

**CITY BOARD OF ADJUSTMENT**

MINUTES January 6, 2021

Name	Title	01/06/2021	02/03/2021	03/03/2021	04/07/2021	05/05/2021	06/02/2021	07/07/2021	08/04/2021	09/01/2021	10/06/2021	11/03/2021	12/01/2021	
David Mitchell	Member	1												
Dave Hagstrom	Member	1												
Paul Hagen	Member	1												
Jeff Bollman	Vice Chair	1												
Oscar Heinrich	Member	1												
Martin Connell	Member	1												
Mark Noennig	Chair	1												
<b>TOTAL NUMBER OF APPLICATIONS 2021</b>		<b>01/06/2021</b>	<b>02/03/2021</b>	<b>03/03/2021</b>	<b>04/07/2021</b>	<b>05/05/2021</b>	<b>06/02/2021</b>	<b>07/07/2021</b>	<b>08/04/2021</b>	<b>09/01/2021</b>	<b>10/06/2021</b>	<b>11/03/2021</b>	<b>12/01/2021</b>	<b>TOTAL</b>
<b>Variance</b>		<b>4</b>												<b>4</b>

Vice Chair Bollman 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 November 4, 2020.

## Motion

Board Member Heinrich moved and Board Member Mitchell seconded the motion to approve the November 4, 2020 minutes. The motion carried with a unanimous voice vote.

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

Board Member Mitchell had no ex parte communications, has no conflicts of interest and visited all but Variance 1323 locations.

Board member Hagstrom had no ex parte communications, has no conflicts of interest and visited no sites.

Board member Hagen had no ex parte communications, has no conflicts of interest and visited 2 sites.

Vice Chair Bollman had no ex parte communications, has no conflicts of interest and visited no sites.

Board member Heinrich had no ex parte communications, has no conflicts of interest and visited all sites.

Board member Connell had no ex parte communications, has no conflicts of interest and visited no sites.

Chairman Noennig had some discussion with Bill Hanser and Dave Goodrich. He finds it necessary to recuse himself from the discussion and vote for Variance 1324 and visited no sites.

**Board Member Heinrich made a motion to change the Public Hearing order to 1323, 1322, 1325 and lastly 1324. Board Member Connell seconded the motion. All board members voted in favor.**

## 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 1323 – 718 S. 31<sup>st</sup> St. – Side setback** - 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

Planning staff has reviewed this application & is recommending approval of Variance #1323. Based on the Determinations for granting a variance.

1. The variance is to reduce the side setback for a single-family dwelling on a 3500 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 31<sup>st</sup> 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:**

**Public Hearing**

Vice Chairman Bollman opened the public hearing at 6:21PM and asked if there was anyone wishing to speak in favor or against **City Variance 1323**.

**Applicant: David Goodridge, Agent**

**Favor**

NONE

**Opposed**

NONE

**Discussion**

At 6:22PM, Vice Chairman Bollman closed the Public Hearing and called for a motion.

**Motion**

Board Member Heinrich made a motion and Board Member Hagen seconded the motion to approve **City Variance 1323** with staffs findings of fact.

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Not Present</b>
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 1323 passed with a 7-0 vote.**

**City Variance 1322– 2621 Downer Lane - Garage side setback** – 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 & is recommending conditional approval of Variance #1322. Based on the Determinations for granting a variance.

1. To allow a variance from Section 27-308 requiring a minimum 5 foot setback from the side property line in a R-96 zone to allow 3 foot side setback. No other variance is intended or implied.
2. is limited to Lot 4 of Downer Acres Subdivision, 2624 Downer Lane.
3. will apply for and receive approval of a building permit within 1 year and complete construction within 2 years, failure will void the variance.
4. No construction activities prior to 7:00am or after 8:00 PM daily.
5. shall meet all other city code requirements except this variance.
6. Conditions run with the land described and apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

### **Questions for staff:**

Board member Heinrich asked if it is possible to ask for firmer plans and can we change the application to specify remodel or rebuild.

Board member Bollmam asked what is the threshold for requiring an 8-foot setback. Staff replied anything less than 18 feet high would require a 3-foot set back.

Board member Hagstrom confirmed this is a 11,292 square foot lot zoned R9600.

### **Public Hearing**

Vice Chairman Bollman opened the public hearing at 6:32PM and asked if there was anyone wishing to speak in favor or against **City Variance 1322**.

**Applicant: Thomas J. & Janet Blenkinship, Jeff Wollschlager, Agent/Not Present**

### **Favor**

NONE

### **Opposed**

NONE

### **Discussion**

Board members asked if the adoption of RE:Code would change setback requirements. Staff replied all new accessory structures will require a 5-foot setback.

At 6:36PM, Vice Chairman Bollman closed the Public Hearing and called for a motion.

**Motion**

Board Member Heinrich made a motion and Board Member Bollman seconded the motion to delay for 30 days the vote on **City Variance 1322**.

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

**The motion to delay City Variance 1322 passed with a 7-0 vote.**

**City Variance – 1325 – 2607 Copper Blvd– Lot Area & Setback - -** 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

**RECOMMENDATION**

Planning staff has reviewed this application & is recommending conditional approval of Variance #1325. Based on the Determinations for granting a variance.

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.

**Questions for staff:**

Board member Heinrich asked if rebuild letters will still be necessary when RE:Code is adopted. Staff replied rebuild letters will still be required/necessary in some situations.

**Public Hearing**

Vice Chairman Bollman opened the public hearing at 6:47PM and asked if there was anyone wishing to speak in favor or against **City Variance 1325**.

**Applicant: Helen M. Peterson, Dislorei Small Rodriquez & Kevin Lonebear, Agent/Not Present**

**Favor**

NONE

**Opposed**

NONE

**Discussion**

At 6:49PM, Vice Chairman Bollman closed the Public Hearing and called for a motion.

**Motion**

Board Member Heinrich made a motion and Board Member Hagstrom seconded the motion to approve **City Variance 1325** with staffs findings of fact.

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Not Present</b>
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 1325 passed with a 7-0 vote.**

**City Variance – 1324 – NW of the intersection of Georgina Dr. & 44<sup>th</sup> St. W – lot area, lot Coverage, density-** 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

## **RECOMMENDATION**

Planning staff has reviewed this application & is recommending conditional approval of Variance #1324. Based on the Determinations for granting a variance.

1. A variance from Lenhardt Square PD increasing the maximum density to 17.2 units per acre & allow a variance from parking to reduce enclosed parking to .75 covered spaces per apartment 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.

