



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, January 6, 2020 @ 6:00 p.m.
Virtual Meeting/ZOOM

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

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

Public Comment

Approval of Minutes:

The minutes of the Board meeting of November 4, 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 Exparté Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- 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. **Variance 1322-2621 Downer Lane**-A variance from 27-310(i) requiring an 8-foot side setback on a detached accessory structure over 18 feet in height to allow 3-foot side setback in a Residential-9600 (R-96) zone, on Lot 4 of Downer Acres, an 11,292 square foot parcel of land. The purpose of the variance is to allow renovation and addition to an existing garage, or remove and replace the detached garage in the same location. Tax ID: A06379

- b. **City Variance 1323 – 718 S 31st Street** – A variance from 27-308 requiring a 5-foot side setback to allow 2-foot side setback in a Residential-6000 (R-60) zone, on Block 225, Lot 4, Billings Original Townsite, a 3,500 square foot parcel of land. The purpose of the variance is to allow the existing single family dwelling a rebuild letter. Tax ID: A01676

- c. **Variance 1324-Lenhardt Square PD Amendment-** A variance from Lenhardt Square PD Exhibit “B” as amended increasing the maximum density from 10 units per acre to 17.2 units per acre and to allow a variance from parking in Article V.B.4. to reduce enclosed parking from 2 enclosed spaces per dwelling unit to .75 covered spaces per apartment dwelling in the PD-MF-4 zone, on Parcel 2A of C/S 2063, a 19.13-acre parcel of land. The purpose of the variance is to allow development to be more consistent with the PD-MFR zone. A previous variance (Variance 1282) was granted and this variance will amend those conditions of approval. Tax ID: D00514A. Presented by: Karen Husman, Planner I

- d. **Variance 1325- 2607 Copper Blvd** - The applicant is requesting a variance from 27-308 requiring a minimum lot size of 19,200 square feet for two single family dwellings, to allow a minimum lot size of 6,250 square feet, and from 27-308 requiring a 20-foot rear setback to allow a 3-foot rear setback in a Residential-9600 (R-96) zone, on Block 3, Lots 25-26, Amvet Park Sub, a 6,250 square foot parcel of land. The purpose of the variance is to allow two existing single-family dwellings to be reconstructed in order to acquire a rebuild letter. Tax ID: A02310. Presented by; Karen Husman, Planner I.

Other Business/Announcements

Adjournment

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 Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@ci.billings.mt.us

City Board of Adjustment

Meeting Date: 01/06/2021

Information

Subject

The minutes of the Board meeting of November 4, 2020.

Attachments

BZC_2020_1104

CITY BOARD OF ADJUSTMENT

MINUTES November 4, 2020

Name	Title	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	11/04/2020	12/02/2020	
David Mitchell	Member	-	-	A	-	1	-	1	E	1	1	E		
Dave Hagstrom	Member	-	-	1	-	1	-	1	1	E	1	1		
Paul Hagen	Member	-	-	1	-	1	-	1	1	1	1	1		
Jeff Bollman	Vice Chair	-	-	E	-	1	-	1	1	1	1	1		
Oscar Heinrich	Member	-	-	E	-	1	-	1	1	1	1	1		
Martin Connell	Member	-	-	1	-	1	-	1	1	1	1	1		
Mark Noennig	Chair	-	-	1	-	1	-	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	11/04/2020	12/02/2020	TOTAL
Variance		-	-	2	-	5	-	5	2**	1	2	1		16

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

Chair Noennig called the meeting to order at 6:05 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 October 7, 2020.

Motion

Board Member Bollman moved and Board Member Hagen seconded the motion to approve the October 7, 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 – 1321 – 1503 12th Street W. - Wall height and size of a detached garage- 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 1,080 square feet in a Residential 6,000 (R-60) zone, on Block 2, Lot 8, Van Bramer Subdivision, an 8,620 square foot parcel of land. The purpose of the variance is to allow construction of a new detached garage. Tax ID: A17211.

RECOMMENDATION

Planning staff has reviewed this application & is recommending conditional approval of Variance #1321. Based on the Determinations for granting a variance.

1. Variance to allow 12-foot side walls, and to allow maximum footprint of 1,080 square feet in a R-60 zone to allow construction of a new detached garage. No other variance is intended or implied with this approval.
2. Is limited to Block 2, Lot 8, Van Bramer Subdivision, 1503 12th Street W. Any future construction will require compliance with all other regulations ordinances that apply
3. Will submit and obtain a building permit for the garage within 1year of variance approval and completed within 2 years.
4. 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. Shall meet all other city code requirements for the proposed garage with the exception of this variance.
7. Failure to begin or complete actions shall void this variance.
8. These conditions 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:

Chair Noennig asked how this would be affected by Re:Code. Staff indicated it would be fixed with new zoning. He also asked if there were any comments from the neighbors. Staff has received no comments from neighbors. He inquired as to how many square feet the building has in the first floor. Staff indicated 2000 square feet.

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 1321**.

Applicant: Randy Maul, 1503 12th Street West

Mr. Maul explained his need for a detached garage for his 31 foot RV, also needing it to be 12 feet high. It is off the street and he is meeting setback requirements.

Favor

NONE

Opposed

NONE

Discussion

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

Motion

Board Member Heinrich made a motion and Board Member Connell seconded the motion to approve **City Variance 1321** with staffs findings of fact.

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 deny City Variance 1321 passed with a 6-0 vote.

Other Business: No December meeting.

ADJOURNMENT: The meeting adjourned at 6:21PM.

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



City Board of Adjustment

Meeting Date: 01/06/2021

SUBJECT: Variance 1322-2621 Downer Lane- Garage side setback

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

Variance 1322-2621 Downer Lane-A variance from 27-310(i) requiring an 8-foot side setback on a detached accessory structure over 18 feet in height to allow 3-foot side setback in a Residential-9600 (R-96) zone, on Lot 4 of Downer Acres, an 11,292 square foot parcel of land. The purpose of the variance is to allow renovation and addition to an existing garage, or remove and replace the detached garage in the same location. Tax ID: A06379

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 the summary portion this memo.

