Presented by Karen Husman, Planner I

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

APPLICATION DATA

OWNERS: Brian Zweegman

PURPOSE: The purpose of the variance is to allow construction of a new detached garage

LEGAL DESCRIPTION: Blk 1, Lt 10 & 11, Marilyn Sub.

ADDRESS: 1119 Pepper Lane

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

EXISTING ZONING: R-70

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SIMILAR PROPERTY					
420 Judith Lane	912		Side SB from 8' to 5'	Y	
1407 Lake Elmo	1005	5/2/2007	Sidewall 11'6"	Y	Detached Garage
521 Judith Lane	1313	8/1/20	Side wall 12'	Y	Detached garage
1109 Fredrick Lane	None		Garage over 1000sf		Detached garage
1102 19th St. W 1113 19th St. W	None		Larger garage		Detached Garage
1112 Fredrick Lane	none		Garage 1500sf		Detached Garage

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Public
Land Use: Trail's End Park
SOUTH: Zoning: R-70
Land Use: Residential
EAST: Zoning: R-70
Land Use: Residential
WEST: Zoning: R-70
Land Use: Residential

BACKGROUND

The applicant is requesting a variance from requiring the side wall height of a detached structure be no greater than the side wall height of the existing residential structure to allow 12-foot side walls, and from requiring a maximum detached structure footprint of 1,000 square feet to allow maximum footprint of 1,008 square feet. The purpose of the variance is to allow construction of a new detached garage.

The applicant would like to remove an existing garage and build a new garage with a higher side wall and a few more square feet of floor area. There are existing detached garages in the neighborhood that exceed the allowed square foot maximum that have not received a variance. There have been variances for higher side walls on a detached structures granted in similar neighborhoods.

SUMMARY

Variance 1320

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, other than they would like a larger garage than allowed, with taller sidewalls. The code allows a 1,000 square foot detached accessory building on the lot. The detached garage could be built to meet the size and wall height allowed by the zoning regulations. There are not any topographical or other reasons restricting the applicant from meeting the restrictions of the zoning regulations.

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 commonly enjoyed by other tracts in the same district. There have been a few variances granted in the area or surrounding neighborhoods, similar to this request. The literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district; therefore, denying the applicant a variance for a garage larger and with higher side walls than the residential structure would deprive the applicant rights commonly enjoyed by other properties in the district.

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 for a detached garage foot print of 1,008 square feet and a variance from the wall height restriction of no higher than the wall height of the existing single family dwelling at 10 feet, to a height of 12 feet for the proposed garage in a R-70 zone would not confer a special privilege to this applicant as similar sized detached garages are apparent in this subdivision and in similar neighborhoods. Granting the variance requested will not 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;

This variance is 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 is recommending the following conditions for the variance request;

1. The variance is from 27-310(i) requiring the side wall height of a detached structure be no greater than the side wall height of the existing residential structure to allow 12-foot side walls, and from 27-310(i) requiring a maximum detached structure footprint of 1,000 square feet to allow maximum footprint of 1,008 square feet in a Residential 7,000 (R-70) zone. The purpose of the variance is to allow construction of a new detached garage. Tax ID: A10870. No other variance is intended or implied with this approval.
2. The variance is limited to Block 1, Lot 10 & 11 Marilyn Sub., a 8,875 square foot parcel of land. Any future construction will require compliance with all other zoning regulations and city ordinances that apply at the time of construction or re-construction.
3. The applicant will submit and obtain a building permit for the garage within one year of variance approval and have the building completed within two years.
4. The applicant will construct the garage in substantial conformance to the drawings submitted with this variance request.
5. Construction or demolition activity will not occur prior to 7 am or after 8 pm daily.
6. The applicant shall meet all other city code requirements for the proposed garage with the exception of this variance.
7. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
8. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

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

The property owner shall apply for and receive approval of a building permit to construct the garage within one year, and complete construction within two years from BOA approval.

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-70 zoning district. Detached garages and accessory buildings are allowed in the residential zoning districts.

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Site Plan



Subject Property



South



West



North

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1320 - Project # PZ-20-00205

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 10870 CITY ELECTION WARD # 3

Legal Description of Property: Marilyn Subdivision Block # 1
Lot # 10

Address or General Location (If unknown, contact City Engineering): _____

1119 Pepper Lane Billings MT 59102

Zoning Classification: R7000

Size of Parcel (Area & Dimensions): 8875 Sq Ft

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: Wall height to 12' NEW 36'x28' GAR. (60080)

Facts of Hardship: Need to be able to get truck w/ topper in 10' Door

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

Owner(s): Brian Zweegman

(Recorded Owner)

1119 Pepper Ln

(Address)

406-860-3855

(Phone Number)

bzweegman@gmail.com

(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: [Signature] Date: 9-4-20

(Recorded Owner)



Planning & Community Services Department
2825 3rd Avenue North, 4th Floor
Billings, Montana 59101

Dear Chairperson of the Board of Adjustment:

I am writing this letter to seek a garage/shop variance for my single-family home at 1119 Pepper Lane, Billings, MT 59102. Current zoning rules state that garages/shops must not contain walls taller than that of the existing home and must not exceed 1000 square feet; I respectfully request to install a garage/shop that has walls taller than the existing home, as well as, adding 8 square feet to the total footage.

