



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, December 7, 2022, 6:00 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

****ATTENTION****

In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: bartleyr@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**.
 - All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Administrative Secretary Robbin Bartley at bartleyr@billingsmt.gov or 406-247-8676

Call the meeting to order.

Introduction of City Board of Adjustment Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of October 5, 2022.

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **City Variance 1351 -- 403 Main Street -- Target -- Wall Sign Variance** - A variance from 27-1407.C -- Table of Allowed Attached Signs -- allowing only one wall sign on a single tenant structure to allow a second wall sign in a Corridor Mixed Use 2 (CMU2) zone, on Lot 2, Block 1 of Heights Town Center Sub, a 12-acre parcel of land. The purpose of the variance is to allow the replacement of existing wall signs with new Target signs.
- b. **City Variance 1352 -- 198 Mountain View Blvd -- Detached Garage Yard Location and Setback** - A variance from 27-306 -- Table 27-300.5 requiring the location of a detach accessory building to be in the rear yard and from the minimum front setback of 20 feet for any structure to allow a front yard location and a 0 (zero) foot front setback for the reconstruction and expansion of an existing detached garage in a Suburban Neighborhood Residential (N3) zone, on C/S 575, Parcel 39B, a 10,790 square foot parcel of land. A previous variance for this structure was approved on July 1, 2020 . The applicant could not start the project within the time period allowed due to COVID 19 materials and labor shortages.

- c. **City Variance 1353 -- 426 Indian Trail -- Detached Garage Yard Location** - A variance from 27-306 -- Table 27-300.5 requiring the location of a detach accessory building to be in the rear yard to allow a side yard location for a new 994 square foot detach garage in a Suburban Neighborhood Residential (N3) zone, on Lot 15, Block 5 of Spring Valley Sub, a 14,392 square foot parcel of land.
- d. **City Variance 1354 -- 5821 Shooting Star Trail -- Lot Coverage** - A variance from 27-306 -- Table 27-300.5 requiring a maximum of 40% lot coverage to allow a maximum of 2,498 square feet of lot coverage (~41.5%) for a proposed addition to an existing residence in a Suburban Neighborhood Residential (N3) zone, on Lot 7, Block 3 Trails West Sub 1st Filing, a 6,030 square foot parcel of land.

Other Business/Announcements

Adjournment

The City Board of Adjustment will hold its public hearing in the 1st Floor Conference Room at 2825 3rd Avenue North (Miller Building) starting at 6 pm, December 7, 2022. All interested persons are invited to attend in person or view the meeting on-line on the Billings-Planning & Community Services Facebook Page here; <https://tinyurl.com/yckr478k>

A public comment phone line is available for on-line viewers to provide testimony during the specific Public Comment periods announced by the Chairman during the hearings. The call in phone number is (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. **Written comments may also be sent to Board via email to cromwelln@billingsmt.gov or bartleyr@billingsmt.gov before 1:00 PM on December 7, 2022.** All emails received prior to this time will become part of the record for the public hearing.

Additional information on this application is available on-line at <https://www.billingsmt.gov/2361/Current-Zoning-Applications> or in the Planning Offices at 2825 3rd Ave N -- 4th Floor.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@billingsmt.gov

City Board of Adjustment
Meeting Date: 12/07/2022

Information

Subject

The minutes of the Board meeting of October 5, 2022.

Attachments

BBOA_2022_1005

CITY BOARD OF ADJUSTMENT

MINUTES October 5, 2022

Name	Title	01/05/2022	02/02/2022	03/02/2022	04/06/2022	05/04/2022	06/01/2022	07/06/2022	08/03/2022	09/07/2022	10/05/2022	11/02/2022	12/07/2022	
David Mitchell	Member	1	-	1	E	E	E	1	E	-	E			
Dave Hagstrom	Member	1	-	1	1	1	1	1	1	-	1			
George Warmer	Member	-	-	1	1	1	E	1	1	--	1			
Jeff Bollman	Vice Chair	P	-	1	1	E	1	1	1		E			
Oscar Heinrich	Chair	1	-	1	1	1	1	1	1	-	1			
Chris Hayes	Member	-	-	-	1	1	1	E	1	-	1			
Josh Sayer	Member	-	-	-	1	1	1	1	1	-	1			
TOTAL NUMBER OF APPLICATIONS 2022		01/05/2022	02/02/2022	03/02/2022	04/06/2022	05/04/2022	06/01/2022	07/06/2022	08/03/2022	09/07/2022	10/05/2022	11/02/2022	12/07/2022	TOTAL
Variance		2	-	3	1	*2	1	*3	*2	-	1			11

*1 Returning variance

Chair Heinrich called the meeting to order at 6:00 p.m.

Chair Heinrich 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: Vu Le

Public Comment

Chair Heinrich opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none.

Approval of Meeting Minutes

Meeting minutes for July 6, 2022 and August 3, 2022 were approved unanimously.

Disclosure of Exparte Communications:

Disclosure of Site Visits: Chair Heinrich visited the site

Disclosure of Conflict of Interest:

Public Hearings

City Variance 1350 – 3032 King Ave West – Reduce Front Lot Line Coverage - A variance from 27-406 – Table of Site and Structure Regulations A.3 – requiring a minimum of 50% of the front lot line to be covered by a building façade to allow 30% front lot line coverage in a Corridor Mixed Use 2 (CMU2) zone, on Studer Acreage Tracts Sub 822, Lot 3B, Amended, a 63,461 sf parcel of land. The purpose of the variance is to allow the construction of a new Panda Express with a drive through. Tax ID: C03640

Recommendation:

Planning Staff is recommending **conditional approval** based on draft findings of the review criteria for variances:

1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district.

There is a special circumstance with this parcel that does not apply to other parcels in the area. The lot has an irrevocable access easement that applies to the western 30 feet of the 164-foot wide lot. In addition, the lot is exceptionally narrow compared to its depth - 164 feet wide and 387 feet deep or a ratio of 2.35. A width to depth ratio of more than 1.6 makes site design more difficult even for smaller building footprints such a fast-casual or drive-thru restaurant. A typical drive-thru designs requires customers to "circle" the building. The proposed site design illustrates the path of travel for drive-thru customer. Traffic enters through the existing 30-foot wide access at King Ave W, traveling down this access road for about 270 feet, then turning east into the order queuing lane. Customers then travel north to the order board and delivery window.

The drive-thru exits across the front of the building and back to the access point for King Ave West. The access to King Ave W is restricted to a right-in/right-out configuration. There is a raised median separating the east-bound and west-bound lanes of King Ave W.

2. That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other tracts in the same district.

This is the first variance requested from the new front lot line coverage requirement for the mixed-use zone district. The previous zoning required minimum setbacks but did not impose maximum setbacks or require a certain percentage of the front line to be covered by a structure or structures. There is no applicable or similar zoning variance history to the application. Planning staff did find there were several zoning variances granted in the area to accommodate larger signs or more signs on commercial buildings. One zoning variance was granted to reduce the required arterial setback on S 32nd Street from 70 feet to 63.5 feet to allow an addition to a home. The current arterial setback is 50 feet for all zones. The previous 80-foot and 70-foot arterial setbacks were not included in the zoning update in 2021.

The development of the King Ave W corridor in the late 1980s and through the 1990s included large setbacks for buildings most placed at the back of massive parking lots. The CMU zone districts intends to make this style of commercial development obsolete in Billings. Even the new Heavy Commercial (CX) zone requires placement of parking to the side or rear of a building. The BOA did consider and granted a zoning variance from this requirement for the new Costco warehouse on Zoo Drive. This variance, Variance 1343, was granted in part to accommodate an immovable irrigation canal, and to allow the Costco store design to fit across seven lots with multiple street frontages.

Another variance in 2021 was granted from the maximum build-to setback for a property on Blue Creek Road. This location had challenges with the floodplain of Blue Creek across the entire street front of the property.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other land in the same district.

The zoning history in the area shows several granted variances from sign code and one from an arterial setback, two previous commercial zone variances have been granted after the adoption of the 2021 zoning code. Granting this variance will not confer on this applicant any special privilege.

4. That the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code and with the growth policies.

The proposed site plan will be similar to several others along the King Ave W corridor but will meet the build-to requirements for the CMU2 zone.

5. In granting any variance, the BOA may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code.

6. The BOA shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both.

Failure to begin or complete such action within the time limit set shall void the variance.

Staff is recommending a 1-year time period to apply for a building permit and 3 years to complete the development.

7. Under no circumstances shall the BOA grant a variance to allow a use not permissible under the terms of this chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

The proposed use of the building is an allowed use in the CMU2 zone district.

Planning Staff is recommending the following conditions of approval:

- 1. The variance is limited to Lot 3B of Studer Acreage Tracts amended generally located at 3032 King Ave W.**
- 2. The variance is from Section 27-406 requiring a minimum front lot line coverage of 50% to allow a minimum front lot line coverage of 30%. The front lot coverage is defined as the length of the street front building facade placed within the required build-to range along King Ave West. The building facade includes area intended to be occupied for seating that may not be totally enclosed - such as a covered patio.**
- 3. The applicant or developer will comply with all other requirements for buildings and siting in the CMU2 zone district. The site will be developed in substantial conformance with the submitted site plan.**
- 4. All outdoor lighting, with the exception of signs, shall have full cutoff shields so no part of the fixture or lens projects below the cutoff shield. Light pole standards must be 15 feet in height or less. Height includes the fixture, the base and the supporting pole.**
- 5. No fascia on the building or canopy may be internally illuminated.**
- 6. There shall be no construction activity prior to 7 am or after 8 pm daily.**
- 7. The applicant/developer shall apply for a building permit within 12 months of Board approval and complete the development within 3 years of Board approval. Completion includes all buildings, landscaping, parking and other site structures and amenities.**
- 8. Failure to begin or complete the project according to the time periods within this approval will void the variance.**

9. 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:

Chair Heinrich asked if the Panda sign would be added or their own. Staff replied the applicant will need to comply with the sign code. Chair Heinrich confirmed the irrevocable easement shown is access to all 4 lots.

Board member Hayes asked about the 4th lot. Staff explained there were 4 lots originally. The lot lines have change.

Public Hearing opened at 6:20PM

Applicant: Vu Le, Klover Architects, 8813 Penroe Ln, Kansas

Mr. Le stated the variance is needed to accommodate a drive thru at the new Panda restaurant being built at this location.

Questions for Applicant

Board member Hagstrom asked the seating capacity. 45-46

Chair Heinrich asked where the entry is. Mr. Le indicated the double doors are located to the west side. It is a right out only.