APPLICATION DATA

OWNERS: Thomas J. & Janet Blankenship

AGENT: Jeff Wollschlager, A-Line

PURPOSE: The purpose of the variance is to allow a new detached garage or renovate the existing garage in the same location

LEGAL DESCRIPTION: Lot 4 of Downer Acres Sub

ADDRESS: 2621 Downer Lane

EXISTING LAND USE: Residential

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					
2720 Downer Lane	215	7/31/79	Rear sb, 10'	Y	
2725 Doreen	311	4/27/82	Rear sb, 14'	Y	
2410 Rimrock Rd.	903	8/5/03	Side sb, 2'	WD	
3004 Brentwood	576	10/25/88	Side sb, 6'	Y	SB for 2 story
2515 Rancho Rd.	None	n/a	Fr. SB < 10'	N/A	Garage & house less than 20 feet from ROW

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

This is a variance request from a minimum 8-foot setback from the side property line in an R-96 zone to allow 3-foot side setback for a detached garage more than 18 feet in height. The applicant is requesting the variance to allow removal or renovation of an existing garage and rebuilding in the same location a new, slightly larger garage. There have been similar variances granted in the surrounding neighborhoods, granting the variance would not be out of character for the neighborhood.

SUMMARY

Proposed DETERMINATIONS for Variance 1322

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 existing structure was built in 1956, prior to zoning regulations. The property owner would like to remove the old garage or renovate and add square footage, or rebuild a new garage in the same location.

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 subdivision where much of the development occurred in the 1950's. There have been similar variances granted in the surrounding neighborhoods. Denying the variance would deprive the applicant of rights commonly enjoyed by other tracts in the same 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;

The variance will not allow the applicant any special privileges. Similar variances have been granted in the 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 in harmony with the general purpose and intent of the zoning regulations and the growth policy. Approval of this variance would allow the applicant to rebuild the existing garage and bring the property into conformance with the current zoning code and acquire a rebuild letter for financing purposes.

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. This approval is to allow a variance from Section 27-308 requiring a minimum 8 foot setback from the side property line in a Residential – 9600 (R-96) zone to allow 3 foot side setback. No other variance is intended or implied.
2. The variance is limited to Lot 4 of Downer Acres, 2624 Downer Lane.
3. The applicant will apply for and receive approval of a building permit within 1 year and complete construction within 2 years of BOA approval. Failure to meet the time limits of this condition will void the variance.
4. There will be no construction activities prior to 7:00am or after 8:00 PM daily.
5. The applicant shall meet all other city code requirements with the exception of this variance.
6. 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;

Staff is proposing a time limit of one year acquire building permit approval and two years to complete construction.

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 – detached garages are allowed in the R-96 zone district.

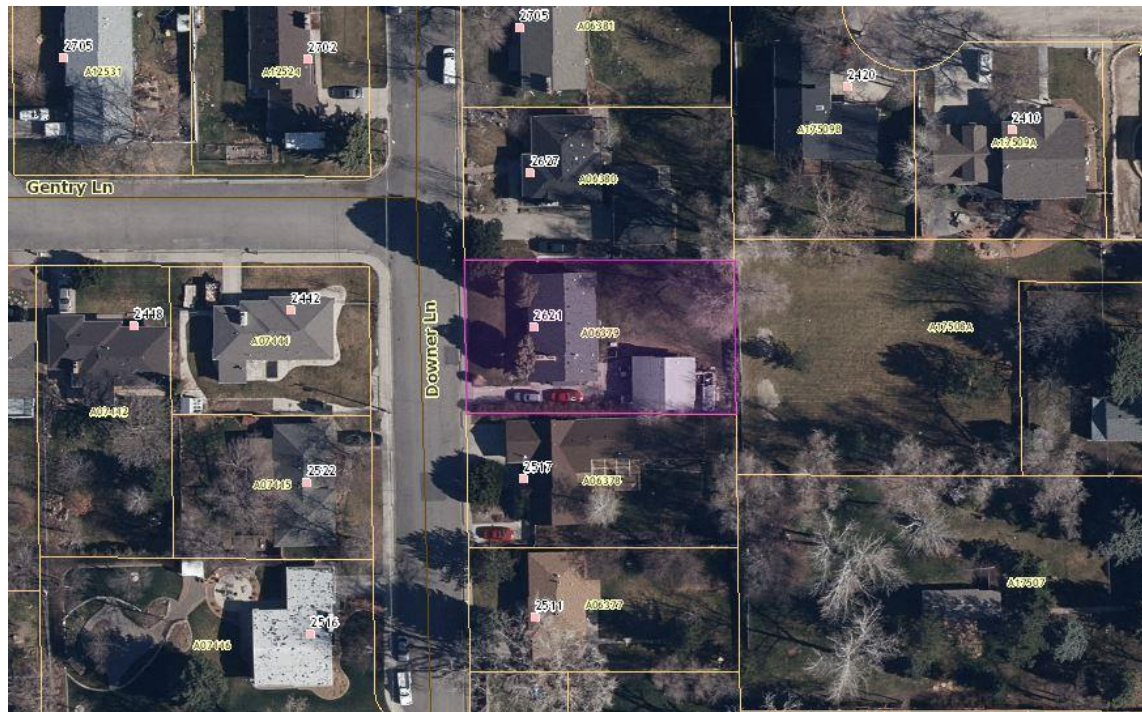
RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided in the summary section of this memo.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Site Plan

Zoning Map and Site Photos







East



West



North



South

Application & Applicant Letter

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1322 - Project # P2-20-00245

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 # A06379 CITY ELECTION WARD # 4

Legal Description of Property: Downer Acres, 535, TO 1 N, R25 E, Lot 4

Address or General Location (If unknown, contact City Engineering): 2621 Downer

Zoning Classification: R-9600 141.15' x 90'

Size of Parcel (Area & Dimensions): 11,292 SF

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

Variance(s) Requested: 3' detached garage side setback for structure over 18' in height

Facts of Hardship: - Existing garage w/ bonus space is too small for vehicle to fit and the bonus space is not code compliant for access.

