

# APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # \_\_\_\_\_ - Project # \_\_\_\_\_

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 # D00514A CITY ELECTION WARD # 5

Legal Description of Property: Tract 2A of C/S 2063 AM

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

Northwest of the intersection of Georgina Dr. and 44th Street West

Zoning Classification: Planned Development - MF-4

Size of Parcel (Area & Dimensions): 19.13 acres (approx. 1400' E/W x 620' N/S)

Covenants or Deed Restrictions on Property: Yes  No

If yes, please attach to application

Variance(s) Requested: Increase maximum density from 10 units/acre to 17.2 units/acre. Reduce covered/ enclosed parking from 2 enclosed spaces per dwelling to 0.75 covered spaces per apartment dwelling to be more consistent with MF-R zone (keep 2 enclosed spaces per townhome dwelling).

Facts of Hardship: Providing increased density within fewer building groups provides for increased open space for future residents and ample covered parking within the development. The requested variances are consistent with immediately adjacent apartment developments.

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

Owner(s): Hanser Capital Holdings LLC

(Recorded Owner) 2916 Thousand Oaks Street; Billings, MT 59102

(Address) 406-671-7301 bill@hanserconstruction.com

(Phone Number) (email)

Agent(s): Sanderson Stewart

(Name) 1300 North Transtech Way; Billings, MT 59102

(Address) 406-869-3343 balexander@sandersonstewart.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:  Date: 12-4-2020  
(Recorded Owner)





Billings  
Bozeman  
Denver  
Fort Collins

December 7, 2020

Mark Noennig,  
Chairperson of the Board of Adjustment  
City of Billings  
2835 3rd Ave North, 3rd Floor  
Billings, MT 59101

Reference: Variance Application for Tract 2A of Lenhardt Square

Dear Mr. Noennig,

I am writing on behalf of our client, Great Hall Partners, to request a modification to the approved variance #1282. The subject property also went through a Special Review (SR963) to allow larger multifamily buildings, which were designed in a manner consistent with the adjacent MF-R zoning designation in the Planned Development Agreement.

The variance modification is to adjust the maximum average densities included in Exhibit B of the Lenhardt Square Planned Development Agreement and the requirement in Article V.B.4 for at least two enclosed parking spaces for each Dwelling Unit. The objective of the variance request is to more closely match the adjacent MF-R requirements for covered parking spaces and density. Covered parking for the MF-R structures is proposed for 0.75 covered parking stalls per Dwelling Unit in lieu of the required 1 covered parking stall required in Article V.B.4 for the MF-R zone.

**Intended Property Development**

The property is intended to be developed with residential units consisting of 4-plex townhomes north of Dacha Drive, five apartment buildings, and a clubhouse all south of Dacha Drive, for a total of up to 300 units on 19.13 acres (17.2 units/acre when removing open space). The apartment buildings will consist of approximately 246-264 of those 300 units, while the remaining 36 units will be townhomes. The apartment buildings are to be located on the southern and eastern edge of the development along 44th Street West/Monad Rd and Georgina Dr. Along Georgina Dr. they will be across the street from the Interurban apartments and the Interpointe apartments to the east.

The variance is being sought to allow for the apartment buildings to be attractive and functional apartment buildings that will create and retain value in the West Billings community and help meet the increasing demand for apartment rentals.

Mr. Mark Noennig  
December 7, 2020  
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**Variance Request**

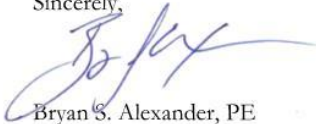
The variance requested is to allow for the construction of apartment buildings with a greater average density and fewer enclosed parking spaces within the MF-4 zoning district where the allowed average density is 10 dwellings per acre. The proposed density increase will provide greater open space for future apartment residents and provide ample open parking.

The variance request for density is to allow for up to 300 dwelling units (17.2 units/acre). The density requested is less than adjacent properties developed for the Interpointe and Interurban Apartments, which have an allowable density of 20 units/acre and is consistent with the developed area under the MF-R zone. Special Review 963 was approved on May 1, 2018 to allow for greater than 4 attached dwelling units in the PD-MF-4 zone on C/S 2063, Parcel 2A. At the time of Special Review, a total number of dwelling units proposed was 237 units and a land area of 17.43 acres when removing open space from the parcel area (13.6 units/acre).

Additionally, a variance is requested from the requirement of 2 enclosed parking spaces for each dwelling unit in the MF-4 zoning district. When reviewing this request, 2 enclosed parking spaces are provided for each dwelling unit in multifamily structures containing 4 or fewer units, which is consistent with the MF-4 zoning district standards. The apartment buildings that contain greater than 4 dwelling units are to have a minimum of 0.75 covered parking spaces per dwelling unit, which is a 25% reduction of the requirements of the MF-R zoning district for larger-scale multifamily buildings but consistent with the adjacent apartment developments.

This Variance Request has the support of the Founders of Lenhardt Square.

Sincerely,



Bryan S. Alexander, PE  
Commercial Group Manager

BSA/bc  
P:20215\_Noennig\_Variance\_Ltr\_120720

## Variance Application Questions/Answers

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

The density restrictions in the MF-4 zoning district are intended for maintaining compatibility within areas of townhome style development. The larger apartment buildings, as conditionally approved by SR 963, allow for greater densities while increasing open space for apartment residents which is consistent with the objectives of the adjacent MF-R zone. The increased density is also consistent with the adjacent developments that are zoned MF-R.

The development proposed contains apartment buildings separated from nearby townhomes by parking lots, car ports, and garages. The developer is requesting a 25% reduction in covered parking required for 1 covered stall per Dwelling Unit from the MF-R zoning requirement that the SR 963 originally contemplated for the larger apartment buildings. Requiring apartment dwelling units to conform to the 2 enclosed parking space per dwelling unit requirement established for the purposes of townhomes is not necessary in order to maintain compatibility, are unnecessarily expensive, and do not result in an attractive or livable buildings that will add value to the West Billings Community. In addition, the increased density and fewer covered spaces allows the property to align with the Lehnardt vision of having more green space and keeping the communities connected.

The proposed 36 townhome Dwelling Units will meet the required 2 enclosed parking spaces per dwelling unit in accordance with the MF-4 zone. The variance request is specific to apartment buildings with greater than 4 dwelling units on the site that more closely match the intent of the MF-R zone.

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

There is a need for the intended use of this property at this location because the Billings community benefits from having a diverse housing stock that provides options for people based on their needs, preferences and budgets. The construction of the apartments proposed in this variance request would increase the housing stock diversity in Billings. This site is a good location for apartments because of its location within an area, either containing or planned to contain, a mix of housing types, near the arterial street network, and near commercial amenities.