In Favor: None

Opposed: None

Public Hearing closed at 6:25PM

Discussion

Motion

Board Member Warmer made a motion and Board Member Hayes seconded the motion to approve the **City Variance 1350 with staff conditions and recommendations.**

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
David Mitchell				x
Dave Hagstrom	x			
George Warmer	x			
Jeff Bollman				x
Oscar Heinrich	x			
Chris Hayes	x			
Josh Sayer	x			

The motion to approve City Variance 1350 passed with a * vote.**

Other Business:

Reminder of Volunteer Appreciation dinner, No November meeting and a possible appeal to be heard.

ADJOURNMENT: The meeting adjourned at 6:27PM.

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

Board of Adjustment

Date: 12/07/2022
Title: City Variance 1351 - 403 Main Street - Target - 2nd wall sign
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends conditional approval and adoption of the findings of the review criteria for Variance 1351.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a variance request from Section 27-1407.C -- Table of Allowed Attached Signs -- allowing only one wall sign on a single tenant structure to allow a second wall sign in a Corridor Mixed Use 2 (CMU2) zone, on Lot 2, Block 1 of Heights Town Center Sub, a 12-acre parcel of land. The purpose of the variance is to allow the replacement of the existing wall sign with a new Target wall sign and a second sign to inform customers of the new pickup and load out area in the parking lot. Additional attached signs are allowed such as projecting signs, awning or canopy signs and window signs up to 25% of the window area. The applicant and agent were advised of the compliant regulatory options including the placement this sign on a canopy structure, installation of an awning to hold this sign, or configure the sign into a projecting sign (limited to 48 square feet). Target has chosen to pursue the variance to allow a second wall sign.

The Target store was constructed in 2000 under the prior zoning of Highway Commercial and site development codes. The previous code allowed any amount of setback from the front property line and any amount of parking in any location on the property. The current zoning of CMU2 requires new buildings to be within a short distance from the street frontage (10 to 20 feet) with parking to the side or rear of the structure. The street facade of the Target structure is over 600 feet from the closest vehicle travel lane of Main Street. The Target store has over 125,000 square feet enclosed store space and existing parking is well over the minimum number of parking spaces required by the new off-street parking code. The new sign code allows only one wall sign per tenant per street frontage but does allow other types of attached signs to accommodate additional information for businesses. For example, an awning sign is allowed for each awning and a canopy sign is allowed for each canopy. A wall sign that projects more than 24 inches from the plane of the wall is considered a projecting sign as well as the standard type of projecting sign that is hung perpendicular to the plane of the wall.

The proposed new wall signs for the Target location are within the maximum area for all wall signs (250 sf total wall sign area per building street facade). The second wall sign is intended to notify customers of the proximate location of the assigned parking spaces for pickup/drive up orders. This is a new customer feature for most retailers since the start of the pandemic. This retail feature allows customers to shop on-line and pick up their order without entering the store itself. It has become a standard offering in Billings and other markets. The second wall sign for the drive up is 77.1 square feet. The replacement sign for the existing main Target sign will be 150.5 square feet - about 20 square feet less than the existing sign.

The Board has issued few sign variances since 1972 under the various iterations of the sign code. The most common sign variance is to allow a larger sign area. Sign area is limited based on the sign type and the zone district. The most recent variance was for the Coca-Cola bottling plant (Var 1341 - March 2022) under construction on S Frontage Road near the Zoo Drive interchange with I-90. This variance allowed a wall sign of 456 square feet that is normally limited to 250 square feet. Other sign variances include sign height, number of signs allowed and similar numerical limitations on signs. Most sign variance requests have been approved due to specific building or location challenges such as the bulk of the building, the location of the building related to the street frontage and other similar geographic and architectural challenges. Not all variances have been approved particularly where an alternative type of sign can provide the same result as a variance from the code limitations.

This location has a geographic challenge compared to buildings located closer to the street frontage. A canopy or awning sign will appear to be the same as a wall sign from the perspective of the Main Street traffic, although both of these sign types are allowed and can accomplish the intended result. Main Street traffic at this location is complex and drivers will not have much time to make safe decisions based on signage on the building itself. The function of this sign will be most effective for drivers who have already entered the Target parking and can help them choose where to go based on their shopping choices. Traffic volume on Main Street is 42,000 vehicle trips per day. In comparison, the section of Lake Elmo Dr south of Target only handles about 2,500 vehicle trips per day.

APPLICATION DATA

OWNER: Target Corporation, Matthew Flansburg

AGENT: Kimley Horn, Max Newstrom

PURPOSE: To allow the placement of a second wall sign of 77.1 square feet for an existing Target store

LEGAL DESCRIPTION: Lot 2, Block 1, Heights Town Center Subdivision

ADDRESS: 403 Main St

SIZE OF PARCEL: 12 acres

ZONING: Corridor Mixed Use 2 (CMU2)

EXISTING LAND USE: Target store

PROPOSED LAND USE: same

SURROUNDING ZONING & LAND USE

NORTH: Zoning: NX3/CMU1

Land Use: Riverwalk Apartments, Dotty's Casino

SOUTH: Zoning: CMU2/Public 1

Land Use: Office Depot, Party America and parkland along the Yellowstone River

EAST: Zoning: N4/N2/NX2

Land Use: Residential

WEST: Zoning: CMU1/CMU2

Land Use: McDonald's, MacKenzie River Pizza, Starbucks

Planning staff is recommending conditional approval based on the very limited BOA history of granting similar variances for similarly situated buildings and property, and because property within the immediate vicinity enjoys the same type and size of signage without a variance. Several conditions are recommended to ensure the new signage has less of an impact on the surrounding property.

STAKEHOLDERS

The Planning staff has not received any comments from surrounding owners prior to the preparation of this report.

ALTERNATIVES

The Board of Adjustment may:

- Conditionally approve the requested variance as recommended by Planning staff and adopt the recommended findings of the review criteria; or
- Deny the requested variance and adopt different findings of the review criteria; or
- Allow delay of the application until the next scheduled meeting; or
- All the applicant to withdraw the variance.

Any variance application must have four votes in favor of the request for approval to be granted. Any variance request that is denied, must wait one year to re-submit the same variance request for the property. Denial of this variance would require the applicant to pursue other sign types - e.g. the canopy sign, awning sign or projecting sign - to place additional signage on the building.

FISCAL EFFECTS

Action on this variance will have no effect on the Planning Division budget.

SUMMARY

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances (Sec. 27-1627.D and E.), as outlined below, have been satisfied:

Section 27-1627.D

1) That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district.

There are special circumstances that exist which are peculiar to the lot that are not applicable to other lots in the same district. The property has an unusual shape and is not oriented in a way to address traffic on Main Street. The building is over 600 feet from the closest travel lane on Main Street. While this is not uncommon under the previous suburban development style, the new sign code was intended to work well with the new commercial zone district requirements that bring buildings to the street. Customers enter the property using the freestanding sign as a locator for the entry driveway on Main Street. Once on the property, drivers will note and be able to read the attached signs on the building. Because of the distances involved it is not likely a viewer will notice the difference between a wall sign, a canopy sign or an awning sign.

There is no current architectural design on the building such as a canopy or awning for the applicant to use for additional attached signs. The applicant would have to add a canopy or awning structure.

2) That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district.

The Board of Adjustment has granted at least three sign area variances in the past decade. Two variances for the number of allowed signs on a property were granted prior to 1999. Sign variances are rare and very specific to conditions and buildings. Of the 1350+ variances of record, only about 17 applications for sign variances have been processed. Similar property in the area has also developed under the previous sign code that allowed any number of wall signs on any wall as long as the total attached sign allowance was not exceeded. Under the previous sign code, the attached sign budget was generous at 3 sf for each linear foot of street facing building facade. In the case of Target, this would have amounted to over 1,100 square feet of wall sign area allowed on any facade of the building. The sign code was amended to address this context insensitive approach and to define and allow other types of attached signs - not just wall signs as a generic term for all types of attached signage. Denying this one additional wall sign could be depriving this owner of rights commonly enjoyed by other property in the same area and district.

3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district.

Granting this variance will not confer on the applicant a special privilege because the Board of Adjustment has granted a limited number of variances from the code limitation on the number or types of signs for other land in the same or similar district. Developments in the area also have numerous wall signs, although some have installed awning signs and canopy signs in addition to wall signs. This will be the first sign variance of this type under the new code requirements limiting the number of wall signs.

4) That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the Growth Policy.

Granting this variance will meet the general purposes and intent of the zoning regulations and the 2016 Growth Policy. The Growth Policy guidelines state that local economic prosperity should be supported and sustained. Allowing this one additional wall sign enables Target to continue adapting to the changing retail marketplace.

Section 27-1627.E

2) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code;

Staff is recommending 7 conditions for the variance request:

1. The variance is for one additional wall sign (attached sign type). No other variance is intended or implied by this approval.
2. The variance applies to Lot 2, Block 1, Heights Town Center Subdivision, generally located at 403 Main Street.
3. The proposed location of the additional wall sign will be in substantial conformance with the submitted site plan. Minor adjustments to the site plan are allowed.
4. The applicant will apply for a sign permit for the additional wall sign within 6 months of the Board of Adjustment approval.
5. The additional wall sign will be installed within 1 year of Board of Adjustment approval.
6. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
7. 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, leaseholders, heirs and assigns.

3) The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

Staff is recommending the applicant/agent have 6 months to submit a sign permit application and 1 year to complete installation. Sign permits once approved are only valid for a few months.

4) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this zoning code in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district.

The granting of this variance would not allow a use that is not allowed in the zoning district. Retail establishments are allowed in the CMU2 zone.