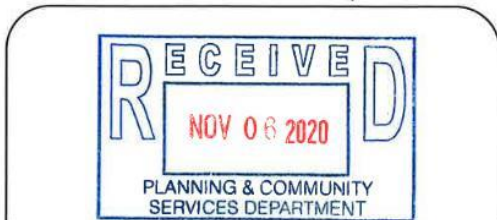
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Blankenship, Thomas J + Janet
(Recorded Owner) 4441 Harvest Ln 59106
(Address) 406-656-5960
(Phone Number) (email)

Agent(s): A-Line / Jeff Wollschlaeger
(Name) 725 Grand Ave
(Address) 406-321-2280 alinedrafting@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: Thomas Blankenship Date: 11-5-20
(Recorded Owner)



11-05-20

2621 Downer Lane. Variance request

Subject: 2621 Downer Lane Billings MT 59102

Chairperson of the Board of Adjustment:

We are requesting a variance for a 3' side setback for a new detached garage with bonus space above with a side wall/ridge height of 23'8". An existing garage with existing bonus space above will be demolished and/or modified. The existing garage is too small for modern vehicles and the existing bonus space does not have adequate head clearances. The existing stairs are also non-code compliant. With a variance approval for the new structure it will bring updated curb appeal and provide a usable space and eliminate the number of vehicles parking on the street and existing drive.

Sincerely,

Owners Representative of 2621 Downer Lane



City Board of Adjustment

Meeting Date: 01/06/2021

SUBJECT: Variance 1323-718 S 31st Street

THROUGH: Karen Husman

PRESENTED BY: Lora Mattox

Information

REQUEST

City Variance 1323 – 718 S 31st Street – A variance from 27-308 requiring a 5-foot side setback to allow 2-foot side setback in a Residential-6000 (R-60) zone, on Block 225, Lot 4, Billings Original Townsite, a 3,500 square foot parcel of land. The purpose of the variance is to allow the existing single family dwelling a rebuild letter. Tax ID: A01676

RECOMMENDATION

Staff recommends conditional approval of the variance based on the criteria for variances provided in the summary section of this report.

APPLICATION DATA

OWNER: James Routson

AGENT: David Goodridge

LEGAL DESCRIPTION: Lot 4, Block 225, Billings Original Townsite

ADDRESS: 718 S 31st Street

CURRENT ZONING: R-6000

EXISTING LAND USE: Residential

PROPOSED USE: Residential

SIZE OF PARCEL: 3,500 Square Feet

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SIMILAR PROPERTY					
BOT, L13-16, Block 200	158	9/27/77	Side SB 5 to 0	Y	Primary Structure
BOT, L23-24, Block 206	982	4/4/06	Rear SB 20 to 10	Y	Primary Structure
BOT, Block 208	209	4/24/79	Rear SB 20 to 5	Y	Primary Structure
BOT, L11-12, Block 216	447	4/30/85	Rear SB 20 to 5	Y	Primary Structure

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-60
Land Use: Residential & Residential Multi Family

SOUTH: Zoning: R-60
Land Use: Residential & Residential Multi Family

EAST: Zoning: Public
Land Use: South Park

WEST: Zoning: R-60
Land Use: Residential & Residential Multi Family

BACKGROUND

The applicant is requesting a variance from 27-308 requiring a 5-foot side setback to allow a 2-foot side setback in a Residential 6000 zone. The purpose of the variance is to allow the existing single-family dwelling to be reconstructed on the lot by obtaining a Rebuild Letter. The property is in a high-density residential area and although there is not a historic amount of variances granted in the area, there are similar properties with similar approved setback variances within a 3-block area. 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.

SUMMARY

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 not any special circumstances that exist in this situation other than the single-family dwelling was constructed on the land in 1910. The existing structure was built prior to zoning on a 3,500 square foot lot, and is now non-conforming. The property owner would like to have the ability to reconstruct a single-family dwelling on the property.

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;

There have been similar variances granted in the surrounding neighborhood. Denying the variance would deprive the applicant of rights commonly enjoyed by other tracts in the same 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;

The variance will not allow the applicant any special privileges. Similar variances have been granted in the 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 in harmony with the general purpose and intent of the zoning regulations and the growth policy. Approval of this variance would allow the applicant to bring the property into conformance with the current zoning code and acquire a rebuild letter for financing purposes.

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 to reduce the side setback for a single-family dwelling on a 3,500 square foot parcel of land from 5 feet to 2 feet 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 Lot 4, Block 225, Billings Original Townsite generally located at 718 S 31st 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.

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 request is to receive a rebuild letter, no time limit is required.

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 –residential dwellings are allowed in the R-60 zone.

RECOMMENDATION

Staff recommends conditional approval of the variance based on the criteria for variances provided in the summary section of this report.

Attachments

Zoning Map & Site Photos

Application, Agent Letter & Variance Questions

Site Plan

Zoning Map and Site Photos





Subject Property



Subject Property – Existing Side Setback Northwest



Subject Property – Existing Side Setback Southwest



South Park – East of Subject Property

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1323 - Project # 12-20-00259

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 # A01676 CITY ELECTION WARD # 1

Legal Description of Property: Billings Original Townsite, \$03,701\$, R 26E, Block 225, lot 4

Address or General Location (If unknown, contact City Engineering): 718 S. 31st st

Zoning Classification: R-6000

Size of Parcel (Area & Dimensions): _____

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: Variance on setback requirements

Facts of Hardship: Northern setback is only 2 1/2 Ft from property line instead of 5ft requirement

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

Owner(s): James Rautson
(Recorded Owner)
5077 Woodvine Circle Billings, MT 59106
(Address) 406 690 4452
(Phone Number) _____ (email)

Agent(s): David Goodridge
(Name)
1010 Grand Ave suite B Billings MT 59102
(Address) 406 591 1625 dave@billingscommercialrealestate.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: James Rautson Date: 12-1-2020
(Recorded Owner)



718 S 31st St Variance questions

A. What reasons prevent you from using the property in conformance with the Zoning Regulation requirements?

- The current house sits on a foundation that is only 2 ½ feet away from the Northern property line. Though zoning allows for the house to be rebuilt if it were to burn down, current setback requirements prevent it from being built in its current site on the property. This restricts buyers from obtaining loans to purchase the property. This variance would allow for it to be rebuilt with the 2 ½ foot setback it currently has.

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

- This property provides an entry level home buyer the opportunity to buy a home at a value that is difficult to find in other locations around the city. As it is without the variance it will prevent many first time home buyers from being able to obtain a loan and eventually purchase the home.



