

From: Krysta Buska <kbuska406@gmail.com>
Sent: Wednesday, February 23, 2022 10:22 AM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>; Plecker, Monica <PleckerM@billingsmt.gov>
Subject: [EXTERNAL] Re: Conditions of approval for zoning variance

Hi Nicole,

We plan to attend the meeting on March 2nd. However, I wanted to send you our rebuttals just in case we are not able to attend. We recently welcomed a new niece into the family and have another family member in poor health.

We can see that this has not been an easy project and that you have put a tremendous amount of consideration into this. Thank you very much for working with us. We know it has been a difficult process. My husband and I respect and appreciate your work and effort. I am leading with this because my husband is very firm and direct in his position on this issue. He works in real estate and so has very strong opinions on this project. The following may have an irritable tone, but we hope you know that this is not at all a personal attack on you.

I would like to start with our general rebuttal to disagreeable neighbors. Below I have addressed a response to your numbered items.

There has been concern with the impact of the two-story structure on the adjacent properties. We believe our neighbor to the south has been the most vocal. However, we have had support from some of our other neighbors and we believe their opinion should hold as much weight. We think compromising our project to appease Don is unnecessary. We do not feel that he should have any say in what is done with our property. We don't feel that the compromises you have put forth will keep Don happy. He seems entitled to have authority over our property. He did call me directly after receiving the letter regarding the variance and I wish you could have heard the language he used during that call with us. Instead of directing his objections through proper channels to your office, he called and essentially verbally attacked me and was very insulting to both me and my husband.

The height of the two-story structure is within city code. Don takes exception to the structure because it will block views that he has no right to. This "view" was not part of a purchase agreement for his property. Our lot is located on an arterial road. For this reason, we must deal with quite a bit of noise and capped property values. We accept these limitations of our property. Don should accept that his property has the limitation of being downslope from our property and therefore his view is not protected.

I would now like to individually address the numbered points from your previous email.

2. I believe the compromise to reorient the building would make our diagonal neighbor to the south, Eddie Schmidt, just as unhappy as Don has been with the project. I would also assume that this will be less desirable for our east neighbor, Nicollete Schuman. She is less likely to be as vocal about her objection than Don, but we believe she would have objections none-the-less. In any case, none of our neighbors should have direct authority over the project as this is not their property and we do not believe they have a right to a view. We have paid for our air rights by purchasing the property. We would essentially be transferring our property rights to Don by compromising our project; we do not intend to do so.

4. If the orientation of the building were to remain the same, we would be willing to compromise on the height of the south facing windows as to not directly look over into Don's property.

5. We are opposing the reorientation of the building as this puts the north facing wall of the new residence directly up against the existing deck. We think it is self-explanatory why we would oppose this.

6. We think adjusting the allowable set back from 5 feet to 12 feet simply to appease a complaining neighbor is unnecessary. We have a right to peaceful use and enjoyment of the property we paid for, which is an inherent property right. We believe this set back is only being proposed to appease Don.

9. We feel you are asking us to give away our rights and the rights of future property owners into perpetuity. Material compensation should come from Don directly if he wishes to benefit from our air rights. We would be willing to sell our air rights to him or any other neighbor who disagrees with the project as it has been initially set out.

We feel that any hesitation to approve our variance request would be done in sole hopes of appeasing one begrudged neighbor. We do not feel that he should have such influence over our property. We have planned this project because our lot is dated. Our first concern is providing a reasonable living space for our growing family. If the current property doesn't work for us today, it won't work for families and residential buyers in the future. As you can see from the aerial views, our lot is rectangular. Your proposed change to the orientation of the new building makes use of the lot even worse than it is currently. We cannot see ourselves following through with the project as you have proposed. We would likely plan to build a new garage where the existing one already sits within codes, which would likely upset Don just as much.