Attachments

Zoning Map and Site Photos

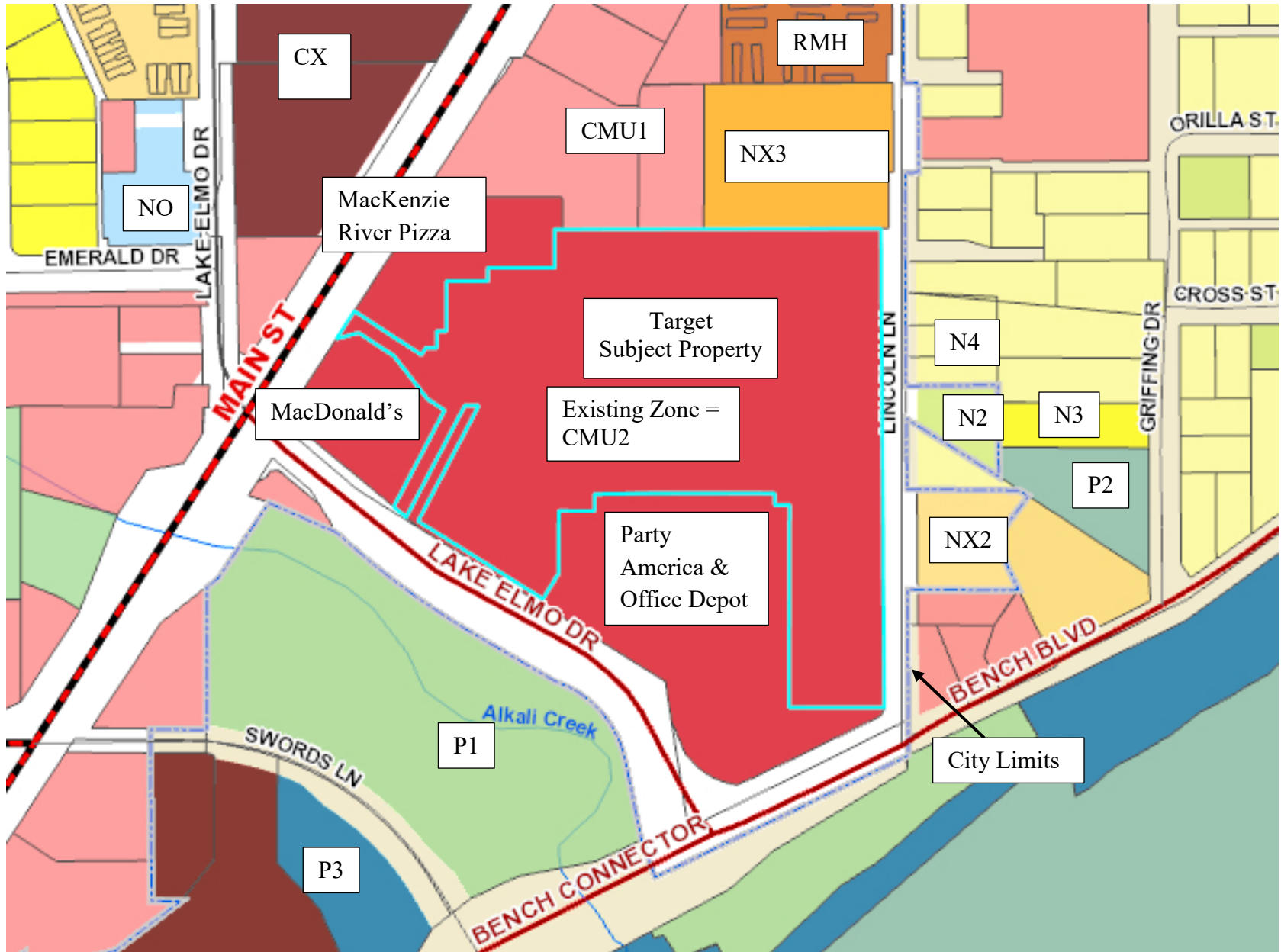
Chart of Zoning History

Application and Letter

Site Plan

City Variance 1351 – Target – 403 Main Street

Zoning Map and Site Photos







Subject property from primary entry driveway off Main Street



View north east across parking lot



View south from entry driveway – MacDonald's drive through lanes



View south and west from entry driveway



View of Target façade from entryway



View north and west from parking lot – MacKenzie River Pizza

SUBJECT PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
503 Wicks	731	3/5/1996	Sign Height/Size	Y	Double the height and area
2139 Broadwater	753	10/7/1992	Sign Height, setback, area, clearance	Y	More than double sign height and area
2201 St John's	762	4/7/1998	Sign height and area	Y	3 times sign height and area
2244 Central	777	9/1/1998	Number of signs and spacing	Y	3 signs granted
415 Broadwater	779	9/1/1998	Sign height	Y	Broadwater Elementary
2376 Main St	799	6/1/1999	Sign Height and area	Y	40 ft and 227 sf
1737 King Ave W	807	9/7/1999	Sign Height	Y	50 ft
1111 24 th St W	810	10/5/1999	Sign Height, number and area	Y	22.5 ft, 2 signs, 149 sf
310 N 27 th St	819	7/5/2000	Sign Height and separation	Y	10 ft and 65 ft separation
4432 S Frontage Rd	897	6/12/2003	Reduce sign setback	Y	2 ft setback
1145 N 19 th St	901	7/1/2003	Sign area	N	St Vs Hospital 173 sf
1824 King Ave W	907	8/5/2003	Sign height	N	Texas Roadhouse 45 ft height
106 N 28 th St	967	10/4/2005	Sign projection over public sidewalk	Y	The Soup Place now Stacked
517 Shiloh Rd	1097	6/1/2011	Sign height, illumination and area	N	Faith Chapel
1101 Shiloh Crossing Blvd	1112	12/7/2011	Sign Area	Y	Scheels 544 sf
2612 Belknap Ave	1124	7/11/2012	Sign Area and Height	Y	Vegas Hotel 170 sf and 50 ft height
1830 Harnish Blvd	1341	3/2/2022	Sign Area	Y	Coca-Cola

CITY VARIANCE

APPLICATION FORM

ID: Billings Variance # 1351 - Project # 00236

PZX-22

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 # A17029A CITY ELECTION WARD # 1 (Billings)

Legal Description of Property: Heights Town Center Subd, S27, T01, N, R26 E, BLOCK 1, Lot 2

Address or General Location (If unknown, contact City Engineering): _____
403 Main St., Billings, MT 59105

Zoning Classification: CMU2

Size of Parcel (Area & Dimensions): 12 ac

Covenants or Deed Restrictions on Property: Yes _____ No

If yes, please attach to application

Variance(s) Requested: Additional Wall Sign along street frontage

Facts of Hardship: (attach letter) See attached Written Statement.

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

Owner(s): Matthew Flansburg, Target Corp.

50 S. 10th St., #400, Minneapolis, MN 55403

612-761-6788

matthew.flansburg@target.com

(Phone Number)

(email)

Agent(s): Max Newstrom

4582 S. Ulster St., #1500, Denver, CO 80237

303-974-3622

max.newstrom@kimley-horn.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: *Matthew Flansburg* Date: 08/15/22

(Recorded Owner)



Date Stamp

Written Statement

To: City of Billing's Board of Adjustment
From: Max Newstrom
Kimley-Horn and Associates, Inc
Date: August 15, 2022
Subject: Target Store T1333 Drive-Up Program

PROJECT DESCRIPTION

The proposed Target store is located at 403 Main St., Billings, MT 59105. The project aims to implement a Signage and Remodel program in addition to a Drive-Up program at this Target in Billing Heights. The exterior paint and signage will receive a refresh with new paint and wall signage. Customers will be able to shop online or in the Target "app" and, when notified, park in the proposed Drive-Up spaces where a Target employee will bring the customer's purchases out to their vehicle. With the re-stripping of the proposed parking spaces, two 12' solar-powered beacons will also be installed to direct customers to and identify the Drive-Up location stalls.

The project will not affect the land use, site access, traffic patterns, utilities, public facilities, site soils, or geology in the area. Employees required at the store will remain the same, as will the hours of operation.

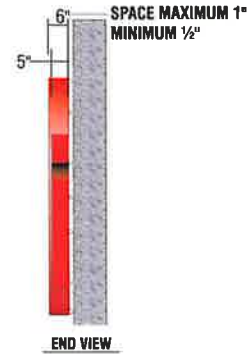
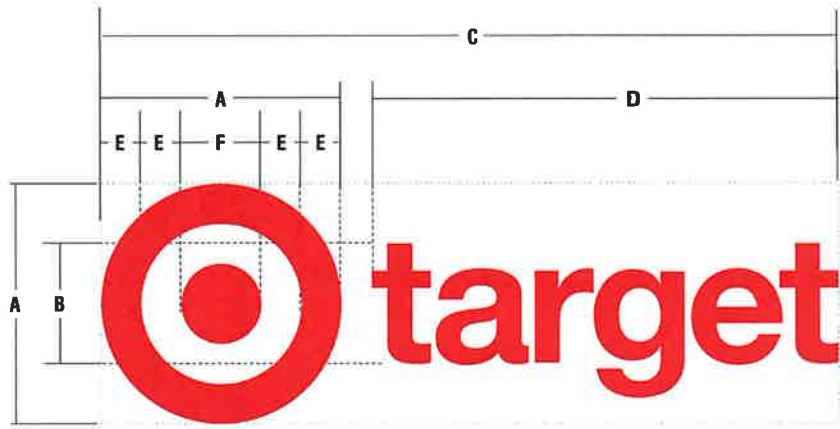
ZONING REGULATION CONFORMANCE

Per the City of Billing's Zoning Regulation Section 27-1400.6, one wall sign per street frontage per tenant is allowed in the CMU2 (Corridor Mixed-Use and Commercial Centers) zone district. The Signage and Remodel program proposes two wall signs, a Target and a Drive-Up sign, along the street frontage. The proposed Drive-Up sign is needed along the street frontage to direct customers to the correct Drive-Up location and indicate the existing Target store supports the Drive-Up program.

Demolition of the existing site is not required. A new Drive-Up wall sign will be added to the building face in addition to the replacement Target wall sign.

SIGNATURE: _____

Max Newstrom, P.E.



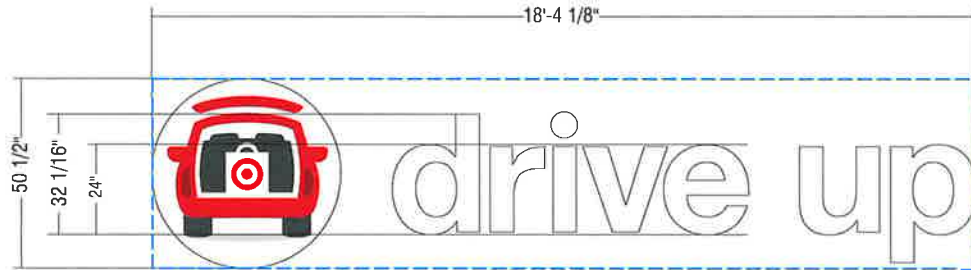
ACRYLIC FACED INT. ILLUM. "LOGO & LETTER" SET | LC-2 R

SCOPE OF WORK:
MANUFACTURE AND INSTALL CHANNEL LOGO & LETTERS

MATERIAL FINISH COLORS

 MF# 8257/HLG (FULL GLOSS)	 2793 (Dyed Modified Acrylic (Alights or Equis))	 Red	 Soles Red LED
Retains	Face	Window/Retainer	Illumination