Staff received 16 exparte emails in opposition from surrounding property owners and the applicant responded. These emails and response have been forwarded to the Board previous to the meeting for review.

### **Questions for staff:**

Board member Hagen asked if all letters received were in opposition. Staff replied traffic, ingress and egress safety and parking were major areas of concern.

Board member Hagstrom asked about a previous Variance request for an increase in density that was approved by the Board. Staff explained the density increase request was a height increase, enabling the applicant to increase story levels. Also, a Special Review was approved by City Council to allow multi-unit buildings, more than 4 units in a structure. This Variance request is to numerically adjust the density per acre, allowing more density than is required in the Planned Development.

Board member Hagstrom stated he had not had the opportunity to read all submitted letters and asked staff if there were any adjacent neighbors addressing the density or were they all traffic concerns. Staff indicated density concerns were related to traffic increase. The density is consistent with the PD, it has always been multi-unit. The properties to the south are in this same density level (16-18 units). This request is not out of the ordinary for this or other PDs.

Board member Mitchell stated he assumes a Traffic Impact Study was done by City Engineering with this density. He asked to confirm a TIS was done with approval and was a permit issued. Staff directed these concerns to the applicant.

Vice Chair Bollman asked about the density on Interurban. Staff replied the density is greater on Interurban with a different underlying zoning. Will any other action be required by City Council.

Board member Heinrich wishes to confirm the underlying density is more than the PD requirement. Staff replied, no, the lot to the south is more dense. He then asked how Project RE:Code will effect this. Staff indicated it is a PD, their PD will carry over.

Board member Mitchell asked if it is easier to get a Zone change than a Variance? If they changed the zoning they would not need a variance, correct? Staff clarified his question asking if he is suggesting changing the underlying zone. Upon clarification Board member Mitchell asked again if a variance would be necessary if the zoning was changed. Staff asserted this is correct, however a Zone change

is more difficult and it takes more time.

**Public Hearing**

Vice Chairman Bollman opened the public hearing at 7:04PM and asked if there was anyone wishing to speak in favor or against **City Variance 1324**.

**Applicant: Bill Hanser, 2916 Thousand Oaks, Billings, MT**

Good Evening Chairman Bollman and Members of the Board

My name is Bill Hanser  
I live at 2916 Thousand Oaks Street, Billings, MT

I am the current owner of Parcel 2A in the Lenhardt Square Planned Unit Development. In 2018 I had made a variance request for some additional units to make the project financially viable. However changes in the interim to the storm water management guidelines added considerable cost to the site development. This made the project financially unfeasible, and the land has sat undeveloped since. This is unfortunate because there is a strong need for affordable, quality, living spaces in our city, and the high cost of construction makes it prohibitive for most developers to enter the apartment marketplace.

Great Hall Partners is an experienced development group with numerous, successful, apartment projects. They have placed the property under contract, and using their experience and expertise have developed a modified design. This new design provides an improved neighborhood and will be a strong addition to the greater community. It offers:

Safer egress to the subdivision by the addition of a primary entrance at the roundabout at Monad and Shiloh Road

Although this new design requests a reduction in covered parking spaces, It will actually provide more overall parking spaces, with less on street parking

The new design offers Improved traffic flow,  
Increased green space and quality of life for residents,  
An improved storm water retention design at a lower cost of construction,  
Increased areas for snow removal and storage,  
And most importantly it creates quality, affordable, housing units in the Billings community

These modifications do require another slight increase in density, but it will also create a much better overall product for the residents of Billings and the adjoining neighbors. I strongly support the Great Hall Partners variance request.

The Founders of the Lenhardt Square PUD are also in agreement and support of this request. This design is well within the design guidelines of the Planned Unit Development, and it will bring this project into closer alignment with the already built elements of the PUD.

I would like to introduce John Casper from Great Hall Partners to speak.

**John Casper, 1700 42<sup>nd</sup> St S, Fargo, ND**

Currently we have 250 apartment units in different areas. We see the need for well kept affordable housing in the community which led us to Mr. Hanser and this opportunity. We are familiar and have done projects in different communities. There are a few issues that make this project feasible, the storm water retention requirement added costs, which we are able to resolve by increasing the density. We want a safe and attractive project with green space to attract occupants. Our goal is more green space. The project is approved for 237 units as it sits now. The variance we are requesting would allow for more green space, less street parking, more site parking, better access to the development.

Board member Hagen asked what the plan is for storm water retention. There will be an inground boulder storage under the parking area. By changing some of the building locations, a larger green space is possible for community use.

Board member Hagen inquired as to the material to be used for the underground piping. Steel or large PVC is the standard.

Vice Chair Bollman asked the difference in units approved now and what this variance would allow. His understanding is it is approved for 237 now and if approved it would be as many as 300 units.

Currently 237 units are approved, the current plan is to build 282 units, the request is for up to 300 units. The request is an additional 3.6 units per acre. It is currently approved at 13.6 units per acre, the request is for up to 17.2 units per acre. This is inline with other multi-family developments in the area.

**Opposed:**

**Mike Creeden, 685 Clarks River Rd, Laurel, MT**

He recognizes there is currently a large density of people residing in this area. He cares about the community, although he does not currently reside there. He points out there are no shopping amenities, such as grocery stores or gas in the community therefore requiring tenants to frequently leave and return from the development. His concern is the increased density, he questions the reasoning behind the increase. He opposes this matter completely, he believes it to be selfish and a detriment to the community.

**Sonny Kindsfater, 4733 Georgina**

She claims this is to be a gradual change from the apartments and townhouses to single family residences on the west, duplexes and triplexes on the east. In 2016 Janice Lenhardt Rehberg sat at her table discussing where to put in a round a bout for egress off King Ave. According to Ms. Kindsfater, Ms. Rehberg guaranteed her the property in question was to be single family residences. She was unaware of the previous approval of Variance 1282. She is totally against the density increase.

**Anthony Seitz, 4631 Georgina**

He moved to this community 3 years ago. All the lots adjacent to this property are 1 acre lots. He was under the impression the density was to be a little less transitioning to the 1 acre lots, now they want to increase the density. He voiced concerns about City services, such as Police and Fire, being able to serve these areas. The density should be dispersed throughout the City and not all in one place. This is just an attempt to make more money on a vacant piece of land. Plenty of profit is possible with the current approved density. The property values will be ruined if high density is placed on top of single family neighborhoods. It will also ruin their quality of life.