David Goodridge
1010 Grand.
Billings, Mt
59102
(406)591-1605

December 2, 2020

Board of Adjustment

Chairperson & Board,

As representative for the current owner (James Routson) of **718 S 31st St** I am writing to explain why Mr. Routson is seeking this variance.

As the property currently is it can not receive FHA financing due to the smaller setback on the North property line, 2 ½ ft. His intent is to obtain the variance which will allow the property to be financeable by the banking industry. By obtaining the variance it is now a home that can be bought by an owner/occupant instead of appealing largely only to the investment community.

Thank you for your consideration.

Sincerely,

David Goodridge

David Goodridge
Commercial & Residential Real Estate Specialist

S 31st St

Tax ID - A01676
Lot Sq Ft - 3,500 sq ft
House Sq Ftg - 1,792 sq ft

2 1/2'

23'

6'

10' 6"

718 S 31st St



137'

6' 11"

6'

6' 7"

11' 10"



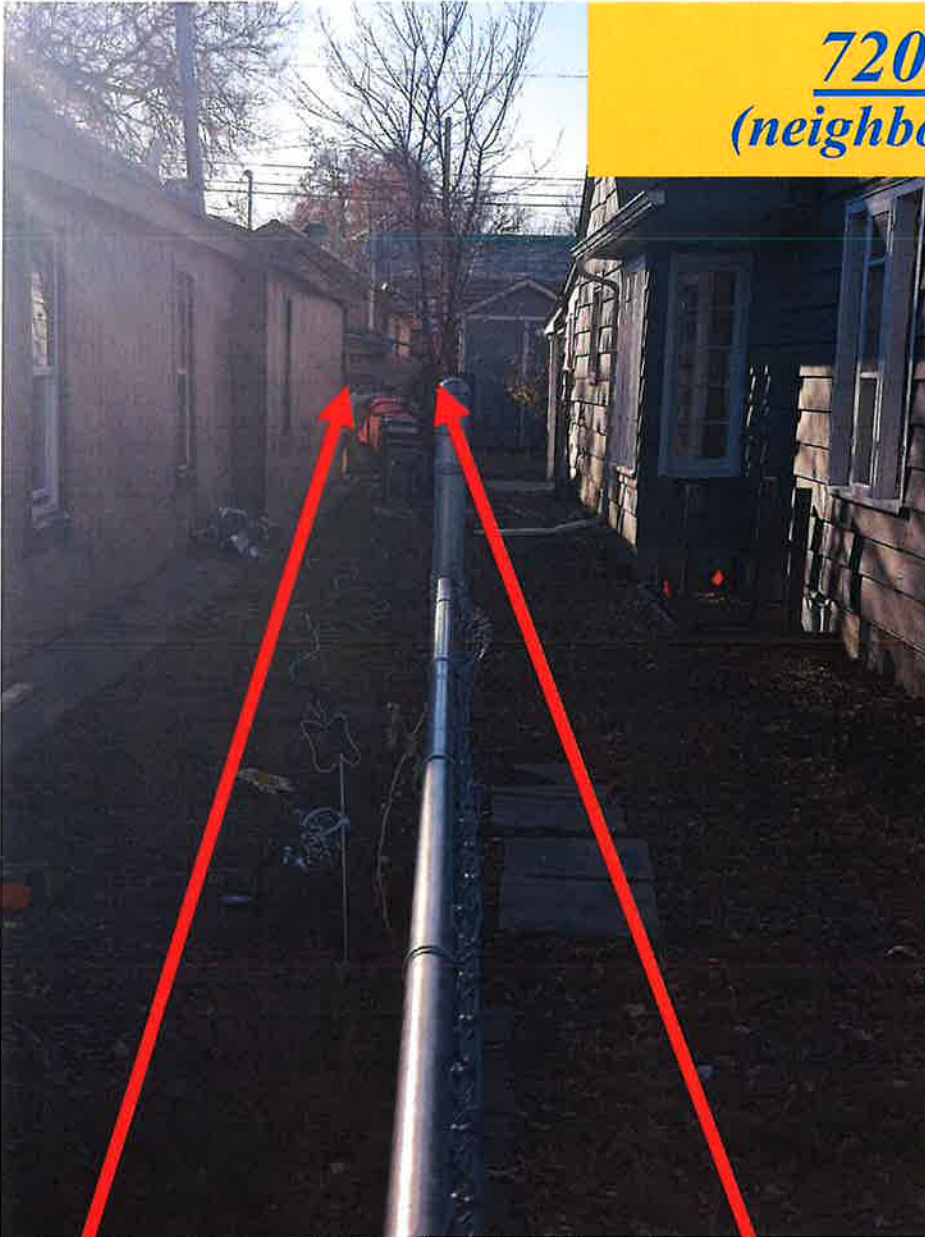
Alley



714 S 31st St
(North property line)



720 S 31st St
(neighbor to the South)



4 feet 1 inch

S 31st St

23'

Tax ID - A01676
Lot Sq Ft - 3,500 sq ft
House Sq Ftg - 1,792 sq ft

2 1/2'

10' 6"

6'

718 S 31st St



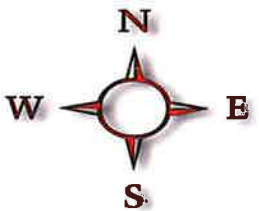
137'

6'

11' 10"

6' 7"

6' 11"



Alley



City Board of Adjustment

Meeting Date: 01/06/2021

SUBJECT: Variance 1324-Lenhardt Square PD Amendment

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

Variance 1324-Lenhardt Square PD Amendment- A variance from Lenhardt Square PD Exhibit “B” as amended increasing the maximum density from 10 units per acre to 17.2 units per acre and to allow a variance from parking in Article V.B.4. to reduce enclosed parking from 2 enclosed spaces per dwelling unit to .75 covered spaces per apartment dwelling in the PD-MF-4 zone, on Parcel 2A of C/S 2063, a 19.13-acre parcel of land. The purpose of the variance is to allow development to be more consistent with the PD-MFR zone. A previous variance (Variance 1282) was granted and this variance will amend those conditions of approval. Tax ID: D00514A. 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