SIGN TYPE	A	B	C	D	E	F	RETAINER	AMPS CIRCUITS	SQ.FT.
LL120/60 LC-2 R	10'-0"	5'-0"	30'-8 1/2"	19' 5-1/8"	1'-8"	3'-4"	1"		307.1
LL108/54 LC-2 R	9'-0"	4'-6"	27' 7-5/8"	17' 5-7/8"	1'-6"	3'-0"	1"		248.7
LL96/48 LC-2 R	8'-0"	4'-0"	24'-6-3/4"	15' 6-1/2"	1'-4"	2'-8"	1"		196.5
LL84/42 LC-2 R	7'-0"	3'-6"	21' 6"	13' 7-1/4"	1'-2"	2'-4"	1"		150.5
LL72/36 LC-2 R	6'-0"	3'-0"	18' 5"	11' 8"	1'-0"	2'-0"	1"		110.5
LL60/30 LC-2 R	5'-0"	2'-6"	15' 4-1/4"	9' 8-5/8"	10"	1'-8"	1"		76.8
LL48/24 LC-2 R	4'-0"	2'-0"	12' 3-3/8"	7' 9-1/2"	8"	1'-4"	1"		49.1
LL36/18 LC-2 R	3'-0"	1'-6"	9' 2-1/2"	5'-10"	6"	1'-0"	1"		27.6
LL24/12 LC-2 R	2'-0"	1'-0"	6' 1-5/8"	3' 10-5/8"	4"	8"	1"		12.3



DU24W-LOGO ACRYLIC FACED INT. ILLUM. "LOGO & LETTER SET"

Scale: 3/8" = 1'-0"

77.1 SQ.FT.

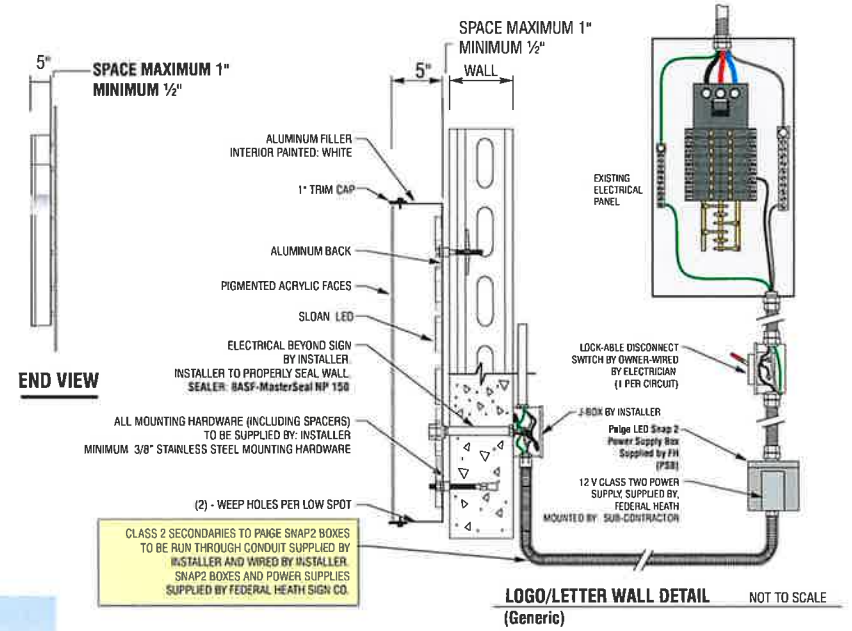
SCOPE OF WORK:

MANUFACTURE AND INSTALL CHANNEL LOGO & LETTERS



GENERIC (PARTIAL) ELEVATION NOTE: PLACEMENT CAN VARY

scale 3/32" = 1'-0"



MATERIAL FINISH COLORS (Letters & Logo)

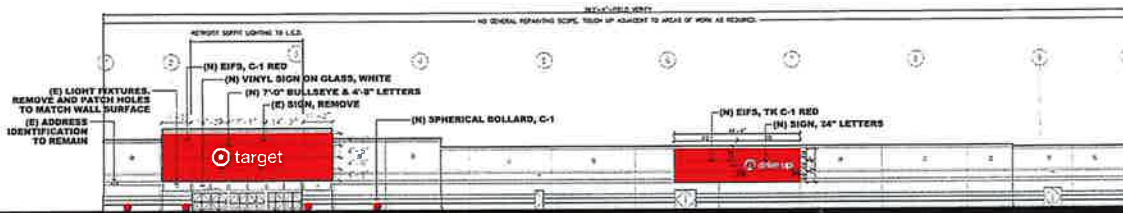
GLASS WHITE	333N LD WHITE (ATUCLAS or Equiv)	WHITE	Shain White LED
Returns	Faces	Trim-Cap	Illumination

CAR LOGO COLORS

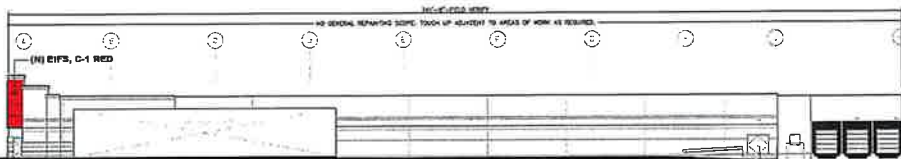
Target Red PMS 186	DARK RED PMS 188	DARK GRAY PMS 425	LIGHT GRAY PMS 421
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COLOR KEY:

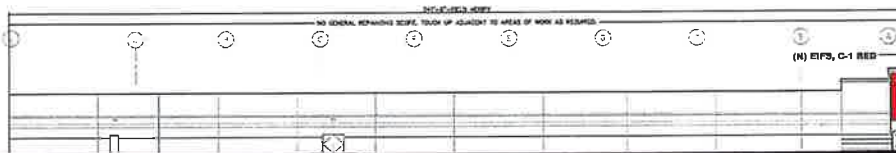
- (E) C-10 (BM #1037) MUSLIN
- (E) C-11 (BM# 1039) STONE HOUSE
- (E) C-12 (BM #HC-46) JACKSON TAN
- (E) C-14 (BM #2164-20) MARSH BROWN
- C-1 (TK #8010-01) RED



West Elevation



South Elevation



North Elevation



East Elevation

NOTE:

- * NO GENERAL REPAINTING SCOPE. TOUCH UP ADJACENT TO AREAS OF WORK AS REQUIRED
- *EXISTING COLORS ARE SHOWN FOR REFERENCE.
- *NEW SPHERICAL BOLLARDS AS INDICATED.
- *EXISTING STORE WALLS ARE PRIMARILY CMU
- *BEN-2 : MODERN, COLOR.....SILVER

GENERAL NOTE

- * AREA TO BE PAINTED STARTS AT TOP OF CURB OR REVEAL AND CONTINUES TO TOP OF PARAPET/FLASHING OR REVEAL. PAINT COLOR AND FINISH TRANSITIONS OCCUR AT EXISTING VERTICAL CONTROL JOINTS OR AT INSIDE BUILDING CORNERS, U.N.O.
- * ALL EXISTING WALL-MOUNTED ITEMS TO BE PAINTED TO MATCH ADJ. WALL SURFACE, U.N.O.
- * PATCH ALL VISIBLE HOLES FROM MOUNTING OF REMOVED SIGNS WITH LIKE MATERIALS. RESTORE WALL SURFACE TO ' LIKE NEW' APPEARANCE.

Proposed Elevations

April 29, 2022



West Elevation

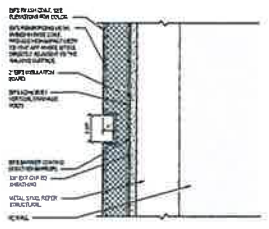
South Elevation

North Elevation

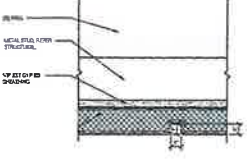
East Elevation

COLOR KEY:

- (E) C-10 (BM #1037) MUSLIN
- (E) C-11 (BM# 1039) STONE HOUSE
- (E) C-12 (BM #HC-46) JACKSON TAN
- (E) C-14 (BM #2164-20) MARSH BROWN
- C-1 (TK #8010-01) RED



TYP. EIFS SYSTEM & HOR. REVEAL @ EIFS SECTION



VERT. REVEAL @ EIFS SECTION

NOTE:

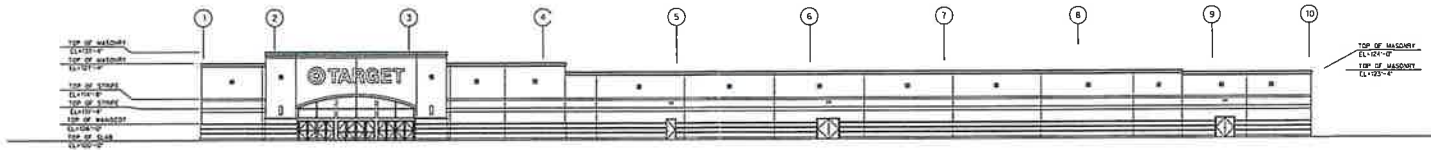
- *ALL SIGNAGE UNDER SEPARATE PERMIT
- *EIFS SPECIAL INSPECTION REQUIRED PER 2018 IBC SECTION 1705.16
- *NO GENERAL REPAIRING SCOPE. TOUCH UP ADJACENT TO AREAS OF WORK AS REQUIRED
- *EXISTING COLORS ARE SHOWN FOR REFERENCE.
- *NEW SPHERICAL BOLLARDS AS INDICATED.
- *EXISTING STORE WALLS ARE PRIMARILY CMU
- *BEN-2 : MODERN, COLOR.....SILVER

GENERAL NOTE

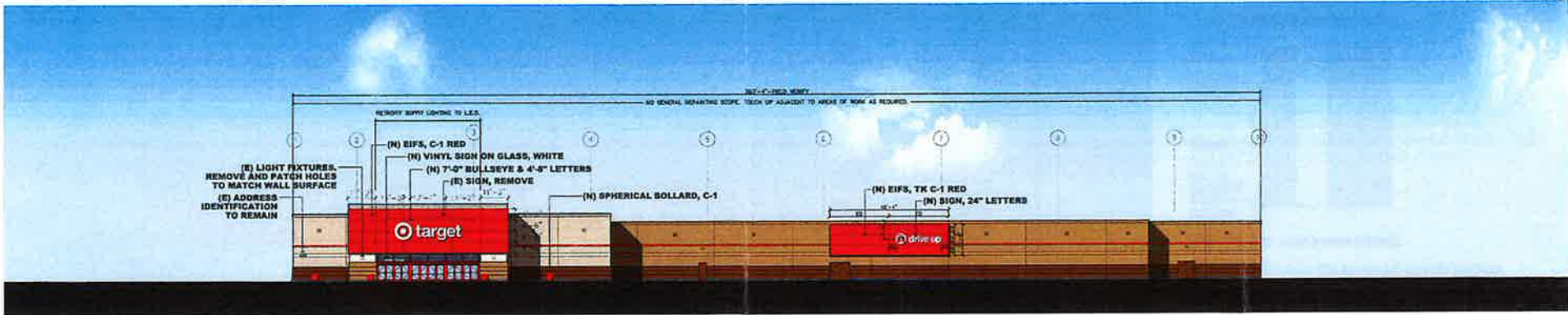
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- * ALL EXISTING WALL-MOUNTED ITEMS TO BE PAINTED TO MATCH ADJ. WALL SURFACE, U.N.O.
- * PATCH ALL VISIBLE HOLES FROM MOUNTING OF REMOVED SIGNS WITH LIKE MATERIALS. RESTORE WALL SURFACE TO 'LIKE NEW' APPEARANCE.