**Sara Creeden, 4733 Georgina**

She is disappointed the Board members did not take the time to read all letters written in opposition. She is concerned with the density of this part of Billings. It is straining the Police and Fire resources. The schools are in jeopardy. There is complete disregard for an established subdivision with no gradual density from the Happy Homes Apartments to the Georgina Subdivision. The original plans called for single family residences on smaller than 1 acre lots and now are proposing townhomes and multifamily residences. She requests plans be submitted with less density, more green space, trails and considerations to City resources.

Vice Chair Bollman reminded listeners only Mr. Hagstrom had voiced an inability to read all letters of opposition. Vice Chair Bollman had read them all.

**Rebuttal: Bill Hanser**

It was frequently mentioned the property adjacent to Georgina was to be single family. This is incorrect, the property was always zoned for four plexes at a minimum. The site plan submitted actually includes greater green space and garden areas. There is a softening density to the Georgina subdivision.

**John Casper**

Access is being approved for residences. Value is being shown for site parking rather than street parking to alleviate traffic issues. The new site plan, in general, is a nicer looking arrangement than the previous plans. The number of units has increased, but the number of buildings has decreased.

Vice Chair Bollman asked if approval was granted would the applicant be agreeable to additional conditions possibly implemented by the Board.

**Discussion**

Board member Mitchell asked if a Traffic Impact Study had been completed. Brian of Sanderson Stewart replied a TIS had been completed for the approved 237 units. The recommendation was to provide a connection from the end of 44<sup>th</sup> Street to Monad. Creating a secondary access and alleviating existing burdens.

Board member Mitchell pointed out the opposition being voiced regarding traffic issues for Georgina and was looking for some completed plans to alleviate those issues.

Georgina to the west is a private easement and not a public road. The road would have to be barricaded to eliminate traffic to the general public. Georgina is proposed as a future collector tying in to 56<sup>th</sup>.

Vice Chair Bollman asked staff if the increased density were approved, would a new TIS be triggered. Staff does not believe it would, however City Engineering would make the determination based on a site plan submittal.

Board member Heinrich asked staff if there are public meetings involved with this Planned Unit Development. No pre-app meetings are required with a Variance. He then asked if Police, Fire and the School District had submitted any comments regarding this Variance application. Staff advised

the application packets are sent out to agents for comments, including Police, Fire and Schools. No comments were received. Board member Heinrich asked if comments were ever received, to which Staff replied in the affirmative.

A caller insisted he be allowed to Rebut in opposition to the Variance. Vice Chairman Bollman denied the request as the caller had already been given the opportunity to comment. The caller insisted he be heard; Vice Chairman Bollman granted the caller one minute.

Board member Mitchell asked if Georgina has been improved to 52<sup>nd</sup>. No, it has not.

The planned access is at the existing Monad with a new planned access at 48<sup>th</sup> and King Ave. There is no plan or advantage to having an exit out of Georgina.

Board member Heinrich confirmed if this Variance is not approved, building in the area is still allowable.

Board member Hagstrom reminded the Board what the new density would be.

**Additional comments allowed, Mike Creeden, 685 Clarks River Rd, Laurel, MT**

Opponents deserve the opportunity to rebutt. It comes down to ¼ acre green space as the buffer zone adjacent to Georgina subdivision. We understand it is going to happen, we do not approve of the increased density. We appreciate the Board chairman having read the letters of opposition, but others did not. There is enough opposition in this matter, all the engineers speaking for this development are being paid by Mr. Hanser, we in the community do not have the funding to hire engineers to speak in our behalf.

At 7:59PM, Vice Chairman Bollman closed the Public Hearing and called for a motion.

**Motion**

Board Member Mitchell made a motion and Board Member Heinrich seconded the motion to approve **City Variance 1324** with staffs findings of fact and to conform to the site plan as submitted agreeing to submit an amendment of the Traffic Impact Study if required by City Engineering.

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

**The motion to approve City Variance 1324 failed with a 3-3 vote.**

**Other Business:** Board member Connell read a written statement regarding his opposition to continuing Board meetings virtually. He contends the public is complaining they are not being fairly heard.

There are 5 Variances to be considered at February's meeting. We should vote on Chair and Vice Chair at this meeting,

Project RE:Code will have a second reading at City Council January 11, 2021.

**ADJOURNMENT: The meeting adjourned at 8:10PM.**

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

## Husman, Karen

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**From:** Tony Seitz <seitzt44@gmail.com>  
**Sent:** Monday, January 4, 2021 1:05 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Variance 1324-Lenhart Square PD Amendment for Jan 6th meeting.

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**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.

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Karen Husman,

My name is Tony Seitz, my wife is Kay Seitz, and we are the property owners of 4631 Georgina Drive which is in the immediate vicinity of the proposed variance change of the 1324-Lenhart Square PD Amendment request.

We strongly oppose the requested change to a much higher density in the proposed development. The reasons for this opposition are as follows:

1. A variance to increase density was already granted in 2018 and we bought our property in 2019 with that understanding. Increasing the density will cause a probable drop in property value. Our present subdivision is 1 acre lots, and the increased density immediately to our East would negate much of the benefit enjoyed by our long time approved zoning.
2. The proposed layout shows the development's street, also called Georgina Drive, tying into our Georgina Drive which is a private easement and no easement is planned to allow that connection. Georgina Drive is a minimally maintained gravel road and a private easement which ends at the property line. No easement from our private road to the proposed development significantly impacts access for the proposed change in density.
3. The proposed decrease in parking and covered parking, along with increased density is somewhat on the ridiculous side. Less Parking and more people will obviously strain congestion and ambiance in the entire area. Police and Fire would be hampered with the resulting street parking congestion.
4. Recent records already show traffic accidents and serious traffic problems at 48th and King which will be dramatically impacted even by the 2018 approved population densities.
5. The variance does not take into consideration the negative effect of greatly expanding the already dense development created the past three years. I think it would be a detriment to the city and the West end to create an overly large, highly dense area. Areas such as dense apartment areas and mobile home parks are more serviceable and less objectionable when they are spread out and smaller, rather than becoming cities within our city. Both law enforcement and fire will agree that an overly dense population causes more problems.

Please ask the Board to deny the change from the already changed density adjustment made in 2018.

Thank you so much for your help,  
Tony and Kay Seitz  
4631 Georgina Drive  
Billings, Montana 59106  
(406) 850-5620

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**Tony Seitz**  
[seitzt44@gmail.com](mailto:seitzt44@gmail.com)  
(406) 850-5620

**Husman, Karen**

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**From:** Fleming, Dennis <Dennis.Fleming@chsinc.com>  
**Sent:** Monday, January 4, 2021 1:19 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Variance 1324 - Lenhardt Sq. Pd

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Dear Karen:

I have been informed of a new variance being proposed that may affect my property on Georgina Dr. The variance is # 1324 Lenhardt Sq. PD.

