

Staff of the City/County Planning Division

Re: City Variance 1342

Project Number: PZX-22-00031

From Camrin Koenig, 5800 Lexington Circle, Lumberton, TX, 77657.

I **object** to this requested variance. My parents, Verlin and Diana Koenig, live at 2612 Rimrock Rd (directly east of the proposed variance). My daughter and I flew from Texas to visit my folks this week (2/12 - 2/20/22). I haven't seen them since the beginning of the pandemic. My father was diagnosed with a terminal cancer last month; hence our visit now. This entire trip, they have been quite upset due to this variance letter (received 2/12). This is NOT providing them **quality of life** right now, not to mention if this project is allowed to proceed.

### 1. Width Variance grossly in violation

Per the existing Billings residential zoning laws for area N3, the minimum width spacing required per lot (between primary residences on properties) is listed as 65'. Their variance request is poorly written and confusing (purposefully?), at one point referring to it as a second primary structure (on written application form 1342), and at another calling it an accessory building. The physical layout of the properties involved here needs to be scrutinized. See attached photos that show the resulting over-congestion. Their request does not make logical sense. If it is an accessory building, it also grossly violates height zoning laws. This should **never** have been allowed to proceed to a variance request, as it grossly violates the established zoning laws.

### 2. False claims and deception in the DeVries' variance application

- i) Small existing residence, 1,304 sq. - NO - 34.4 x 38 just captures their *upstairs sf.* They have 2 floors; they rent out the basement - which is 958 sf, plus furnace room. Total: 2,390 sf (realtor.com). They also have an attic, with two rooms and windows? Is Billings receiving it's due property taxes on that residence now? Since this is a DUAL residence currently; y'all should revisit the width variance.
- ii) Small existing garage - NO - it is 28 x 21.5' ~ 602 sf. They use it now; but if not happy with 2 cg, then maybe a good compromise would be to rebuild it, without adding an apartment complex on top.
- iii) Large Slope down the driveway - NO. The grade is a gradual slope.
- iv) Shared Driveway - NO. The DeVries **do not** have a "shared driveway" as their application purports. I've shoveled snow for several years when visiting my folks in the winter, and I can assure you of the understood property boundaries. They routinely park their 2nd vehicle in their garage, with their other parked in their driveway, and the renters parking just about everywhere else they can think of, other than on my folk's driveway (despite the "Don't Tread On Me" flag that the DeVries fly on the front of their property, they have some common sense and know better than to park on my folk's driveway ).
- v) Inconsistent Language - in the application, they ask for a 2nd Primary Structure, 2nd Primary Residence, and then finally refer to it as an Accessory Building. This is sloppy and misleading.
- vi) Incomplete Information - the submittal drawings lack vital information; dimensions, etc.

### 3. Hardship claim is without merit

The DeVries are claiming a hardship. This is not a hardship. They are both gainfully employed. They complain about "red tape regulations and codes creating a shortage of options". I vehemently disagree and believe whole heartedly that they are looking to *capitalize* here. Per realtor.com, they purchased that property on 9/12/2016 for (\$198,500 - a veritable bargain). Their comment of being priced-out of the current Billings real estate area impacts everyone in this city; they are not unique and **do not** deserve some unique treatment. I don't believe this request

is in keeping with the intent of the zoning changes; which happened since they moved in, which would allow them some things to do. Why in the world do they also then need a variance? Give them an inch, and they are wanting a mile. Their greed would in fact create several other REAL hardships if allowed.

#### 4. Existing Renters

The DeVries have renters in their primary residence now. They cannot successfully argue that they prioritize families. They claim they want to "provide for a family to take care of aging parents on-site". If they truly cared about aging parents, they wouldn't be putting this stress on MY aging parents right now (aged 75 and 78). If they want the "comfortable living situation" for their family, then they should remove the renters they have now! Instead they intend to build an apartment dwelling, in order to further build income through additional renters. Since their home now is basically functioning like a duplex, what makes them think they can add *more* units?

#### 5. Congestion

This would put severe congestion right on the property line, not to mention with the lack of an alley, how it would intrude on the southern neighbors. The DeVries never bothered to contact any of their neighbors by any means prior to this claim. The "modern tastes and amenities for housing" is in stark contrast with shoe-horning in a 2nd primary residence above a 4-car garage right up against the existing one-family homes in the immediate area.

I met with a next-door neighbor to the south, Don Bergeron, when he came by (my folks were out receiving medical care). He has investigated all the "nearby properties" that the DeVries claim are using their lots similar to what they propose doing. In none of those occurrences is such an establishment as they propose found. It would be a mistake to accept what they are proposing here.

#### 6. Compassion plea

My folks moved into 2612 Rimrock Rd, to be their retirement home. They selected this precise neighborhood here in Billings because it was a desirable location, in a place where they had family and friends. They've lived here by themselves in this home for over the past 12 years, and purchased the place from Rita Lewis. My folks are highly reputable and upstanding citizens, and are life-long Montanans. The demographics of this neighborhood will show similar results. All these neighbors bought their homes understanding and abiding by the rules in place at the times they purchased their homes. These neighbors have worked their entire lives to enjoy their homes; they haven't violated any rules and don't deserve the negative consequences they would suffer if this variance would be allowed to pass. The surrounding neighbors do not deserve to be at the brunt end of the DeVries' money-grab, and without question the neighbor's property values would all go down if this were allowed; some worse than others. This is a nightmarish joke that can not in any way advance public health, safety, or general welfare

#### 7. Aside

This is not how I'd wanted to spend this valuable time. Where do I send the bill for **my** travel, air flight, and loss of quality time? I'd like to believe that the point of recent zoning changes wasn't to allow people to be unreasonable and do things that would be compromising to others. I and my sister Nancy Senitte will eventually inherit our parent's property. My main concern is for my parents right now; but of course this impacts the future as well.

