

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1331 - Project # PLNX-21-00083

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings Zoning Regulations.

PROPERTY TAX ID # D01951A CITY ELECTION WARD # 3

Legal Description of Property: Essmann Subdivision (21), S20, T01S, R26E, Lot 1

Address or General Location (If unknown, contact City Engineering): Northeast of the intersection of Blue Creek Rd. and Santiago Blvd.

Zoning Classification: CMU1

Size of Parcel (Area & Dimensions): 27,907 sf (0.64 ac)

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: Variance to not have to build to corner.

Facts of Hardship: There is a FEMA floodplain on the western third of the property and the property slopes from east to west making it nearly impossible to build on the lot.

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

Owner(s): No Cash Water, LLC
(Recorded Owner) P.O. Box 80945, Billings, MT 59108
(Address) (406) 591-1101 jeff@jeffessmann.com
(Phone Number) (email)

Agent(s): Robert Neihart, PE
(Name) 608 N. 29th St., Billings, MT 59101
(Address) (406) 384-0080 rob@performance-ec.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: [Signature] Date: 3/26/2021
(Recorded Owner)





April 2, 2021

Board of Adjustments
2825 3rd Ave. North
Billings, MT 59101

Dear Chairperson,

On behalf of Ess-Tech, LLC, Performance Engineering, LLC, is writing to request a formal variance from the City of Billings Zoning Code. The property in question is located at 2007 Blue Creek Road, Billings, MT 59108, currently zoned CMU1. The Owner intends to develop the lot with a 5,400 square foot building and parking lot as illustrated in the schematic. The building will include shop/storage units and retail space. Current CMU1 regulations require a lot to have a Front Build-to Zone of 5 to 20 feet. Due to a FEMA designated floodplain on the western portion of the property and topographic constraints on the lot, meeting the build-to zone would be nearly impossible. Attached is a site map showing the proposed layout of the development.

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

The tract of interest is zoned CMU1 which requires a front build-to zone of 5 to 20 feet. The western third of the lot (technically the front) is in a FEMA designated floodplain. In order to build a structure within that floodplain would require the building to be built 2 feet above the Base Flood Elevation (BFE). In addition, the lot slopes from east to west which makes it nearly impossible to construct the building high enough and still provide drainage away from the building and into the stormwater collection system in the parking lot. We are requesting a variance from the front build-to zone requirement to allow for the construction of a building and parking lot to be built on the existing lot. The property can be built out to meet the remaining criteria set forth in the new zoning regulations.

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

The proposed development plan is to construct a building that will include space for shop and retail space. The project fits within the neighborhood, with a gas station/convenience store to the north, a water fill station to the east, and storage units to the south which are all zone commercial. This area of Blue Creek Road is a prime location for a development such as this, with easy access to Blue Creek Road and the great Billings area. CMU1 will allow this type of development, but the property does not allow for a building to be constructed on the front of the lot due to the floodplain and site topography. Developments of this type is at a premium with supply short of demand. The project allows the owner to meet that demand while increasing property values, resulting in increased tax revenue for the City of Billings.

C. Explain any demolition, construction, or reconstruction intended for all structures.

The property is currently undeveloped. The proposed development includes the construction of a 5,400 square foot building with associated site infrastructure such as a parking lot, curb and gutter, landscaping, water/sewer services, and a stormwater conveyance system.

If you have any questions or concerns regarding the application please do not hesitate to contact Robert Neihart, PE by email at rob@performance-ec.com or by phone at (406) 384-0080. We look forward to discussing the proposed variance with you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Neihart', is written over a faint, illegible background.

Robert Neihart, PE
Project Manager