

Re: City Variance 1342
Project Number: PZX-22-00031

From Diana Koenig, 2612 Rimrock Road, Billings, MT 59102

My husband and I HIGHLY object to this requested variance.

In trying to find the city planning variance criteria, we referenced the Planning Boards Handbook page 17. It lists under variances:

1. Relaxation of requirements
2. "Undue" hardship
3. Economic hardship alone is insufficient
4. Unique conditions on site
5. Cannot violate other regulations, increase public costs, adversely affect public health or safety

I would like to address these issues per each number:

1. **Relaxation of requirements-** Ms. Buska/DeVries, in her own handwriting, gave false information on her application for a variance. She is asking for a width variance. She stated her lot width as **90 feet!** That is false! We have a copy of the City/County Plat lot 11 Bridger Square, 7th filing showing only 84.5 feet in width of her lot. This alone should be a reason to **DENY** the variance! They need a minimum of 130 feet for two dwelling units on this property. **They are short 45.5 feet in width.** She also wants a height variance per the architecture drawing. They state this is because of the "large slope" of the property from north to south (which I will address in item #4) which is also a false statement.

2. **"Undue" hardship-** The hardship case statement on the Site Plan 1 states the "small existing residence and small garage does not adequately meet the family needs, vehicle needs, because the property shares an access driveway with neighbor." That is false information. We own lot 10 directly to the east of their lot number 11. We own our drive and they own theirs. **There is NO easement with them to use our drive.** This is another reason to **DENY** the variance. Their proposed variance will not change their access in and out of their property. The DeVries primary residence (recently remodeled) may be 1304' on the MAIN floor as shown, but they have a full two bedroom apartment in the basement that has 958 square feet that they could utilize as living space for themselves rather than a rental as they use it now.

3. **Economic hardship** - They say they have been "priced out of the current Billings real estate market and need to provide a COMFORTABLE living situation for their family." **She is a board certified Physician Assistant and he is a Real Estate agent. He was involved in marketing his family wagyu beef and probably still is. How can they call that a hardship?** They are using this situation as a way to gain more rental income for themselves!! Evidently they aren't priced out of the rental business. Clearly they only want to capitalize on the situation with no regard for the neighborhood. At one time they told us to contact the Debizel Property Management Company to complain about their renters cutting through our property because they weren't going to address it with the renter themselves. They have used the Debizel Property Management Company to handle their basement rental.

They are complaining about "red tape regulation and codes have created a shortage of options" for their "modern growing family." How is that a hardship? Aren't they going to have to follow those same regulations and codes for an apartment complex building?

4. **"Unique" site conditions** - They state the slope of the lot as a reason for the height variance on the apartment complex. From the Billings rimrocks south to Colton Blvd. and Grand Avenue, is a gradual slope for the lots in this area. Most lots are sloped and theirs is a very gradual slope like others in the neighborhood. Many homeowner lots have narrow driveways. This is not unique to them, for this reason the variance should be DENIED. This variance will not correct their driveway situation. It will make it worse with more cars and trucks coming in and out of their drive unto Rimrock Road. In the past some renters have had to park their extra vehicles on West MacDonald Street and Beth Street, both narrow over crowded streets with many parked cars there already.

5. **Cannot violate other regulations, increase public costs, adversely affect public health or safety** - The DeVries think these changes would be in keeping with the 'current character' of the neighborhood. NO, it will downgrade our neighborhood! We will all lose resale market value of our homes. Why should the neighbors lose value while the DeVries gain? We don't need to squeeze in an over large APARTMENT complex with no regard on how it will negatively affect the neighbors who live in the direct vicinity with loss of views, sunlight, privacy and extra congestion of vehicles accessing the property. There is only one entrance to this lot; there is no alleyway separation to the south of the lot either. This will create a safety issue when vehicles from four dwelling units on that lot are trying to come in and out of their narrow drive unto Rimrock Road; especially when the road is often icy in the wintertime or has a berm of snow in the middle of the road.

Another safety issue is the problem of renters and owners cutting across our property to exit or enter from Rimrock Road. One rental lady was particularly bad about crossing through our property even after being told not to. Her children would also cut through and then we had to worry about children loitering in our drive when we backed out of our garage. One of the previous owners had lawn removed in front the DeVries lot for a parking pad for the basement rental. Those construction workers had no regard for our property and ran over our mailbox while unloading heavy equipment on our property without permission. These aren't the only incidents. There have been many trespassing violations. Our property is NOT for their convenience in entering and exiting their property. It is for our use. Their drive is for their use. . If this variance passes, there needs to be a **CONDITION placed on it stating that the DeVries erect a permanent 6 foot fence (not chain length or wire mesh) the full length of the property from the north to the south on their side of property line before construction/destruction begins.** In no way should we as direct neighbors have to pay for that!

As to their plan for demolition of the old garage (in which they currently park their modern SUV), we suspect the siding on the garage is asbestos shake siding and may need to have special abatement conditions met for removal. Construction workers will have a difficult time accessing the worksite with equipment. WE WILL NOT ALLOW them to have any construction vehicles parked on our land or drive across it. No concrete trucks, pump trucks, workmen, large debris containers or porta-potty, etc. will be allowed to park on our land or drive across it. Where are all these construction vehicles going to park during construction without causing serious disruptions on Rimrock Road?

Where will they tie into the sewer and water lines? The DeVries current house has had problems for years with plumbers over there often for sewer backups and damage to the basement. The owner that lived there

a dozen years ago had to tear out all the sheetrock in the basement apartment because of sewer water damage. We understand that some of their old pipes had collapsed, whether from age or tree roots, we don't know. And yet, we still see plumbing trucks there periodically.

The architectural renderings of the proposed apartment are lacking. They don't provide enough details for dimensions and provided no floor plan schematic for the upper unit or is it units? Is this because they don't want us to know the true size of the apartment complex??

Please seriously consider our objections. These changes would cause our home to **lose resale value**. Our house sits back south behind our attached garage on the north of our lot. Thus the front of our house faces west which would be facing right into the side of this apartment complex. We would lose our south and west sunlight access and our daylight windows in basement would also be in shadow. We purchased this home in 2009 for our retirement home knowing it was a well established neighborhood with single family homes and with fully filled in lots. We are both in our mid to late 70s. My husband is being treated for cancer at this time and we are dealing with infusions and the stress of a terminal illness. We certainly don't need additional stress of this enormous change in our living conditions.

We ask the City/County Planning Division to deny this request for a variance that asks for 84.5 feet in width to be considered adequate for a required 130 feet minimum width requirement.

Based on the facts and findings in this letter, we would truly appreciate if the City/County Planning Division and the City Board of Adjustment would take our concerns very very seriously and **DENY this variance request**. Thank you for your consideration.

Sincerely,

Diana Koenig