Proposed Elevations

June 23, 2022



Existing Condition



Proposed Front Elevation

Board of Adjustment

Date: 12/07/2022
Title: City Variance 1352 - 198 Mountain View Blvd - renewal of previous variance for detached garage setback
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends conditional approval of Variance 1352 and adoption of the findings of the review criteria.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a variance 27-306 -- Table 27-300.5 requiring the location of a detached accessory building to be in the rear yard and from the minimum front setback of 20 feet for any structure to allow a front yard location and a 0 (zero) foot front setback for the reconstruction and expansion of an existing detached garage in a Suburban Neighborhood Residential (N3) zone, on C/S 575, Parcel 39B, a 10,790 square foot parcel of land. A previous variance (Var 1371) for this structure was approved on July 1, 2020. The applicant could not start the project within the time period allowed due to COVID-19 related materials and labor shortages.

The purpose of the variance is to allow an existing garage to be reconstructed in the same location with an addition. The physical limitations of this property include some extremely steep slopes on the rear portion of the property. The previous variance was granted at the beginning of the COVID-19 pandemic and the owner could not meet the required deadlines of the variance. The approval required the owner to apply for a building permit within 1 year and complete the construction within 2 years. The applicant submitted and received an encroachment permit from the Engineering Division in 2020 after the variance approval. In September 2022, a demolition permit was received and approved to remove the existing garage. A building permit was submitted for the new detached garage in September as well, but the Planning Division can not approve this permit as it was submitted outside the time limit permitted by the original variance. There is no substantial change from the original site plan and building plan submitted.

Planning staff is recommending approval based on the review criteria for variances and findings of the criteria. This lot has a substantial geographic hardship with slopes on the rear property and the slow, but steady geologic movement of the rims face to the south. There have been other setback variances granted in this area for both principal and accessory structures. Denying this request would deprive this applicant of rights commonly enjoyed by other property in the area.

APPLICATION DATA

OWNERS: Lisa Lavinder
AGENT: Kevin Beebe
PURPOSE: Detached garage on 0' property line for existing structure
LEGAL DESCRIPTION: COS 575 parcel 39B
ADDRESS: 198 Mountain View Blvd.
EXISTING LAND USE: Residential
PROPOSED LAND USE: Same
EXISTING ZONING: N3

CONCURRENT APPLICATIONS

BP-22-03974 - new detached garage permit

SURROUNDING ZONING & LAND USE

NORTH: Zoning: N3
Land Use: Vacant - slide zone from rims
SOUTH: Zoning: Public 1
Land Use: Parkland
EAST: Zoning: N3
Land Use: Residential
WEST: Zoning: N3
Land Use: Residential

STAKEHOLDERS

Planning staff has not received any comment from the surrounding property owners as of the date of this report. The Board of Adjustment will hold a public hearing prior to taking action on the item.

ALTERNATIVES

The Board of Adjustment may:

- Conditionally approve the request variance and adopt the recommended findings of the review criteria; or
- Deny the variance and adopt different findings of the review criteria; or
- Delay action on the variance to the next scheduled Board meeting; or
- Allow the applicant to withdraw.

Four votes in favor are required to approve any variance. If a variance is denied, the applicant must wait one year to reapply for the same variance.

FISCAL EFFECTS

The Planning Division budget will not be effected by the Board's decision on this variance.

SUMMARY

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances (Sec. 27-1627.D and E.), as outlined below, have been satisfied:

Section 27-1627.D

1) That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district.

The subject property does have unique topographic features or circumstances that are relevant in the review of this variance request. The rear portion of the property has a steep slope and constructing any structure in this area would be hazardous and inaccessible from the front property line.

2) That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district.

There have been other variances applied for and approved within the surrounding area, including the subject property and Panoramic Heights Subdivision (adjacent to Certificate of Survey 575). Granting this variance would be consistent with limitations placed on other lots in the same zoning district.

3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district.

The granting of this variance will not confer a special privilege since similar variances have been granted in the vicinity of this property. There are also at least two other properties on the same street that have garages built over the front property line without the benefit of a variance.

4) That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the Growth Policy.

Granting of this variance application is compatible with the goals of the 2016 Growth Policy. Allowing continued investment in residential property supports a use that is compatible with the neighborhood. Granting this variance should also be in harmony with the general purpose and intent of the Zoning Regulations.

Section 27-1627.E

2) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code;

Staff is recommending several conditions for the variance request:

1. This approval is to allow a front setback of 0' for an existing detached structure to remain and to be reconstructed in the same location with an additional space. No other variance is intended or implied.
2. The variance is limited to Parcel 39B of COS 575, generally located at 198 Mountain View Blvd.
3. The applicant will apply for and receive approval for a building permit within 1 year and complete construction within 3 years of BOA approval. Failure to meet the time limits of this condition will void the variance.
4. There will be no construction activities before 7 a.m. or after 8 p.m. daily.
5. The applicant shall meet all other city code requirements in place at the time of construction except for the variance granted herein.
6. 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, leaseholders, heirs and assigns.

3) The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance. Staff is recommending the applicant have 1 year to receive approval of a building permit and 3 years to complete the project.

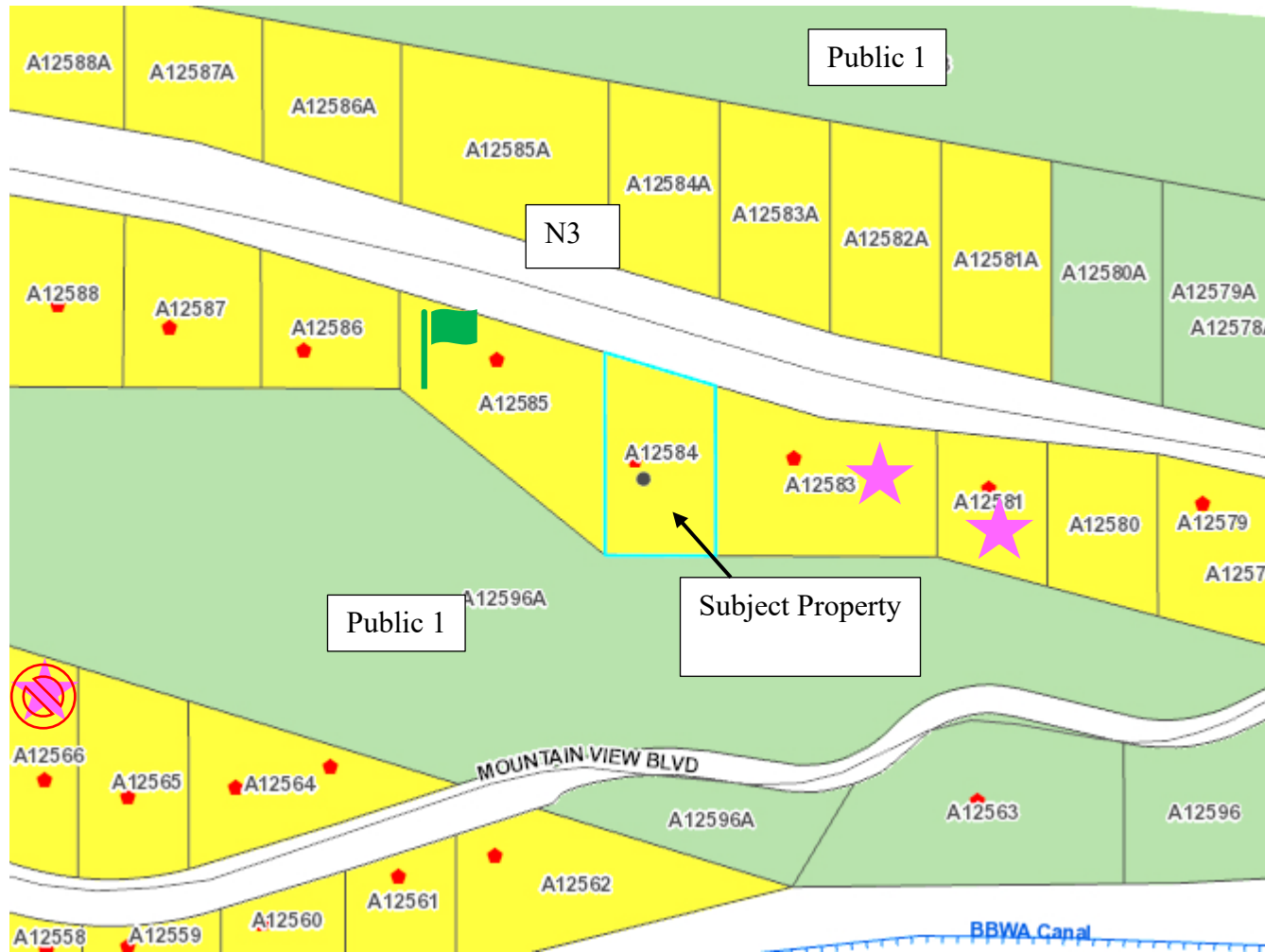
4) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this zoning code in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district. The granting of this variance would not allow a use that is not allowed in the zoning district. Detached garages are allowed uses in this zone district.