This garage/shop will be replacing the existing single-car garage. The existing garage/shop does not provide the adequate space needed for a vehicle and my tools as well as a lawn mower and landscape gardening tools. Additionally, the existing garage is experiencing some poor-drainage issues that would be resolved by the building of the new garage/shop. Replacing the old garage with the new garage/shop will allow me to work on a project truck this winter. The larger walls will allow taller doors to make moving the project truck in and out of the garage/shop easier as well as allow for storage of a pickup with a roof top camper. As a side note: because of the lower elevation of the lot where the proposed garage would be built, the appearance of the taller walls would not be noticeable.

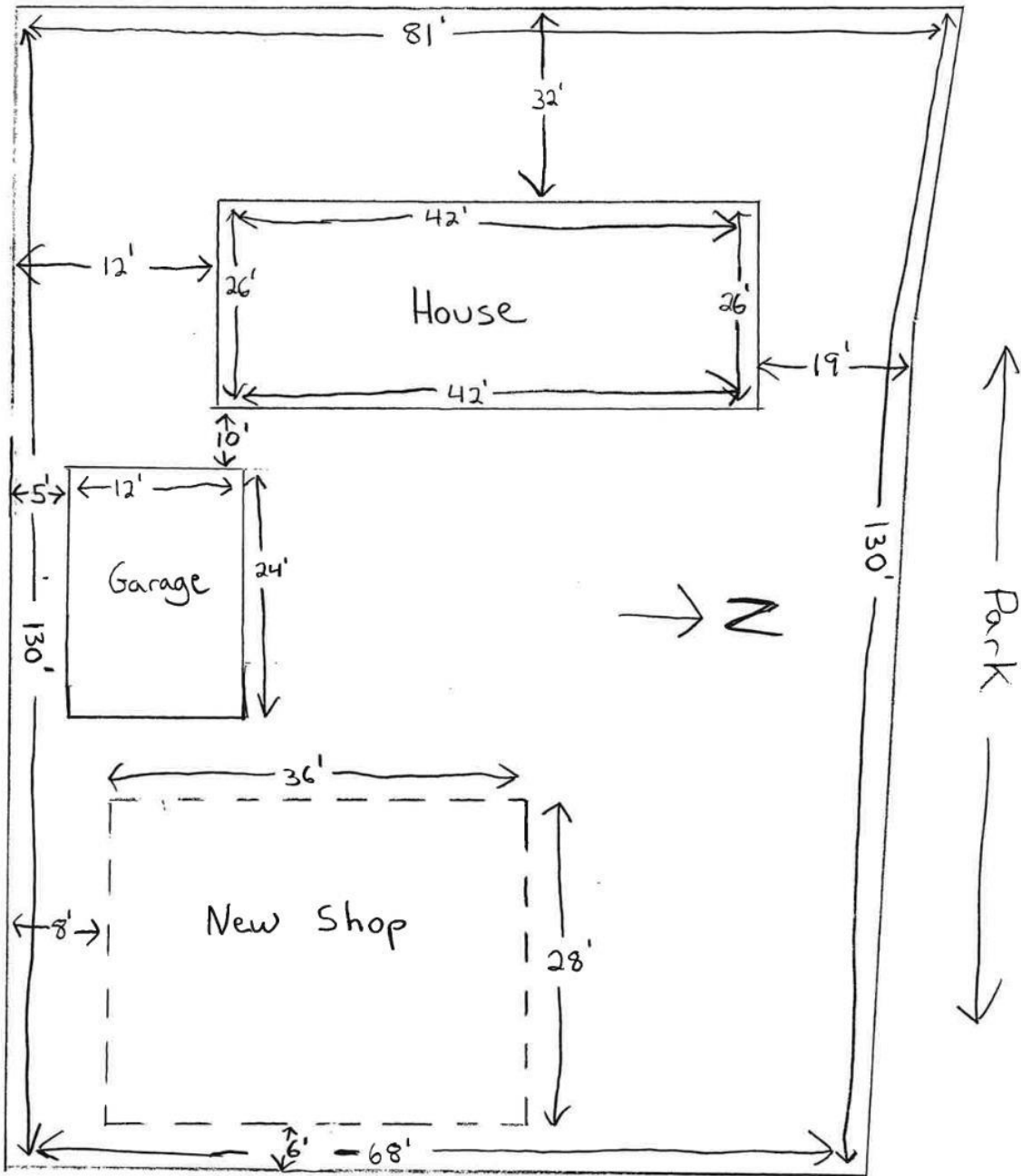
I have started the process of obtaining a list of the names and addresses of owners of the properties that are included in the 300-foot radius of my property. I hope you agree that my request would produce an aesthetically proper addition if not an enhancement to my neighborhood. Should you have any questions, please do not hesitate to contact me at (406-860-3855). Thank you for your thoughtful consideration of this request.

Sincerely,

Brian Zweegman

A handwritten signature in black ink, appearing to read 'B. Zweegman', with a long horizontal flourish extending to the right.

← Pepper Lane →



← Alley →