It looks like the variance wants to increase the maximum density from 10 units to 17. These new units would be built on the west side of existing units. Correct me if I am wrong, but I believe they want to build a road to connect to Georgina Dr. from the northwest corner of apartments.

I purchased property on Georgina Dr. thinking this was a private road and would not extend to these apartment dwellings. I have some concerns about the variance and are listed:

- I do not understand why they would decrease the parking, but increase the density?
- If Georgina Dr. is extended to the apartments, will it be paved? (It looks like the road going north out of apartments to Monad Rd is gravel.)
- Who is going to maintain Georgina Dr. if variance and road is passed, (Most of traffic will come from new apartment units.) I do not want to get stuck with this bill if road stays gravel.
- If Georgina Dr stays gravel that would bring a lot of dust and traffic past my house.
- Would there be a lot of construction traffic on Georgina Dr. for new units?
- This extra traffic would not be conducive to raising a family on Georgina Dr.
- I am afraid that my property value will decrease.
- I am afraid accidents at intersections along 48<sup>th</sup> St. will increase. (these intersections are notoriously bad already)

Please ask to deny this variance.

Thank you 😊

**Dennis Fleming Family Trust**

**Husman, Karen**

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**From:** Dan Dyk <dand.ptl247@yahoo.com>  
**Sent:** Monday, January 4, 2021 11:13 AM  
**To:** Husman, Karen  
**Cc:** Sally Kindsfater; joe dyk  
**Subject:** [EXTERNAL] Variance request meeting

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.

Hello, my name is Dan Dyk. I have a vested interest in the properties adjacent to the Lenhart developments. I'm referring to the "Dyk" properties that immediately border the west. I wish to be part of the January 6, 2021 "Zoom" meeting, 6 pm, about the variance requested by the owner. Requested are dwelling density increase, and reduction of parking available to residents. I will submit comment, sent to you by 1 pm on that day. I wish to be included in other communications, publications, meetings about this variance request, as allowable. My phone is (406) 690-7271. My mailing address is 2301 Azalea Lane, Billings, MT 59102. My email is: dand.ptl247@yahoo.com. Thank you, Dan Dyk

Sent from my iPad

Vari. 1324

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## Husman, Karen

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**From:** William Dyk <williamdyk@yahoo.com>  
**Sent:** Monday, January 4, 2021 11:27 AM  
**To:** Husman, Karen; Tony Seitz  
**Subject:** [EXTERNAL] Variance 1324-Lenhardt Square PD Amendment

**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.

Through: Karen Husman

To Whom it May Concern,

I am a homeowner on Georgina Drive, directly west of Variance 1324 - Lenhardt Square PD. I have been a home and land owner on this street for 28 years. As a land owner who owns property that borders Lenhardt Square development, I oppose the increase in density because of the negative impact it will have on the future development of Georgina Drive and the probable decrease in our established property values.

The land in the variance was already granted an increase in density in 2018. Increasing the density again by such a substantial amount will not only create too much traffic on our neighboring streets, but it will also drop our property values.

The only exit point for the variance is 44th St. (through an existing apartment complex to King Ave.). Based on the request, the variance is asking for an additional 70% increase in density and less parking. This seems highly unreasonable, because the area is already severely overpopulated with only one access point. It seems only reasonable that if you increased in density you would increase parking so the streets would not be congested with vehicles and restrict emergency vehicles. I would think our "arterial street network" should be fixed first to accommodate the already congested traffic between the existing apartment complexes in Lenhardt Square and the apartment complex south of King Ave. So, the request is not well-thought-out, in that it completely overlooks the lack of exit points and already congested traffic.

In relation to the future of Georgina Dr., the variance would negatively impact the property values and future development of the street. With increased population comes more light pollution, noise, and traffic. Each of these factors not only negatively impact Georgina's St.'s future property values but also harms the current livelihood of the street's residents.

Respectfully, I am asking for the board to deny this variance.

Sincerely,

William and Carol Dyk  
4719 Georgina Dr.  
Billings, MT 59106  
williamdyk@yahoo.com  
(406) 698-1132

**Husman, Karen**

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**From:** Mary Dyk <marydyk@me.com>  
**Sent:** Tuesday, January 5, 2021 8:25 AM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Variance 1324-Lenhardt Square PD Amendment comments

**Follow Up Flag:** Follow up  
**Due By:** Wednesday, January 6, 2021 10:30 AM  
**Flag Status:** Flagged

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.

City Of Billings  
Planning and Community Services Department

My name is Mary Dyk. I own parcels D00511, D00510I, D00510H, and am part owner in parcel D00512 directly west of the proposed Lenhart Square Development. I am opposed to the requested variance because:

- \* It will negatively impact the surrounding community by increasing the local population and traffic flow. This is going to directly impact the local long time residents on a daily basis.
- \* The current plan is already going to be a big change to the neighborhood and this variance is obviously wanted to increase revenue for the developers not increase the needs of the community.
- \*The decrease in parking areas will push the traffic onto the street and create issues for local services such as emergency and snow removal. These apartments need more parking space not less.
- \* Creating "Diverse housing stock" as stated by the developer is already being done with the present plan. It tends to bring in a transient community which does not have an ownership in the community at large. This will not be beneficial.

Please consider denying this request for this variance.

Thank you!  
Sincerely,  
Mary Dyk  
Local land owner  
Sent from my iPad

**Husman, Karen**

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**From:** Aileen Kindsfater <aileen.kindsfater@gmail.com>  
**Sent:** Tuesday, January 5, 2021 11:31 AM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Response to Variance Request 1324

**Follow Up Flag:** Follow up  
**Due By:** Wednesday, January 6, 2021 8:00 AM  
**Flag Status:** Flagged

**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.

Ms. Husman and council members,

My name is Aileen Kindsfater and I am writing to you today in response to the variance request 1324-Lenhart Square PD Amendment.

My vested interest in this matter stems from the fact that my family, by marriage, owns the residence at 4733 Georgina Drive as well as a shared ownership of the acreage kitty-corner to this development to the southwest. This variance is directly tied to my husband's childhood home, current place of (home) business, and future place of residence.