Attachments

Zoning Map and Site Photos
Chart of Zoning History
Application and Letter
Site Plan

City Variance 1352 – 198 Mountain View Blvd

Zoning Map and Site Photos



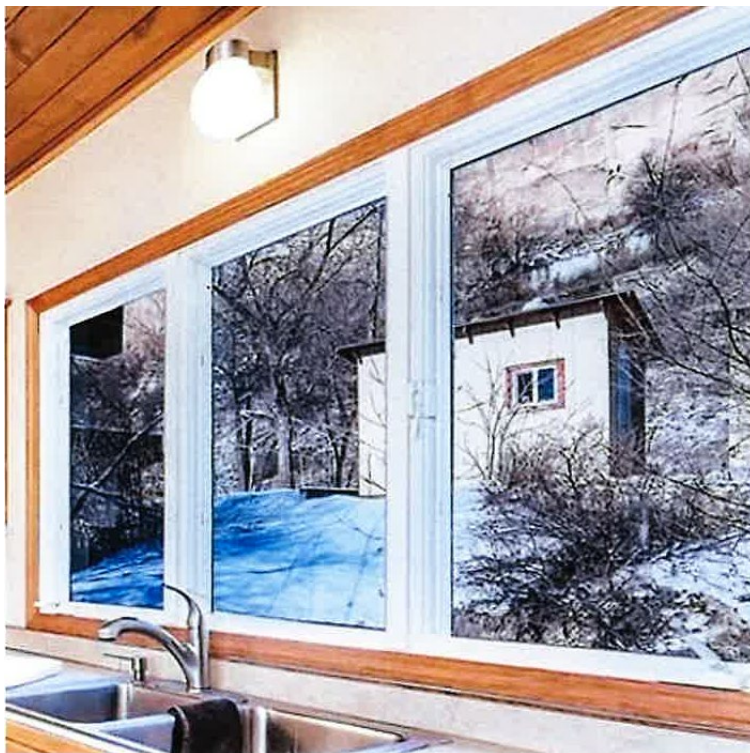




Applicant's photo



Applicant Photo of existing garage



Applicant Photo



Subject Property



Existing garage – dwelling below and to the left



Existing shed to the west of the garage



200 Mountain View Blvd – west of subject property



View west on Mountain View Blvd



View east on Mountain View Blvd



Similar setback on property east of subject property

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
198 Mountain View Blvd	1317	7/2/2020	Detached garage setback	Yes	Time limit expired on the variance
SURROUNDING PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
115 Mountain View Blvd	848	9/2001	10' front yard sb	Yes	
194 Mountain View Blvd	908	8/2003	5' front yard sb	Yes	Detached Garage
190 Mountain View Blvd	949	9/2004	10' front yard sb	Yes	
78 Mountain View	1286	10/4/18	14' front SB	No	Shed placed in front yard with no permit.
200 Mountain View	None				Attached garage over front sb in ROW
218 Mountain View	None				Detached garage half in ROW

CITY VARIANCE

APPLICATION FORM

PZX
~~PZNA~~

ID: Billings Variance # 1352 - Project # 22-0258

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 # A12584 CITY ELECTION WARD # 1

Legal Description of Property: S32, T01 N, R26 E, C 05 575
parcel 39B

Address or General Location (If unknown, contact City Engineering):
198 Mountain View Blvd.

Zoning Classification: Residential 9600

Size of Parcel (Area & Dimensions): _____

Covenants or Deed Restrictions on Property: Yes _____ No _____

If yes, please attach to application

Variance(s) Requested: 10,790 sq. ft.

Facts of Hardship: (attach letter)

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

Owner(s): Lisa Lavinder
(Recorded Owner)

(Address) 198 Mountain View Blvd, Billings, MT.

(Phone Number) 406-249-2488 (email) lisalavinder62@yahoo.com
5910

Agent(s): _____
(Name)

(Address)

(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: Lisa Lavinder Date: 10/24/22
(Recorded Owner)



June 27, 2020

Attention Chairperson of the Board of Adjustment:

I thought I would submit some photos of the existing garage to show you how unsafe and dilapidated the structure has become. I purchased the property last year and have been renovating and repairing projects for the past year. I would like to remove the garage and rebuild.

As you can see from the pictures below, the structure has lifted off the foundation due to a tree that was growing too close to the building.



The electrical running to the building has become exposed and the electrical running to a light out front was not properly installed.





The building has separated from the foundation in several places. The supporting posts in the center are loose and swing freely leaving the roof unsupported and sagging.

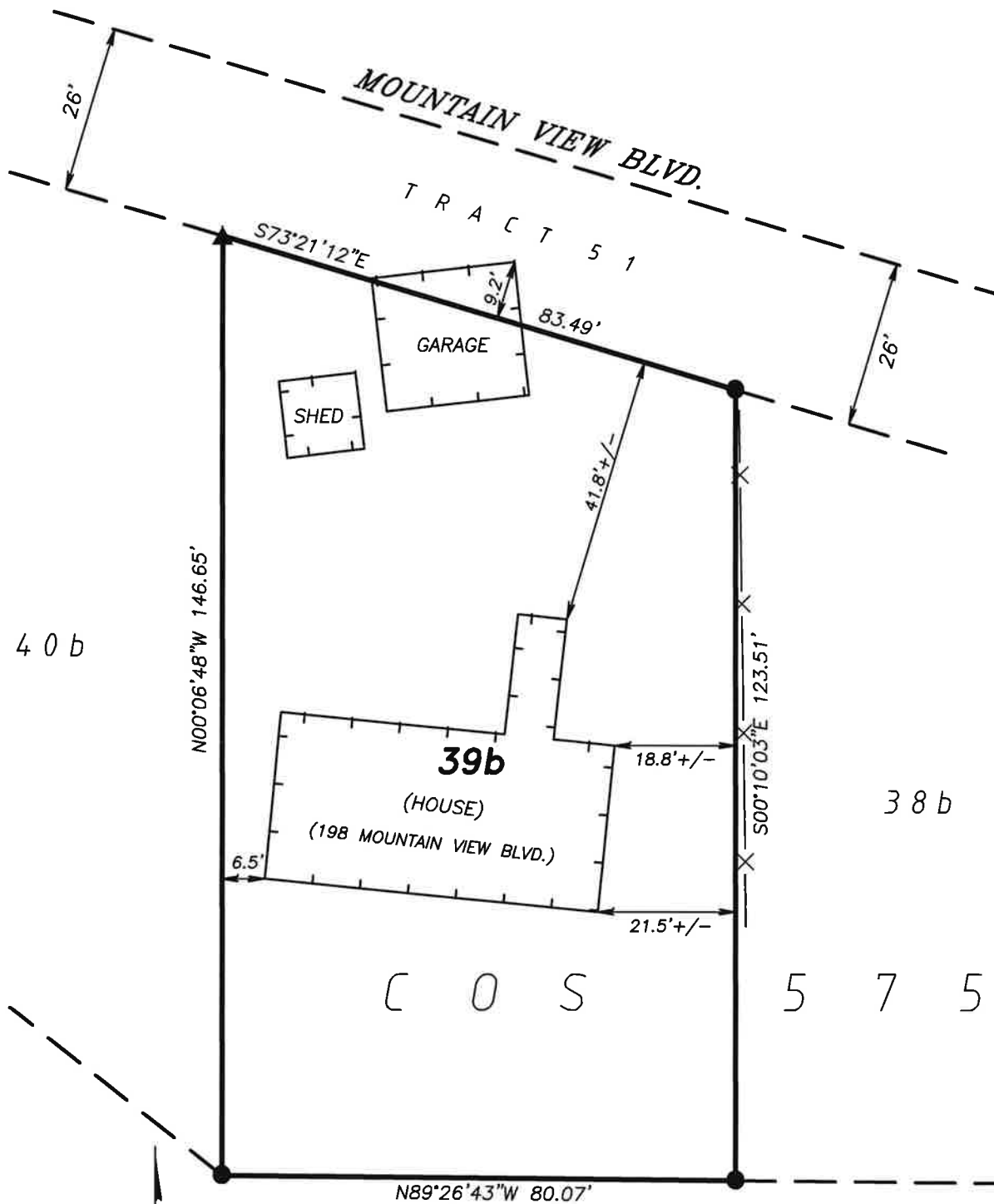


Thank you for considering my proposal to demolish and rebuild a structure that will enhance the value of the lot and surrounding properties.

Lisa Lavinder
198 Mountain View Blvd.
Billings, Mt. 59101

EXHIBIT 'A'

TRACT 39b, COS 575, LOCATED IN THE NE1/4 OF SECTION 32,
T 1 N, R 26 E, P.M.M., YELLOWSTONE COUNTY, MONTANA



- = SET 5/8"X24" REBAR W/ 1-1/4" YPC (TLI, 13748LS)
- ▲ = FOUND 5/8" I.D. IRON PIPE

P A R K

MAY, 2020

BASIS OF BEARING: GEODETIC NORTH PER GPS OBSERVATION

GRAPHICAL SCALE: 1" = 25'

PREPARED AT THE REQUEST OF: KEVIN BEEBE TLI PROJECT NO. 20-5664

FOUNDATION WATERPROOFING: IRC

IN AREAS WHERE HIGH WATER TABLE OR OTHER SEVERE SOIL-WATER CONDITIONS EXIST, EXTERIOR FOUNDATION WALLS THAT RETAIN EARTH AND ENCLOSE HABITABLE OR USABLE SPACES LOCATED BELOW GRADE SHALL BE WATERPROOFED WITH A MEMBRANE EXTENDING FROM THE TOP OF THE FOOTING TO THE FINISHED GRADE. THE MEMBRANE SHALL CONSIST OF 3-PLY HOT-MOPPED FELT, 55 POUND ROLL ROOFING, 8-MIL POLYVINYL CHLORIDE (PVC), POLYETHYLENE OR 40-MIL POLYETHYLENE TEREPHTHALATE. THE JOINTS IN THE MEMBRANE SHALL BE LAPPED AND SEALED WITH AN ADHESIVE COMPATIBLE WITH THE WATERPROOFING MEMBRANE.

FOUNDATION DRAINAGE: IRC

DRAIN TILE TO BE USED AROUND ENTIRE PERIMETER OF FOOTING IN GRAVEL BED. DRAIN SYSTEM OF 6" PIPE TO DAYLIGHT OUT BACK FOUNDATION CHANNEL DRAIN RETURN. THE DRAINAGE SYSTEM SHALL DISCHARGE TO DAYLIGHT OR APPROVED LOCATION, NOT INTO A SANITARY SEWER.

NOTE:
VERIFY FOUNDATION PREP. WITH SOILS REPORT BY GEOTECHNICAL ENGINEER.

PROVIDE DRAFTSTOPS EVERY 1000 SQFT.

GENERAL NOTES:

UNLESS OTHERWISE NOTED ALL DIMENSIONS ARE TO FACE OF FRAMING LINE EXTERIOR SHEATHING WITH OUTSIDE OF FOUNDATION WALL.