OWNER: Lenhardt Farm, LLC, Lenhardt Enterprises, LLC, Lenhardt Property, LP

AGENT: Sanderson Stewart

LEGAL DESCRIPTION: COS 2063, Parcel 2A

ADDRESS: NW of the intersection of Georgina Dr. & 44th St. W

CURRENT ZONING: Planned Development MF-4

EXISTING LAND USE: Vacant/Agricultural

PROPOSED USE: Residential Multi-Family

SIZE OF PARCEL: 19.13 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
CS 2063 Parcel 2A	SR963	4/23/18	4 DU in MF-4	Y	
	Var. 1285	5/2/18	Hgt 46'	Y	

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Agricultural Open Space (A-1)

Land Use: Agricultural

SOUTH: Zoning: Planned Development (PD)

Land Use: Agricultural and multifamily apartments

EAST: Zoning: Planned Development (PD)

Land Use: Multi-family

WEST: Zoning: Agricultural Open Space (A-1)

Land Use: Agricultural

BACKGROUND

The applicant is requesting a variance from Lenhardt Square PD Exhibit “B” as amended increasing the maximum density from 10 units per acre to 17.2 units per acre and to allow a variance from parking in Article V.B.4. to reduce enclosed parking from 2 enclosed spaces per dwelling unit to .75 covered spaces per apartment dwelling in the PD-MF-4 zone.

In 2008, the property was zoned to a Planned Development and annexed into the City. Adjacent properties to the south and east are also parcels within the Planned Development and identified as future multi-family housing which includes condominiums, townhomes and multifamily apartments. Apartments have already been constructed east and west of South 44th Street West on the parcel south of the subject property. The property to the north and west is presently farmed and zoned Agricultural Open-Space and remains outside of city limits.

SUMMARY

Proposed DETERMINATIONS for Variance 1324;

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 Planned Development agreement restricts density and has minimum requirements for parking. The PD agreement in this case makes allowances for parking and density changes in the MFR zone with a variance approval.

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 subdivision where much of the development is for multi-family structures. There have been other developments with multi-family housing in the area, constructed on the east and west of South 44th Street West, on the parcel south of the subject property. The request is to amend the PD for the number of parking spaces required per unit and allow more units per acre, increasing the allowed density in the district. Reducing the allowed number of covered parking per unit will not change the overall number of required parking spaces for the development.

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 not allow the applicant any special privileges. Similarly developed property are in the area. The development is compatible with surrounding land uses. The property is annexed and located within an already approved PD which contemplates a variety of housing choices including multi-family. The adjacent parcels to the south and east are currently developing as multi-family housing with similar density.

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 in harmony with the general purpose and intent of the zoning regulations and the growth policy. Approval of this variance would allow the applicant to complete the design of the planned development.

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 reduction in minimum lot size variance request:

1. The approval is for a variance from Lenhardt Square PD Exhibit "B" as amended increasing the maximum density from 10 units per acre to 17.2 units per acre and to allow a variance from parking in Article V.B.4. to reduce enclosed parking from 2 enclosed spaces per dwelling unit to .75 covered spaces per apartment dwelling in the PD-MF-4 zone. No other variance is intended or implied with this approval.
2. The variance is limited to Parcel 2A of C/S 2063.
3. The applicant shall meet all other city code requirements for the PD 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.

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

Amending the PD does not indicate a time for completion.

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 – multi-family dwellings are allowed in the PD.

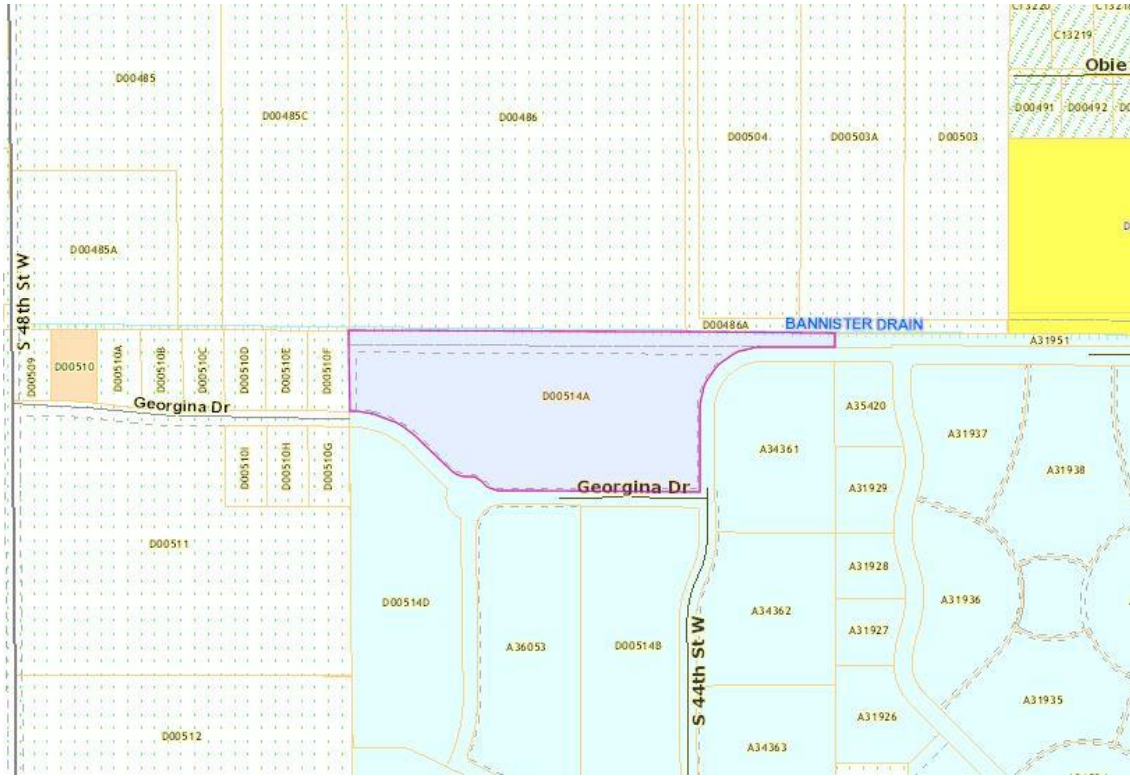
RECOMMENDATION

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
Letter in Support

Zoning Map & Site Photos





North



West



Southwest



South



East

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
Page 2

Variance Request

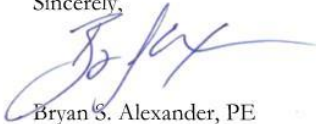
The variance requested is to allow for the construction of apartment buildings with a greater average density and fewer enclosed parking spaces within the MF-4 zoning district where the allowed average density is 10 dwellings per acre. The proposed density increase will provide greater open space for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