To begin, I would like to point out that there was no recognition in the applicant's request that the proposed development is directly adjoining (to the West along Georgina Drive) to a county single-family residence/subdivision. This omission and false classification of the land use as "agricultural" neglected to acknowledge this variance's impact to a community of existing and soon-to-be built single family homes along Georgina Drive.

In 2018, unbeknownst to the above mentioned county subdivision land owners adjacent to this property, both a variance and special request were granted to this Tract within the Lehnart Square PD, increasing the density of the proposed development (see Sally Kindsfater's notes for further detail on the original platting of this Tract). And now today, we have become aware that another variance request of increased density and decreased covered parking has been applied for. Within that application it is stated that the "facts of hardship" are that the variances "are consistent with the immediately adjacent apartment developments". It is my deep concern that this justification, one, lacks any true hardship and two, leaves out any consideration of the **immediately adjacent development** along Georgina Drive.

As a professional engineer who had the privilege of working at Sanderson Stewart for four years, I fail to see the merit of these incremental variance requests to increase density without first requiring due diligence by the planning entities, for instance, to conduct a traffic study, seek consultation/recommendations from emergency services, the mass transit system and school systems--to name a few of the services involved. Just because you state that you are satisfying general criteria such as furthering the goals of the West Billings Plan or have proximity to arterial roadways doesn't mean that those criteria are being thoughtfully implemented or that those accesses are safe and sufficient for the proposed use. How are developers and their representatives being held accountable to the very important goal of *building enduring communities*?

Finally, I find the proposal of increased unit density in conjunction with decreased designated covered parking spaces a counter-productive approach to thoughtful planning. The increased open space that this is meant to facilitate is then offset by the congestion of on-street parking which is a significant detriment to the safety of the residents' personal property as well as traffic safety.

**Husman, Karen**

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**From:** ramona carl <ramonarcarl@gmail.com>  
**Sent:** Tuesday, January 5, 2021 1:10 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Proposal for variance of variance #1282

**Follow Up Flag:** Follow up  
**Due By:** Wednesday, January 6, 2021 9:00 AM  
**Flag Status:** Flagged

**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.

Dear Ms. Husman and Board Members,

As an individual with an ownership interest in, and as an owner of a residential lot on the acreage closest to the proposed development, I object to the proposed modifications to variance #1282, which are requested on behalf of Great Hall Partners in the proposed variance #1324 having to do with the Lenhardt Square Development Agreement.

Please carefully consider the most certain negative impacts the proposed modifications will bring. An almost triple digit increase in density allowance coupled with a big reduction in covered parking availability is far less than optimal for the development of a Billings community.

Greatly reduced provision of covered parking space will result in a problem of ingress and egress needed for deliveries, snow clearance and maintenance of roads, and needed emergency response.

Traffic will be impacted along King Avenue, as those traveling into and out of this high density area will drive directly onto King Avenue, sometimes needing to make the more difficult left hand turn onto King Avenue in order to head east.

Best regards,

Ramona Carl

**Husman, Karen**

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**From:** sally@logotypepromotions.com  
**Sent:** Tuesday, January 5, 2021 4:17 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Response to application for variance 1324  
**Attachments:** Lenhardt Square.pdf; 20210103-137A4554.jpg; 20210103-137A4584.jpg; 20210103-137A4565.jpg; 20210103-137A4553.jpg

**Follow Up Flag:** Follow up  
**Due By:** Wednesday, January 6, 2021 8:00 AM  
**Flag Status:** Flagged

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Response to Application for Variance 1324

My name is Sally Kindsfater. I have lived in the residential subdivision adjoining Tract 5 of Lenhardt Square since 1983. My address is 4733 Georgina Drive.

Each of the 10 plots in our county subdivision is single family, with 1.2 or so acres per plot. (Certificate of Survey 983). I have attached a conceptual master plan for Lenhardt Square, which **Janice Lenhardt Rehberg brought to me in 2016**, as they asked for us to cooperate with their request to the MDT to move a projected roundabout access to enter in their property on King Avenue West. She was adamant that their goal was a community that worked with existing neighborhoods, and that the tract adjoining our land would be single family homes, with duplexes or triplexes on the east portion of Tract 5. Our neighborhood was not informed that any zoning variance had taken place in 2018. I only learned of this last week.

The density of this variance will directly impact our lives. Attached are photos of our neighborhood. Again, I would like to point out that it is a subdivision, and while the unbuilt lots are farmed to maintain them, each is zoned as single family. In the spring of 2021, the 3 owners of lots on the northeast plot are planning to build homes for themselves. They invested in these lots with plans to live in a safe and stable neighborhood. Tract 5 of the Lenhardt Square requesting 17.2 units per acre will impose a hardship on our subdivision, an existing community.

Additional photos show the current state of parking at the Lenhardt Square apartments, and of the multi-family directly across the street. As you can see from the photos, parking is already an issue; traffic is not controlled for access onto King Avenue West. Emergency vehicles, road maintenance and garbage disposal crews currently face hardships in navigating the existing parking and traffic. More high density with less parking will make this hazard even greater.

I urge the board to deny this variance. The volume of high-density projects along King Avenue West between Shiloh and 48<sup>th</sup> Street West are creating a community that will have huge impact well beyond our subdivision. The long-term effects will not be easily remedied for services, schools and traffic.

Sincerely,

Sally Kindsfater  
 4733 Georgina Drive, Billings, MT 59106  
 406-652-1827  
 sally@logotypepromotion.com

**Husman, Karen**

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**From:** Mike Kindsfater <mike.kindsfater@gmail.com>  
**Sent:** Tuesday, January 5, 2021 4:31 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Response to Variance Request 1324

**Follow Up Flag:** Follow up  
**Due By:** Wednesday, January 6, 2021 8:30 AM  
**Flag Status:** Flagged

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Dear Ms. Husman and board members,

My name is Michael Kindsfater and I am writing to you in response to the variance request 1324-Lenhardt Square PD Amendment.

My vested interest in this matter is that my family owns the residence at 4733 Georgina Drive, in addition to a shared ownership of the acreage kitty-corner to this development to the southwest. I lived in and was raised in this residence beginning in 1983, and will be moving back there with my family in the coming years. My concern is for a variety of negative impacts this variance will have on our subdivision.

First is that it requests a decrease in available covered parking while simultaneously increasing the density of residents. As they are allowed currently, there is already a disparity in the ratio of parking to residents. Further increasing that disparity will negatively impact owners in our subdivision and further negatively impact traffic circulation in our area. Nowhere else in Billings has there been allowed the quantity of high-density development that is currently being developed along the King Avenue corridor. Yet, this variance requests a **further** increase in population density—not only without adding sufficient covered parking to accommodate it—but in fact **decreasing** the amount of available parking, creating an even more disparate ratio of parking to population. This is not just a problem of unsightly congested street parking, but a problem of safety due to impacts on traffic and emergency services.