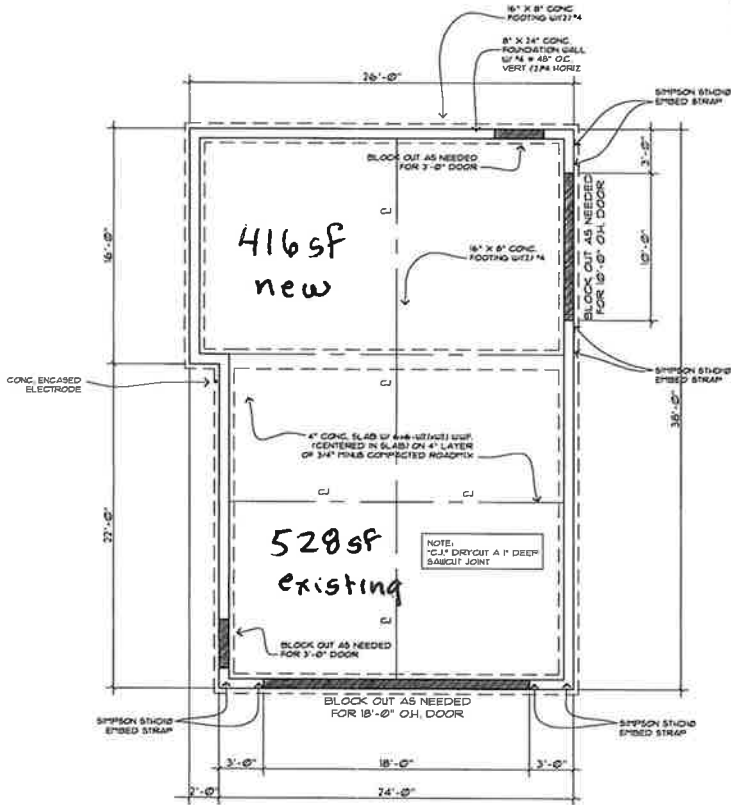
SOLID BRACING REQUIRED FOR ALL GIRDER TRUSSES AND BEAMS. GIRDER TRUSSES TO BE ATTACHED TO THE TOP PLATE WITH SIMPSON HURRICANE STRAPS THAT ARE EQUAL TO OR EXCEED UPLIFT CALCULATIONS PER TRUSS MANUFACTURER'S ENGINEERING DRAWINGS (SEE TRUSS PLAN BY OTHERS).

GARAGE BENEATH HABITABLE ROOMS SHALL NOT HAVE LESS THAN 5/8" TYPE X GYP WALL BOARD ON CEILING AND THE SUPPORTING STRUCTURE SHALL BE PROTECTED BY NOT LESS THAN 1/2" GYP BOARD.

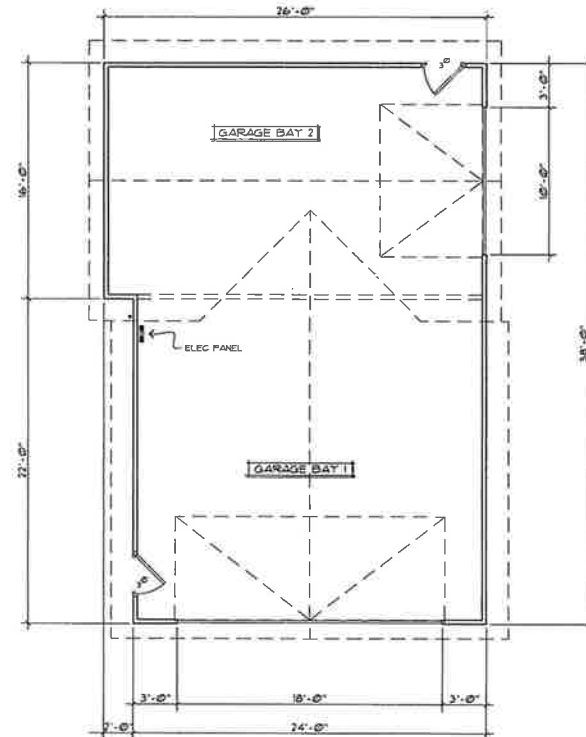
TEMPERED SAFETY GLASS (TSG 30941) IS REQUIRED IN THE FOLLOWING LOCATIONS:

- IN BATHS, WINGS, OR BIFOLD DOORS.
- ENCLOSURES FOR SHOWERS, HOT TUBS, SAUNAS, AND BATH TUBS
- GLASS IN RAILING SYSTEMS.
- WINDOW WITHIN 24" OF A DOOR AND WITHIN 60" OF THE FLOOR.
- OR - ALL OF THE FOLLOWING:
 - WINDOW WITH AN INDIVIDUAL PANE SIZE GREATER THAN 160"
 - GLASS WITHIN 18" OF THE FLOOR.
 - EXPOSED TOP EDGE GREATER THAN 36" ABOVE THE FLOOR.
 - ONE OR MORE WALKING SURFACES WITHIN 24" HORIZONTALLY.

CONTRACTOR AND WINDOW MANUFACTURER ARE EXPRESSLY RESPONSIBLE FOR WINDOWS MEETING ALL CODES, INCLUDING EGRESS REQUIREMENTS.



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



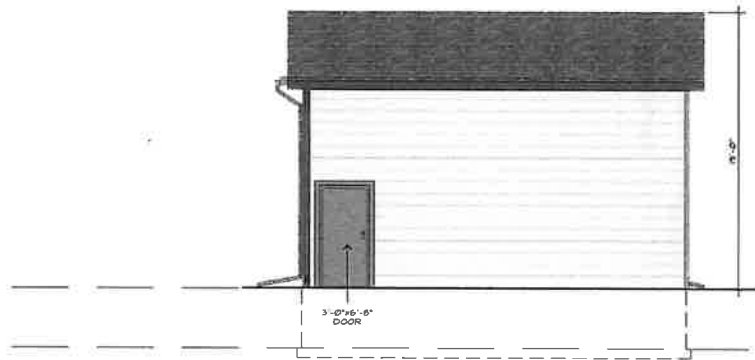
GARAGE PLAN
SCALE: 1/4" = 1'-0"

Beebe Garage

198 Mountain View Blvd
Billings, Montana 59101

SHEET

A 1.1
PLAN



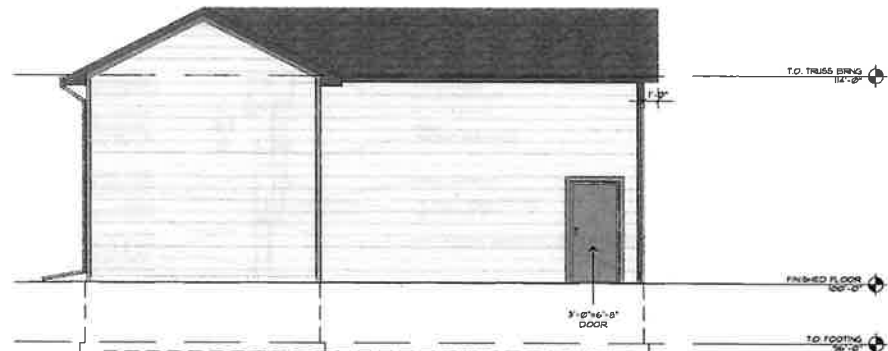
WEST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"



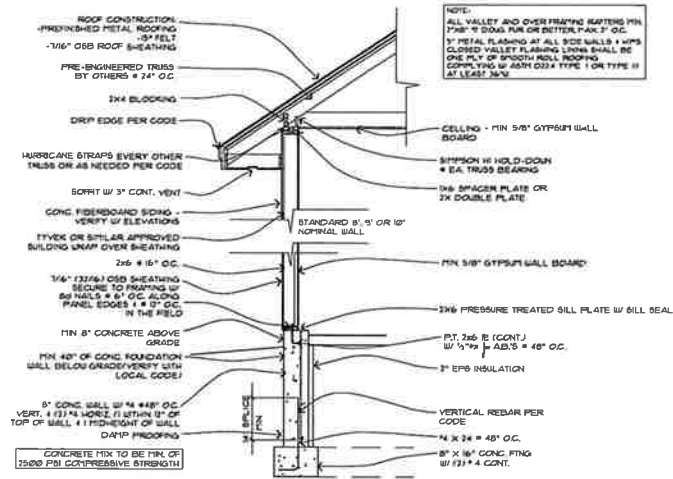
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

Beebe Garage

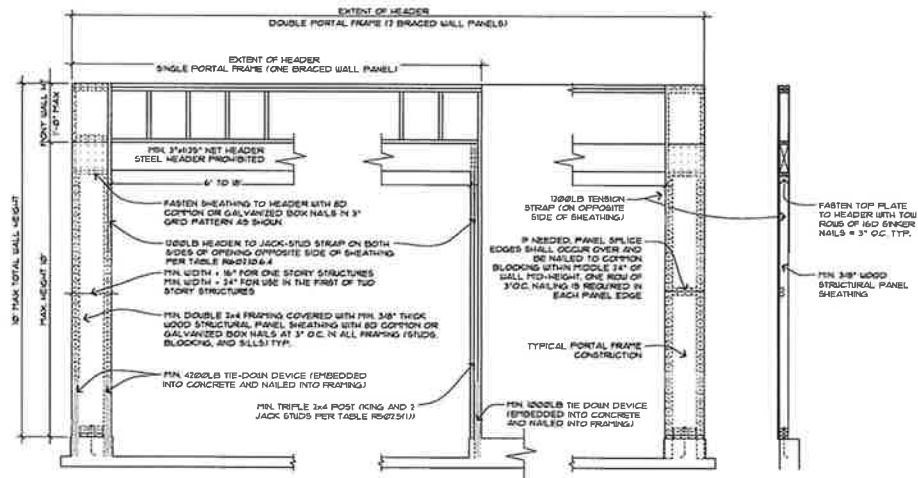
128 Mountain View BLVD
Billings, Montana 59101

SHEET:

A 2.1
ELEVATION



1 TYPICAL UNCONDITIONED GARAGE WALL SECTION
 SCALE: 1/2" = 1'-0"



1 BRACED WALL PANEL
 SCALE: 1/2" = 1'-0"

Board of Adjustment

Date: 12/07/2022
Title: City Variance 1353 - 426 Indian Trail - location of detached accessory garage
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends conditional approval of Variance 1353 and adoption of the findings of the review criteria.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a variance from 27-306 -- Table 27-300.5 requiring the location of a detached accessory building to be in the rear yard to allow a side yard location for a new 994 square foot garage in a Suburban Neighborhood Residential (N3) zone, on Lot 15, Block 5 of Spring Valley Sub, a 14,392 square foot parcel of land. The property is on the inside curve where Indian Trail changes from an east/west direction to a north/south direction. The property has a long curved front property line and two side property lines. It is an unusual pie-shaped property. The only available building space on the property is to the east of the dwelling in what is considered the street-side yard. The applicant cannot reasonably attach the proposed new garage due to utility lines and interior spaces within the dwelling.