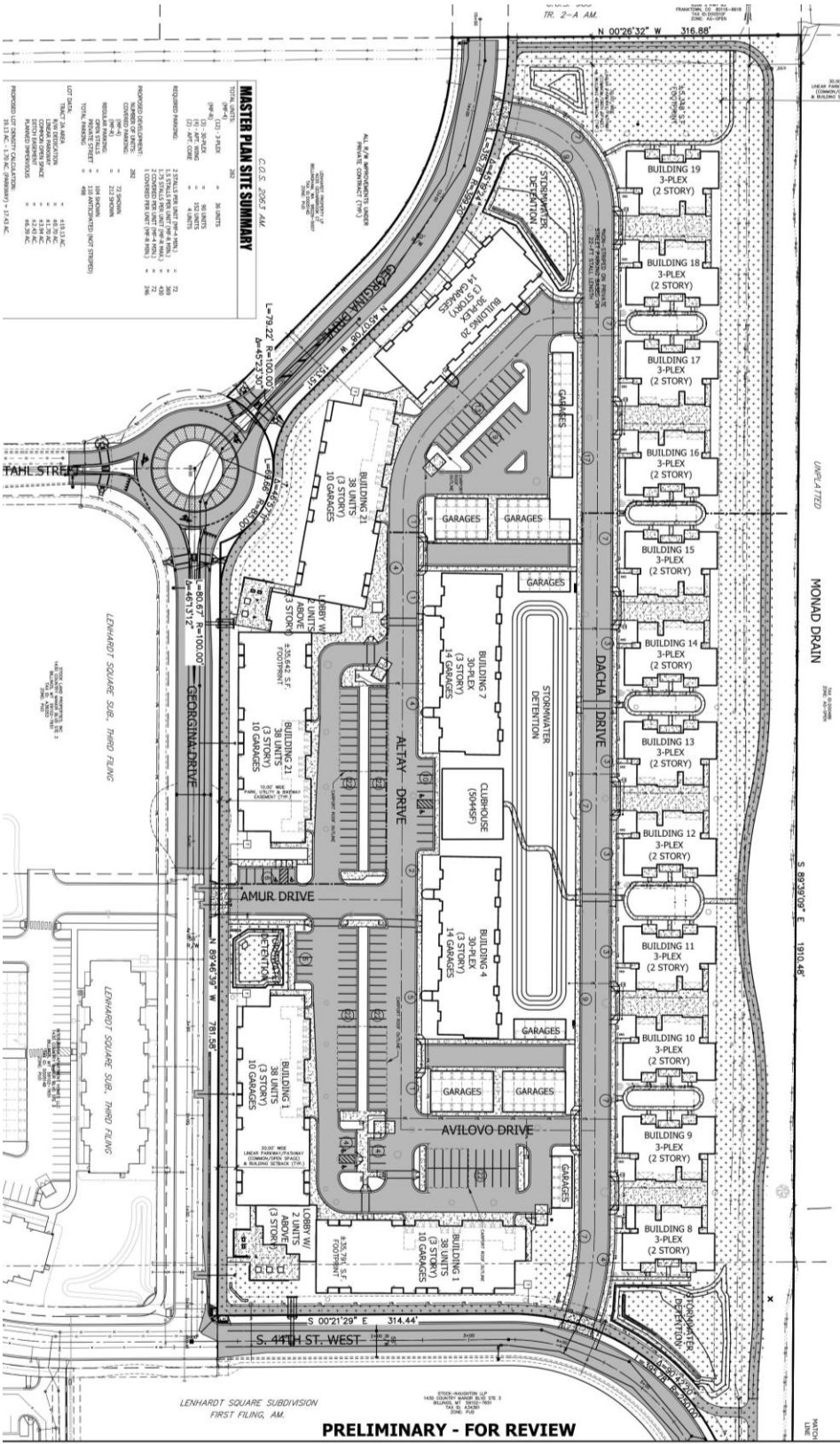
The proposed 36 townhome Dwelling Units will meet the required 2 enclosed parking spaces per dwelling unit in accordance with the MF-4 zone. The variance request is specific to apartment buildings with greater than 4 dwelling units on the site that more closely match the intent of the MF-R zone.

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.



NOTE: THIS DEVELOPMENT SITE PLAN IS A PRELIMINARY DESIGN AND SHOULD BE CONSIDERED AS SUCH. THE DEVELOPER DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION, MEASUREMENTS, OR DIMENSIONS SHOWN ON THIS PLAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DENVER AND THE COLORADO DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION. THE CITY OF DENVER AND THE COLORADO DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS ON THIS PLAN. THE CITY OF DENVER AND THE COLORADO DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR FROM THIS PLAN. THE CITY OF DENVER AND THE COLORADO DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR FROM THIS PLAN.



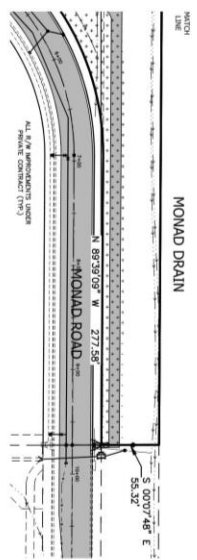
MASTER PLAN SITE SUMMARY

C.O.S. 2063 AM

TYPE	QUANTITY
1. TOTAL UNIT COUNT (PER PLAN)	21
2. COVERED PARKING (PER PLAN)	21
3. UNCOVERED PARKING (PER PLAN)	21
4. TOTAL PARKING (PER PLAN)	42
5. TOTAL GARAGE COUNT (PER PLAN)	21
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100. TOTAL GARAGE COUNT (PER PLAN)	21

PRELIMINARY - FOR REVIEW

LENHARDT SQUARE SUBDIVISION
FIRST FILING, AM.



