

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # p2-210005 Project # 1329

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 # A18033 CITY ELECTION WARD # 1

Legal Description of Property: WEST SIDE SUBD, S04, T01 S, R26 E, BLOCK 19, Lot 43, 37.5' LT 43-46 GeoCode: 03-0927-04-1-18-12-0000

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

1116 2ND ST W

Zoning Classification: Residential 7000

Size of Parcel (Area & Dimensions): 3730 sq ft - plat attached

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

Variance(s) Requested: rebuild letter

Facts of Hardship: _____

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

Owner(s): VAN BUSKIRK, VICK

(Recorded Owner)

1116 2ND ST W, Billings, MT 59101

(Address)

406-281-4269

(Phone Number)

vickivan@bresnan.net

(email)

Agent(s): Carrie McNeese

(Name)

4309 GRAND AVE. BILLINGS, MT 59106

(Address)

406-248-9948

(Phone Number)

vickivan@bresnan.net

(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:  Vicki Van Buskirk Date: 1/4/2021
1/4/2021 11:10:46 PM EST
(Recorded Owner)



To: Chairperson of the Board of Adjustment
From: Deon & Anja Berube (buyer)
Vicki Van Buskirk (seller)
Date: January 4, 2021
Subject: Variance letter – 1116 2nd St W.

In regards to the property located at 1116 2nd St W, I am trying to sell this property to Deon & Anja Berube. The appraisal came back that it was deemed non-conforming. We reached out to the City and received a message back that the property could not be re-built as-is with the current zoning. The buyers are wanting to purchase this property to provide a place to live for the buyers sister. I have owned this home since approximately 1978, and have refinanced several times without any issues.

I am aware that the city is meeting to modify the current codes for homes like mine that I feel should be grandfathered in. However, I am aware that if it was to burn, that we would need to conform to some new setbacks, and the buyer are aware of that too.

The current zoning allows single family homes on lots of at least 7,000 square feet. Although the current lot is less than 7,000 square feet (3,730 sf), a provision in the current code allows all lots of record – regardless of lot area - to have a single family dwelling on the lot. This is Section 27-402 – Lots of Record. This provision continues in the new code.

This provision however requires all other requirements of the R-70 district to be met for new construction or a re-build. We are willing to adhere to this with a 5-ft setback if we are allowed a re-build letter.

The current code allows 30% lot coverage – the current structure is about 36% lot coverage. The dwelling sits on the alley property line – for at least part of the structure. The code requires a 5-foot side setback and we would do this if we needed to rebuild.

A portion of the dwelling sits very close to the north property line (shared with 1118 2nd ST W). This property line also requires a 5-foot setback, which could be done if rebuilt.

The proposed zoning of the property is N1 – First Neighborhood I believe. The new zoning allows single family dwellings on lots at least 20 feet in width at the street. This lot meets this provision.

The new zoning allows up to 80% lot coverage for side street lots such as this one and the lot to the north at 1118 2nd St West. The current lot meets this requirement.

The new zoning still requires the 5 foot side setbacks for both the alley property line and the north property line. This would require a variance under the existing and new codes for the re-build on the same footprint/foundation, which is why we are applying.

We would like a rebuilt letter but they say the only way to receive a full re-build letter is through a zoning variance application and approval from the City Board of Adjustment. This would cover the side setbacks. This is why we are applying.

Thank you for your help in getting this new buyers sister a home to live in.

Best Regards,

Vicki Van Buskirk (seller)

Authenticate
Vicki Van Buskirk
1/4/2021 11:10:48 PM EST

Deon & Anja Berube (buyer)

Deon Berube 1/4/2021
[Signature]