I would appreciate it if the City/County Planning would take these concerns very seriously and **turn down this variance request**. Thank you for your consideration.

  
CAMRIN KOENIG

**Picture 01.** View facing West out 2612 Rimrock property, onto 2622 Rimrock property. With the way my folk's house is situated, the 2 story Apt w/ 4 car gar would completely blot out their only view from Living Room.



**Picture 02.** Rough visualization of approximate area blotted out by proposed Apartment & 4 car garage



**Picture 03.** View from 2612 Rimrock Rd, facing Northwest, into existing primary residence at 2622 Rimrock Rd. Area northmost (red) was recently paved lawn of 2622.

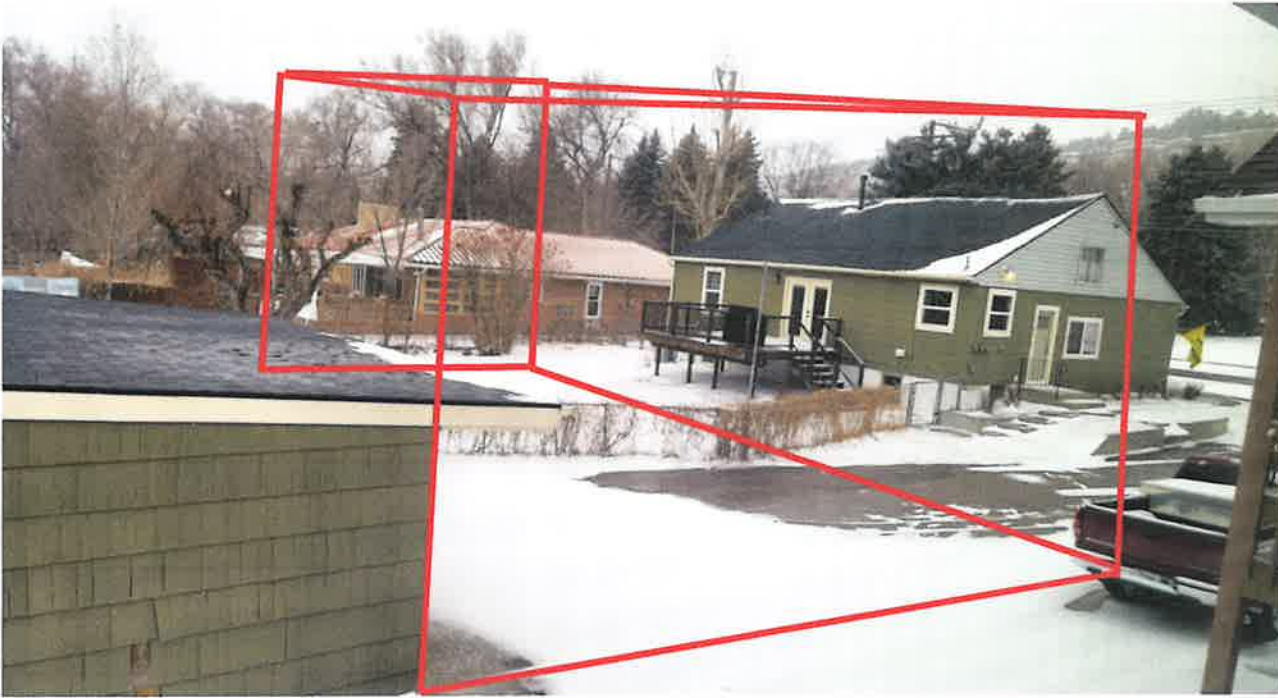
Blue boundary is approximately where they propose to park 3 vehicles, along with the red spot? That's not going to work.



**Picture 04.** View from SW corner office of 2612 onto garage of 2622. Asbestos shingles? Abatement concerns. Don's view N (rims) from south property would be wiped out.



**Picture 05.** View from southwest corner office of 2612 onto garage of 2622. Rough visualization of approximate area blotted out by proposed Apartment & 4 car garage. View of Rims blotted out.



**Picture 06.** Mr. DeVries' black truck parked on his driveway; Verlin Koenig's maroon truck parked on his driveway. Yellow "Don't Tread On Me" flag ironically flying from 2622 Rimrock Rd property.



**Picture 07.** View from north between 2612 and 2622. Rough visualization of approximate area blotted out by proposed Apartment & 4 car garage.



**Picture 08.** Rough visualization of approximate area blotted out by proposed Apartment & 4 car garage. Goodbye sunsets; hello additional renters and who knows what else...



**Picture 09.** Clearly existing garage is able to easily accommodate a modern SUV; Don's house directly behind their garage.



**Picture 10.** Existing renter's vehicle out front/with separate side entrance.