LENHARDT SQUARE MASTER ASSOCIATION

Mr. Noennig, Chair
City of Billings, Board of Adjustment
210 North 27th St.
Billings, MT 59101

1 December 2020 Transmitted via email, Original via USPS

Dear Mr. Noennig:

It is our understanding Farmstead Road Townhomes and Apartments are seeking a variance as follows:

1. MF-R Covered Parking – 25% Reduction
 - a. Current Requirement – 1 Stall per Unit
2. Increase Units / Acre (Density)
 - a. Current – 13.60 Units per Acre
 - b. Requesting – 17.50 Units per Acre

These changes are well within the design guidelines of the Planned Unit Development (PUD) and would bring this project into closer alignment with other built elements of the PUD. The Lenhardt Square Master Association fully supports this variance request.

Sincerely,



Allan R. Lenhardt, President



4035 Cedarbrook Ct.
Billingham, WA 98229

PHONE (225) 223-3121
EMAIL allan@lenhardjenterprises.com



City Board of Adjustment

Meeting Date: 01/06/2021

SUBJECT: Variance 1325- 2607 Copper Blvd.

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

Variance 1325- 2607 Copper Blvd - The applicant is requesting a variance from 27-308 requiring a minimum lot size of 19,200 square feet for two single family dwellings, to allow a minimum lot size of 6,250 square feet, and from 27-308 requiring a 20-foot rear setback to allow a 3-foot rear setback in a Residential-9600 (R-96) zone, on Block 3, Lots 25-26, Amvet Park Sub, a 6,250 square foot parcel of land. The purpose of the variance is to allow two existing single-family dwellings to be reconstructed in order to acquire a rebuild letter. Tax ID: A02310. 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 the summary portion of this report.

APPLICATION DATA

OWNERS: Helen M. Peterson
AGENT: Dislorei Small & Rodriguez & Kevin Lonebear
PURPOSE: To allow 2 existing SFD's to remain and be rebuilt on the property.
LEGAL DESCRIPTION: Bk. 3, Lts 25-26, Amvet Park Sub
ADDRESS: 2607 Copper Blvd.
EXISTING LAND USE: Residential
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					
3317 Vickery	150	6/28/77	Rear sb 1'	Y	
3317 Vickery	361	5/31/83	Rear sb 0	Y	
2726 Roth	None		Duplex	NA	Duplex in R96 (built 1974)
3219 Vickery	None		Townhome	NA	Built 1962

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-69
Land Use: Residential

BACKGROUND

The applicant is requesting a variance from to allow the existing two single family dwellings to remain on the lot. The rear house was constructed in 1947, and the front house was constructed in 1950, before zoning regulations were in place. There have been other lot size variances approved in similar areas in the district. There have been similar variance for rear setbacks in the adjacent neighborhoods. The variance for this parcel would not negatively affect the neighborhood, as the buildings themselves already exist. The applicant is requesting the variance in order to obtain a rebuild letter for financing purposes.

SUMMARY

Proposed DETERMINATIONS for Variance 1325;

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 structures were built in 1947 and 1950, prior to zoning. In order for the property to be reconstructed as it is, the applicant is requesting approval so that a rebuild letter can be issued.

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 district where there have been setback variances. There are other properties in the surrounding neighborhoods that have two dwelling units on lots not conforming to the zoning restrictions. Denying the variance would deprive the applicant of rights commonly enjoyed by other tracts in the same 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;

The variance will not allow the applicant any special privileges. Similar developed properties exist in the 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 in harmony with the general purpose and intent of the zoning regulations and the growth policy. Approval of this variance would allow the applicant to bring the property into conformance with the current zoning code.

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 to allow a minimum lot area of 6,250 square feet for 2 single family dwellings and 3-foot rear setback for the easterly single family dwelling. No other variance is intended or implied with this approval.
2. The variance is limited to Block 3, Lots 25-26 of Amvet Park Sub., 2607 Copper Blvd.
3. The applicant 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.

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

There will be no time limit restrictions as the structure is already constructed.

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 are allowed in the R-96 zone.

RECOMMENDATION

Staff recommends conditional approval based on the determinations detailed within this report.

Attachments

- Zoning Map & Site Photos
- Application & Applicant Letter
- Site Plan
- Letter in Support

Zoning Map & Site Photos





Subject Property





North



South



East



Alley South



Alley looking west



Alley Looking North

Application & Applicant letter

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # _____ **- Project #** P2-20-00263

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 # A02310 CITY ELECTION WARD # _____

Legal Description of Property: AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, LOT 25-26

Address or General Location (If unknown, contact City Engineering): 2607 Copper Blvd Billings, MT 59102

Zoning Classification: RESIDENTIAL 9600 (R96)

Size of Parcel (Area & Dimensions): 6250 SQ. FT.

Covenants or Deed Restrictions on Property: Yes _____ No X _____

If yes, please attach to application

Variance(s) Requested: Accessory Dwelling Unit (ADU)

Facts of Hardship: The second structure on the property is over 20 years old and there are other properties in the area with a similar small unit in the back. The buyers intend to use the property as a single-family-residence.

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

Owner(s): HELEN M. PETERSON
(Recorded Owner)

(Address) _____

(Phone Number) _____ (email) _____

Agent(s): DISLOREI SMALL-RODRIGUEZ & KEVIN LONEBEAR

(Name) 8460 LITTLE GULLY RUN BOZEMAN, MT 59715

(Address) 406-740-2776

(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: 12/7/2020
(Recorded Owner)



Application for Variance

Date: December 7, 2020

Property Address: 2607 Copper Blvd Billings, MT 59102

Agents: Dislorei Small-Rodriguez & Kevin Lonebear
8406 Little Gully Run
Bozeman, MT 59715

1. Answer the following questions:
 - A. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements?

The property located at 2607 Copper Blvd. is zoned Residential 9600 (R96) for a single family home. However, the property has two structures. Despite the fact that we intend to use this property as a single family home and the small house in the back is not a new structure (it was built more than 20 years ago), we cannot obtain financing and insurance for the property as is. We request that the small house in the back be deemed a legal accessory dwelling unit (ADU) that can be rebuilt in the case of loss so that we may obtain financing and insurance. As it stands right now, should one or both homes be destroyed by more than 50%, only one home may be rebuilt.

- B. Why is there need for the intended use of the property at this location?