Further, this request does not take into consideration the current and ongoing development of single-family residences along Georgina Dr. There is no acknowledgment of this development in the proposal, and it has falsely classified the adjacent land use as “agricultural.” This would negatively impact all property owners of this subdivision.

I respectfully request that you deny this application. Thank you for hearing my concerns.

Sincerely,  
Michael Kindsfater

**Husman, Karen**

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**From:** janelle schrag <janellesabrat@hotmail.com>  
**Sent:** Tuesday, January 5, 2021 6:43 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Variance 1324

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My name is Janelle Schrag. As a person that has ownership in land directly connected to the land for which a variance is being petitioned for, I would like my objection to be heard and considered.

This Variance is being requested for yet another population density increase after a Variance was already somehow granted in 2018. This new variance is a request to increase population density again by 28.5%!  
The tremendous increase in population density that this variance seeks would have irreparable and destructive results not only for the single home families that are already established and planned for and persons owning adjoining land , but also for those who would be stacked even higher on top of each other.

The infrastructure, which is already compromised, would bring even more problems if this variance is granted. The complete lack of consideration for parking would bring danger to children living here as they would not be seen when outside playing.  
The cramped parking, or lack of parking, would be a nightmare situation for snow removal, school busing, mail delivery, garbage and delivery services, and also emergency situations that are sure to happen with the large increase in population.

Now, just imagine those parked cars when it is time to go to work! Ingress and Egress to King Avenue is already overwrought.  
Adding the increased population density would make traffic even more hazardous than it is now. Dare I say, even a liability...

The single family homes that have been established , were built with an infrastructure to accommodate single family homes. With this Variance being granted it would severely impact the established home life of the adjoining property owners. Property values would decrease as would the quality of the lives of those who worked hard to establish their homes.  
Availability to everyday needs such as grocery stores, healthcare, Fire Protection services, Police patrol and response would all be required to serve too great of population density than would be safe or reasonable.

This Variance is a very poorly thought out request that gives no benefit or consideration to any one but the person making the request .  
There are so many aspects that are detrimental to so many others while giving benefit only to the requestor of this Variance.  
In all fairness and common sense, I strongly request that this Variance 1324 be denied.

Thank you.  
Janelle Schrag

**Husman, Karen**

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**From:** Sara Creeden <sara.creeden@gmail.com>  
**Sent:** Tuesday, January 5, 2021 7:40 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Response to Variance Request 1324  
**Attachments:** Lenhardt Square.pdf

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Ms. Husman and Board of Adjustment,

My name is Sara Creeden and I am writing to you in response to the variance request 1324-Lenhardt Square PD Amendment.

My interest in this matter comes from growing up at 4733 Georgina Drive, where my mother still lives and my future residence is on the same street. We also have a shared interest in land directly to the southwest of the area under review.

I would like to start by pointing out that the adjacent land that the applicant referred to as 'agricultural' is in fact a single-family residence subdivision. These plots have been designated for over 35 years. This misrepresentation is neglectful and disregards the impact to a community of existing single-family homes on Georgina Drive, each with over an acre per home.

This week, I was made aware that in 2018 this land had a variance and special request granted without notification to the landowners on Georgina. The previous variance already increased the density of the development you are reviewing. Now, there is a request for even greater density with fewer parking spaces. With no grocery stores within two miles, and the closest bus route stopping at Shiloh, I have concerns how the people living there are expected to commute. An increase in density should have more designated parking on premises, not less.

At this point, it would appear the area to the west of Shiloh Avenue and King Avenue is about to become the most densely populated area in Montana.

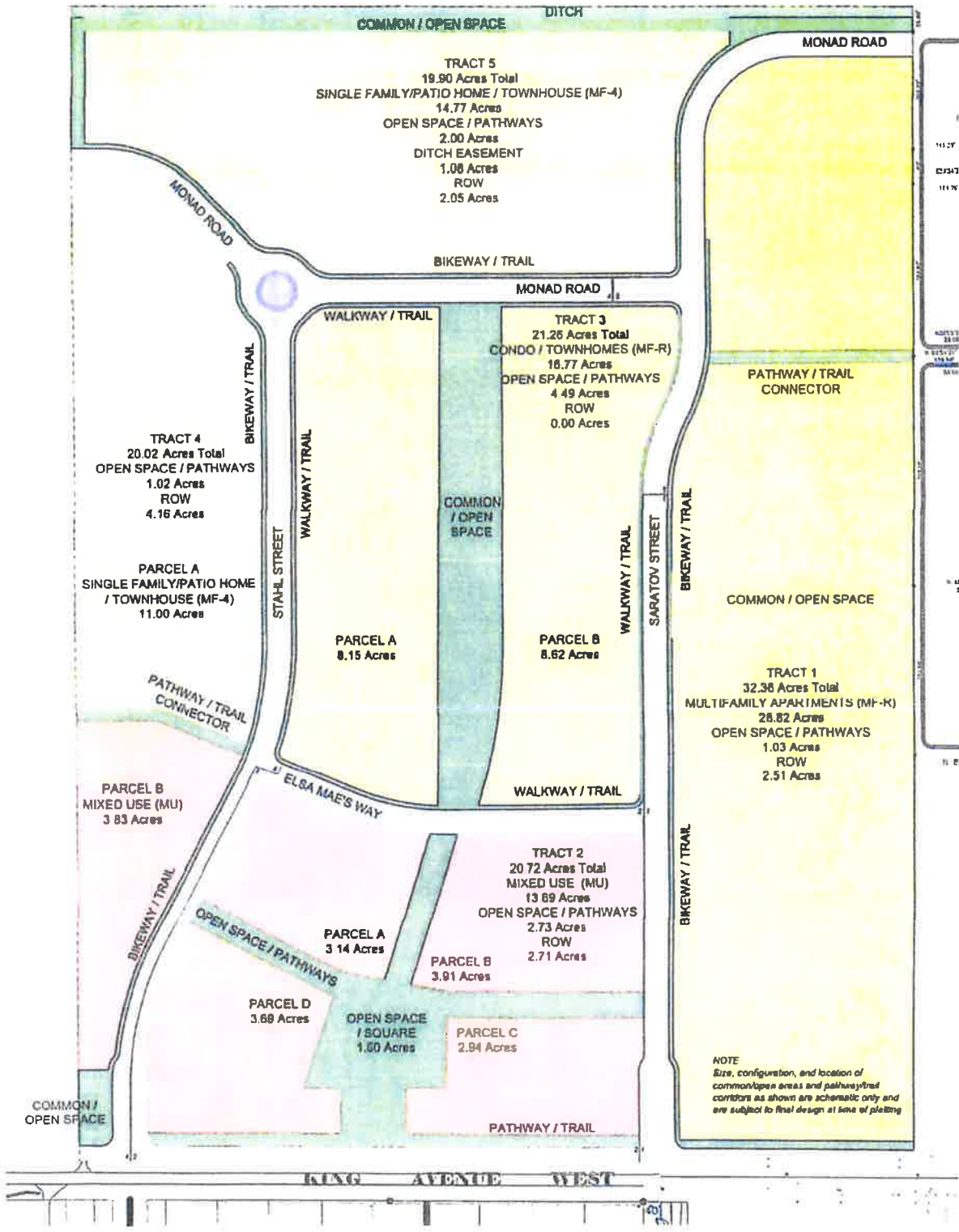
I am attaching to this email the plans that were shared by Janice Lenhardt Rehburg in 2016. These plans included green space, trails, and graduated density that considered the existing single-family community on Georgina Drive and included features that people moving into a growing city look for. This is drastically different from what is being evaluated this week.