We have been under contract to purchase this home since September. It is an ideal home for our family with tons of character and in a great school district. The current requirements are inhibiting our ability to purchase this home and move to Billings where we hope to raise our family and become members of the community. Any potential buyer that is not a cash-buyer will encounter the same problem we have. We understand that the City of Billings is in the process of updating its zoning regulations. The new zoning code will designate this lot as an N3, which will not have a minimum lot size, but it will still be a single family home zone. This new zoning will not solve the problem, only a variance will. The fact remains that the structure in the back was built more than 20 years ago and there are other properties in the area that have an ADU similar to this property.

2. Prepare a written statement addressed to the Chairperson of the Board of Adjustment. State 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.

Please see attached statement.

December 7, 2020

Dear Chairperson of the Board of Adjustment,

We are writing to request a variance to the property we are under contract to purchase at 2607 Copper Blvd Billings, MT 59102.

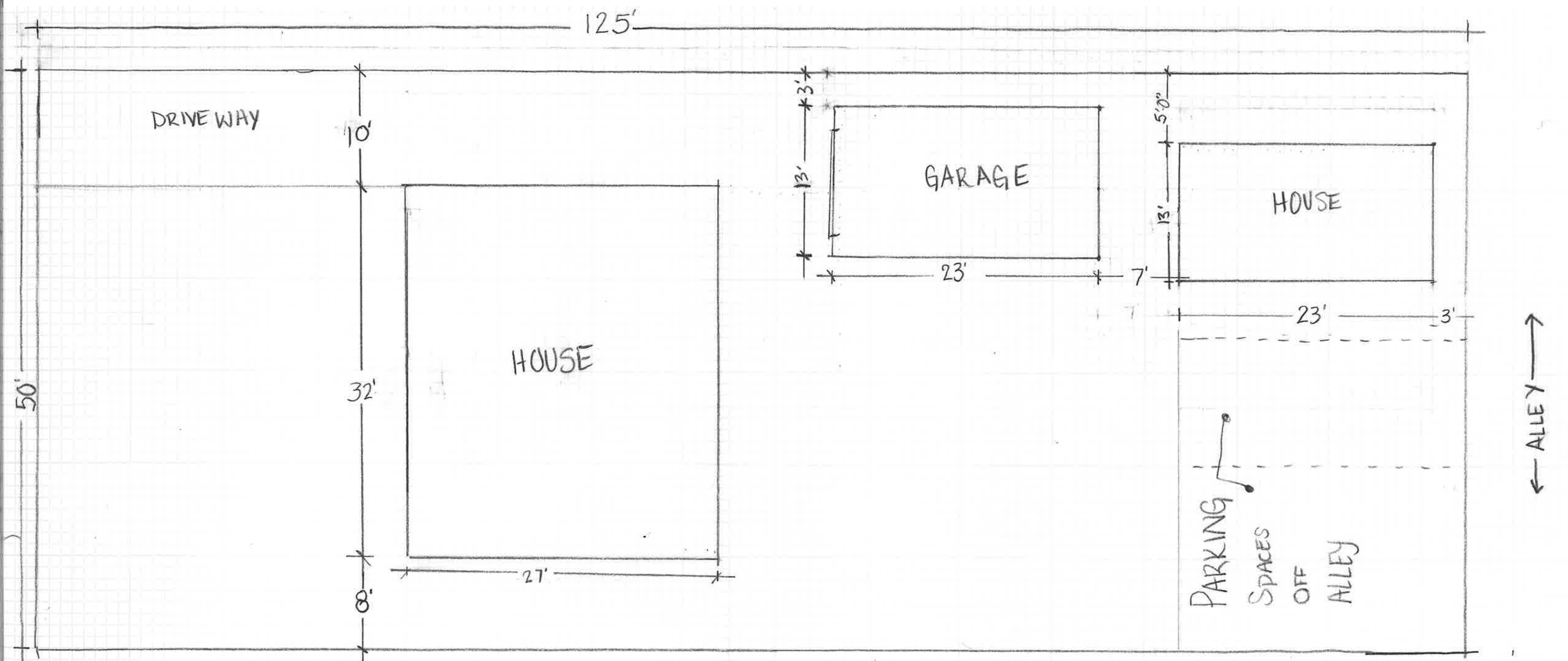
We intend to use this property as a single family residence where we can raise our family and make Billings our home. We are not proposing any new construction or change in the use of the property. We are simply requesting that the second unit in the back of the property be considered a legal accessory dwelling unit (ADU) so that we can obtain financing and insurance to complete the purchase of the home.

The property is zoned Residential 9600 (R96) for a single family home. However, the property has two structures and neither of them are newly constructed. As it stands right now, should one or both homes be destroyed by more than 50%, only one home may be rebuilt. This regulation is inhibiting our ability to purchase this home and move to Billing. Any potential buyer that is not a cash-buyer will encounter the same problem we have.

We understand that the City of Billings is in the process of updating its zoning regulations. The new zoning code will designate this lot as an N3, which will not have a minimum lot size, but it will still be a single family home zone. This new zoning will not solve the problem, only a variance will. The fact remains that the structure in the back was built more than 20 years ago and there are other properties in the Poly Drive and Zimmerman Trail area that have an ADU similar to this property.

We thank you for your consideration.

Sincerely,
Dislorei Small-Rodriguez & Kevin Lonebear
8406 Little Gully Run Bozeman, MT 59715



2607 Copper Blvd EXISTING SITE PLAN



Husman, Karen

From: Bartley, Robbin
Sent: Wednesday, December 23, 2020 11:25 AM
To: Husman, Karen
Subject: FW: [EXTERNAL] City Variance-#1325

fyi

From: Larry Daniels <asapinspections@yahoo.com>
Sent: Wednesday, December 23, 2020 11:12 AM
To: Bartley, Robbin <bartleyr@billingsmt.gov>
Cc: Frosty Erbin <frosty@realtor.com>
Subject: [EXTERNAL] City Variance-#1325

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.

Regarding City Variance- # 1325. 2607 Cooper Blvd. Concerning minimum lot size, setbacks, and allowing two single-family dwellings on the same lot.

As the owner of one of the properties directly across the alley from 2607 Copper Blvd. I have no issues or concerns with the variance request and look forward to welcoming the new buyers to the neighborhood.

Larry Daniels
Owner: 2602 Golden Blvd.

A.S.A.P PROPERTY INSPECTIONS
LARRY DANIELS
406-690-1906
<http://www.asapinspectionsmt.com>