Please, deny this variance. It strains an already busy infrastructure, sets unhealthy precedence for future development to gain density without thoughtfulness, and disregards the surrounding community already in place.

Sincerely,

Sara Creeden  
(406) 690-6917  
[sara.creeden@gmail.com](mailto:sara.creeden@gmail.com)

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12

**Husman, Karen**

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**From:** Joe <joevyk@aol.com>  
**Sent:** Tuesday, January 5, 2021 9:33 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Variance 1324

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.

My name is Joe Dyk and I would like to go on record as being against increasing the density of this development. There is not enough parking. Plans are being made to build out the county subdivision immediately west of this project on Georgina street.

The density of the county subdivision was set at 1 home per 1.19 acres back in the early 1980's by my parents. This farm has stayed in the same family since 1964. It is still farmed until a new entity or developer buys it. While we understand that Billings is growing and needs more housing, we don't think the west end needs a new "Cabrinis Greens". Especially next door to a subdivision with houses built 38 years ago. If this Hanser developer is truly concerned about open spaces, there is 65 acres for sale right next door.

Sent from my iPad

**Husman, Karen**

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**From:** Jeff Dyk <JeffD@totalstream.com>  
**Sent:** Wednesday, January 6, 2021 1:42 AM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Response to variance request 1324-Lenhardt Square PD Amendment.

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Ms. Husman and council members,

My name is Jeff Dyk and I am writing to you today in response to the variance request 1324-Lenhardt Square PD Amendment.

My vested interest in this matter is my shared ownership in the Dyk Family trust, acreage that lies directly west and is adjoined to the aforementioned land that is proposing amendments.

My concerns are simple, that increasing density on an already dense dwelling proposal will adversely burden the area with too much traffic and will cause undue burdens on the community being developed to the west of single home dwellings.

Parking is not adequate, cramped conditions would increase liabilities for emergency services to the area, and consequently to the area adjoining to the west.

sincerely,

Jeff Dyk  
2103 Auburn Vale  
Katy, Texas 77493  
281-750-9104

**Husman, Karen**

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**From:** Mary Endicott <janiesings@gmail.com>  
**Sent:** Wednesday, January 6, 2021 9:45 AM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Proposed variance #1324

**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.

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To Ms. Husman and Board Members

On August 14, 2020 I completed the purchase of the eastern most 1.19 acre lots north of Georgina. I am having a house built on this property and will become a resident by early fall 2021.

I vigorously object to approval for variance #1324, requested by Great Hall Partners pertaining to Lenhardt Square. A request for density was already granted in 2018 and this current proposal is for not only for increased density of units but also for reduced parking allowance for inhabitants!

If there are many more units per acre, the parking allowance should be increased, not decreased.

The higher density will affect my property and home because the calm and spacious and visual qualities that drew me to invest in this property and build a home on it will be dramatically reduced.

It should be considered by the applicants that the large number of cars owned by inhabitants will need daily egress and ingress onto King Ave. West. This road is used as a corridor to avoid the congestion of nearby streets and results in speeding. The ingress and egress issue will cause alot of congestion for this area.

I also refer you to Ordinance No.0535 and City Codes, Chapter 4-300. With more units and inhabitants there will be many more dogs. If these pet owners are not in compliance with these regulations it will present a nuisance and possibly danger to surrounding neighbors. The proposed open space does not seem adequate for a quality accomodation for these animals.

I thank you for your time and considerations,

Mary Jane Endicott

## Husman, Karen

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**From:** Bryan Alexander <balexander@sandersonstewart.com>  
**Sent:** Wednesday, January 6, 2021 11:23 AM  
**To:** Husman, Karen; Bill Hanser; David Mitchell; drhagstrom@gmail.com; Jeff Bollman; Mark Noennig; Marty Connell; Oscar Heinrich; Paul Hagen  
**Cc:** Cromwell, Nicole; Bartley, Robbin; Scott Houle; Michael Casper  
**Subject:** RE: [EXTERNAL] Proposed variance #1324 [20215]  
**Attachments:** Lenhardt\_Neighbors\_Ltr\_010621.pdf; Georgina\_Easement.pdf

Hi Karen,

Attached is a letter aimed at addressing a number of the neighbor concerns ahead of tonight's hearing. If it is appropriate, we can send this out to the neighbors in which emails have been provided unless that is best to come from the Planning Division.

Thanks,  
Bryan

**Bryan Alexander** PE

Associate | Commercial Group Manager

t: 406-869-3343  
m: 406-855-8521

[SandersonStewart.com](http://SandersonStewart.com)

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**From:** Husman, Karen <husmank@billingsmt.gov>  
**Sent:** Wednesday, January 6, 2021 9:49 AM  
**To:** Bill Hanser <billhanser@hanserconstruction.com>; Bryan Alexander <balexander@sandersonstewart.com>; David Mitchell <d@cbcmontana.com>; drhagstrom@gmail.com; Jeff Bollman <jeffbollman@gmail.com>; Mark Noennig <mark@hendricksonlawmt.com>; Marty Connell <martyconnell@mconnell.com>; Oscar Heinrich <osclhjr@gmail.com>; Paul Hagen <p\_hagen@bresnan.net>  
**Cc:** Cromwell, Nicole <CromwellN@billingsmt.gov>; Bartley, Robbin <bartleyr@billingsmt.gov>  
**Subject:** FW: [EXTERNAL] Proposed variance #1324

Email number 14 regarding variance 1324.

January 6, 2021

## **Farmstead Apartments Zoning Variance Request 1324**

Dear Neighbor:

We received your letters of concern from the Planning Division and would like to reach out to provide some additional information and clarification regarding the proposed project and associated variance request for the Farmstead Road Townhomes and Apartments.

A majority of the concern centers around the following topics, which include parking, traffic, Georgina Drive improvements and project density. The staff report also identifies the property to the west as agricultural as the zoning at the time of the application was "Agricultural Open" though it is acknowledged that 1-acre residential tracts exist adjacent to Georgina Drive. Each of these topics are described below.

**Parking:** The proposed variance does not include a request to reduce the overall parking count for the development; the overall parking count will meet the requirements of the Planned Development zoning requirements. The variance request is to reduce the amount of parking that is covered/enclosed within the site development therefore allowing more parking on site by reducing the number of garages. No parking on public streets is included in the parking calculations above for the site. A further benefit of the new parking design allows for additional snow removal / storage locations on site.

**Traffic:** The proposed project, as stated in the application, will increase traffic generated from the site as there will be increased density; however, not by much more than is currently approved. The project will necessitate extension of 44<sup>th</sup> Street West to connect into Monad Road within the St. Vincent's Subdivision. This will provide a connection to the roundabout at Shiloh Road and Monad Road and provide a second connection to the arterial road network. Most, if not all, of the traffic from this development will use Monad and Shiloh as egress points which are created by this development. The creating of improved egress on to Monad will alleviate current traffic on South 44<sup>th</sup> St. / King.

**Georgina Drive:** The proposed site development will require the construction of Georgina Drive along the property's frontage as required for any development of the property. Georgina Drive is a dedicate right-of-way and is identified by the City of Billings as a proposed Collector that is planned to extend from 44<sup>th</sup> Street West and eventually connect to 52<sup>nd</sup> Street West. We understand that Georgina Drive to the west of the project site is located within a private easement. A road closed barricade, as approved by the City of Billings, will likely be necessary to prevent traffic through the private roadway.

**Project Density:** In our work with the Lenhardt family to develop this property we have attempted to increase parking on site as well as increasing the green space within the project. To create a more open and green development we are requesting to increase density by only 3.6 units/acre which will give us the ability to provide a more community focused development. Also, since the original plat of this property, the City of Billings has revised the stormwater management requirements, which has increased the cost required to develop this site. Our goal is to provide a community in which not only the residents can have a great quality of life but also any and all that work and live around the area.

**Husman, Karen**

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**From:** Lorna Dyk <lornadyk@gmail.com>  
**Sent:** Wednesday, January 6, 2021 12:28 PM  
**To:** Husman, Karen  
**Subject:** [EXTERNAL] Response to Application for Variance 1324

**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.

**Response to Application for Variance 1324**

My name is Lorna Dyk. I have ownership in land directly connected to the land for which variance 1324 is being petitioned. I am opposed to this request in its entirety, and would like the following to be considered in your review and decision-making.

The requested variance includes a proposed increase in population density from what was approved in 2018 for the developments that currently exist. In taking a drive through tour of these communities this past weekend, it is evident that there are difficulties in accommodating the needs of their tenants already at that population density. The development is attractive to tenants experiencing life transitions, rather than individuals seeking to establish a community and become a neighborhood. The single entrance to the development is lined with vehicles not able to be accommodated around the existing buildings. At the north end of the development vehicles have collected in areas without paving or evidence of [LD1] any development. It is my understanding that the requested variance will increase the population density by almost 30%, to that of an urban-like development rather a neighborhood community. The additional increase in population density will only amplify the evident lack of greenspace and spaces to accommodate the children and pets safely of residents and their guests. The significant increase in population density that is being requested will result in a neighborhood that is attractive to crime and difficult to provide adequate surveillance. This impact will have be felt by existing residents as well as single family residents owning the adjoining properties.

Driving west on King Avenue between Shiloh and 48<sup>th</sup> Street west also highlights the challenges of ingress and egress from the existing developments with the current population density. Frequently throughout the day there is a lineup of 5 to 10 drivers awaiting opportunity to turn onto King due to traffic volume. A further increase in population density as well as the amount of space devoted to high density development will only further amplify the challenges for drivers to enter onto King Avenue, even making the situation hazardous. The necessary infrastructure to make travel in this area safe for drivers **is not** in place.

The second aspect of this variance request that I would like to voice my strong opposition to is the request for decrease the parking requirements to 0.75/ residential unit. This request reflects that each resident will not have a vehicle in need of covered parking, or that the vehicles of those residents and their guest will be able to be accommodated by street parking. This does not make sense. If this variance is approved the challenges for snow removal, emergency access, busing support for families, as well as other transportation services and supports for residents will be challenging if not impossible.

As a result I am strongly requesting that variance 1324 be denied, as it appears to benefit only the desires of the requesting party and does not take into consideration all of the adjacent land uses and impacted neighborhoods.

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[LD1]

**Husman, Karen**

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**From:** Dan Dyk <dand.ptl247@yahoo.com>  
**Sent:** Wednesday, January 6, 2021 12:50 PM  
**To:** Husman, Karen  
**Cc:** Sally Kindsfater; joe dyk  
**Subject:** [EXTERNAL] Variance 1324

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.

My name is Dan Dyk. I oppose this variance. The requested street-only parking is inadequate. Requested increase in density is excessive. I oppose Congestion on main ingress / egress through ways is already a community problem. Georgina, to the west, is a single family country subdivision platted with 1.25 acre homesites in the early 1980's, by my parents, Art and Myra Dyk. The main access to this subdivision is Georgina, dead-ending at the east side of the "Dyk farm". Ownership has been within the family. Plans for construction of new single family country homes are in progress for both sides of Georgina The requested variance would negatively impact property values, safety, community quality of life. This 3-story agglomeration of multi-family apartments resembles an oceangoing cargo ship placed on a small inland pond. Housing is needed, granted. Planning and zoning boards should not approve these variances. Original vision for Lenhardt plaza projected townhomes on the property in question. I urge returning to that Vision, or even lower density, for the sake of the immediate and wider communities.

Sent from my iPad