The subdivision was developed in the 1970s and many homes are split-level or ranch style homes. Most were constructed with 2 or 3-car attached garages. A few have also constructed detached garages and all are on corner lots including 560 Wigwam Trail and 650 Teepee Trail. The applicant submitted a building permit and learned of the yard location requirement as part of the plan review. The permit is still pending. The setbacks from all property lines and from the existing dwelling are sufficient, but the zoning code does not allow detached accessory buildings in the side yards or front yards of existing dwellings. The code requires these to be either attached to the dwelling or in the rear yard. The rear yard is the area behind the dwelling and between the required side yards or side yard and street side yard. The rear yard is an impractical location given the shape of the lot and the existing dwelling.

The applicant submitted the covenants and restrictions that apply to the subdivision and there is no prohibition on detached accessory buildings. None of the other detached accessory buildings in this subdivision were built in a rear yard. Since two examples are available (noted above), both have the detached accessory building in the street side yard, similar to what is proposed for this location.

APPLICATION DATA

OWNERS: Thomas and Daleen Heitz
AGENT: None
PURPOSE: Detached garage in street side yard
LEGAL DESCRIPTION: Spring Valley Sub Block 5, Lot 15
ADDRESS: 426 Indian Trail
EXISTING LAND USE: Residential
PROPOSED LAND USE: Same with 994 sf detached garage
EXISTING ZONING: N3

CONCURRENT APPLICATIONS

BP-22-04151 - new detached garage permit

SURROUNDING ZONING & LAND USE

NORTH: Zoning: N3
Land Use: Residential
SOUTH: Zoning: N3
Land Use: Residential
EAST: Zoning: N3
Land Use: Residential
WEST: Zoning: N3
Land Use: Residential

Planning staff is recommending approval based on the review criteria for variances. This lot has an unusual shape and

placement of the home on the lot creates a geographic hardship. There is not enough access to or room in the rear yard to construct a detached garage. There is no feasible or practical way to attach the proposed garage. There have been other setback and location variances granted in this area for both principal and accessory structures. Denying this request would deprive this applicant of rights commonly enjoyed by other property in the area.

STAKEHOLDERS

Planning staff has not received any comments on the application as of the date of this report. The Board of Adjustment will hold a public hearing prior to acting on the request.

ALTERNATIVES

The Board of Adjustment may:

- Conditionally approve the request variance and adopt the recommended findings of the review criteria; or
- Deny the variance and adopt different findings of the review criteria; or
- Delay action on the variance to the next scheduled Board meeting; or
- Allow the applicant to withdraw.

Four votes in favor are required to approve any variance. If a variance is denied, the applicant must wait one year to reapply for the same variance.

FISCAL EFFECTS

The Planning Division budget will not be effected by the Board's decision on this variance.

SUMMARY

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances (Sec. 27-1627.D and E.), as outlined below, have been satisfied:

Section 27-1627.D

1) That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district.

The subject property does have unique topographic features and circumstances that are relevant in the review of this variance request. The lot is pie shaped with only a front lot line and two side property lines. The rear yard is not easily accessible or practical for the placement of a detached garage. There is no feasible or practical way to attached the proposed garage to the east side of the dwelling.

2) That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district.

There have been other variances applied for and approved within the surrounding area, including numerous setback variance and a location variance for a grape arbor in the Alkali Creek Subdivision. Granting this variance would be consistent with limitations placed on other lots in the same zoning district.

3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district.

The granting of this variance will not confer a special privilege since similar variances have been granted in the vicinity of this property. There are also at least two other properties in the Spring Valley Subdivision with detached garages placed in the street side yards.

4) That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the Growth Policy.

Granting of this variance application is compatible with the goals of the 2016 Growth Policy. Allowing continued investment in residential property supports a use that is compatible with the neighborhood. Granting this variance should also be in harmony with the general purpose and intent of the Zoning Regulations.

Section 27-1627.E

2) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code;

Staff is recommending several conditions for the variance request:

1. This approval is to allow the placement of a detached garage in a street side yard. No other variance is intended or implied.
2. The variance is limited to Lot 15, Block 5 of Spring Valley Subdivision, generally located at 426 Indian Trail.

3. The applicant will apply for and receive approval for a building permit within 1 year and complete construction within 3 years of BOA approval. Failure to meet the time limits of this condition will void the variance.
4. There will be no construction activities before 7 a.m. or after 8 p.m. daily.
5. The applicant shall meet all other city code requirements in place at the time of construction except for the variance granted herein.
6. 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, leaseholders, heirs and assigns.

3) The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance. Staff is recommending the applicant have 1 year to receive approval of a building permit and 3 years to complete the project.

4) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this zoning code in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district. The granting of this variance would not allow a use that is not allowed in the zoning district. Detached garages are allowed uses in this zone district.

Attachments

Zoning Map and Site Photos
Chart of Zoning History
Application and Letter
Site Plan

City Variance 1353 – 426 Indian Trail

Zoning Map and Site Photos







Subject Property



View west on Indian Trail



View south and east on Indian Trail



View north across Indian Trail



View of street side yard view south

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
447 Indian Trail	184	6/27/1978	18 ft front yard	Yes	
741-791 Moccasin Trail	38	4/29/1975	Area for duplexes <9,600 sf	Yes	
Moccasin Trail Condos	523	4/28/1987	Reduce arterial setback to 60 ft	Yes	Alkali Creek Rd
393 Moccasin Trail	445	3/26/1985	Lot area and side setback to 0 ft	No	Owner conversion to townhome for financing
560 Wigwam Trail	1008	6/6/2007	Arterial setback to 68 ft and front setback to 19 ft for new detached garage	Yes	This is one of two lots in Spring Valley with detached garages
297 Quiet Water	637	4/16/1991	Side setback 8 ft to 5 ft for two story	Yes	
380 Quiet Water	693	9/14/1993	Side setback to 3 ft	No	
395 Sahara Dr	204	2/21/1979	Side setback to 3 ft	Yes	
638 Tabriz Dr	315	5/25/1982	Height to 31.5 ft	Yes	
368 Camel Place	633	3/5/1991	Rear setback to 14 ft	Yes	
464 Sahara Dr	972	11/1/2005	Street side setback to 6 ft	Yes	Addition to garage
510 Alkali Creek Rd	270	11/25/1980	All grape arbor in front yard	Yes	
1015 Moon Valley Rd	66	1/9/1984	Unknown	Yes	City Council approved
1020 Moon Valley Rd	482	1/2/1986	Height to 30 ft	Yes	
833 Alkali Creek Rd	724	8/14/1995	Reduced lot area	No	City Council denial

CITY VARIANCE

APPLICATION FORM

ID: Billings Variance # 1353 - Project # 22-00260 ^{P2X}

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 # A14524B CITY ELECTION WARD # 1 Billings

Legal Description of Property: SPRING VALLEY SUBD, 528, TOWN, R26E, Block 5 Lot 15

Address or General Location (If unknown, contact City Engineering): 426 INDIAN TRAIL - Billings MONTANA 59105

Zoning Classification: R3 Suburban

Size of Parcel (Area & Dimensions): 14,392 sq ft.

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

Variance(s) Requested: To build a GARAGE 28'x35'6"

Facts of Hardship: (attach letter) I don't have a back yard the only area with enough room is on the east side of the house this is a hardship.

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

Owner(s): THOMAS AND DALEEN HEITZ

(Recorded Owner) 426 INDIAN TRAIL

(Address) 406-939-2081 theitz@midrivers.com

(Phone Number) (email)

Agent(s):

(Name)

(Address)

(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: Thomas Heitz Date: 10/25/22
(Recorded Owner)



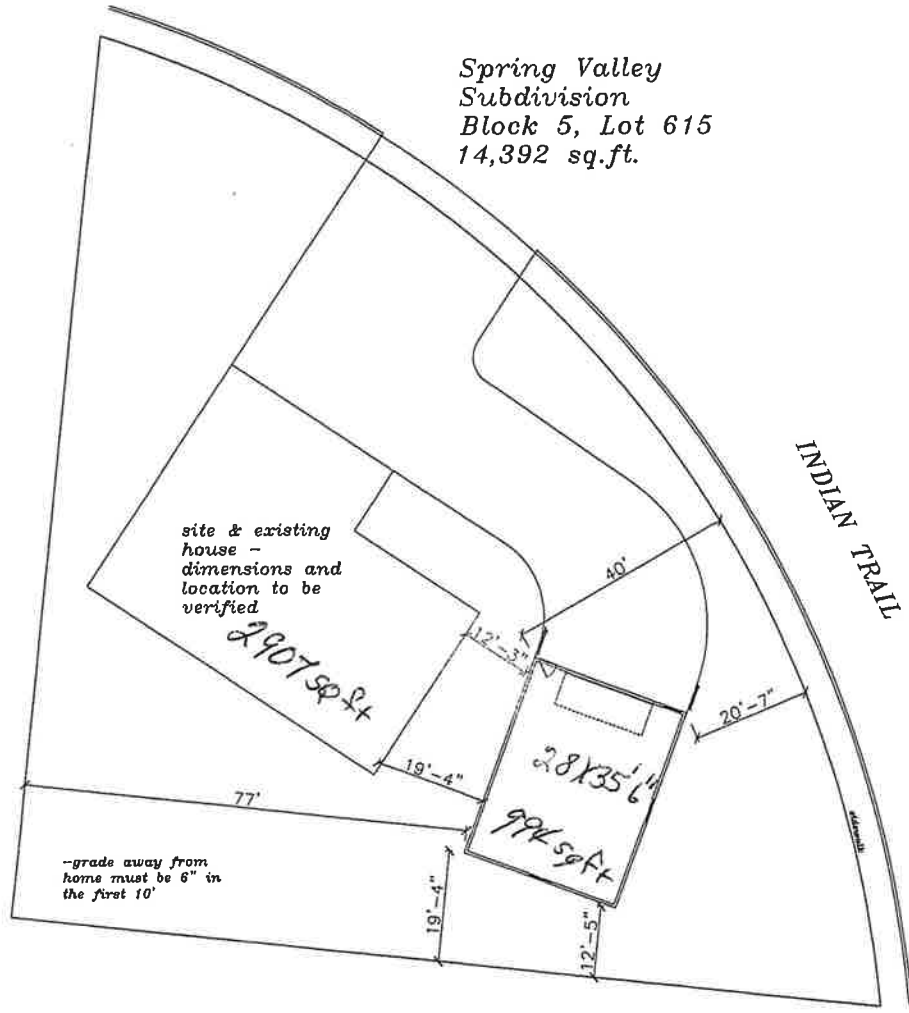
CHAIR PERSON OF THE BOARD OF ADJUSTMENT:

~~I~~ I intend to build a garage to put my vehicles in and store stuff, and a place to work. The variance is needed because of the shape of my lot it is a pie shaped lot. I was told it's not a corner lot so the garage should be behind the house. There is not enough room behind the house for a garage. The only place I have room is on the east side of the house.

SITE PLAN
SCALE: 1" = 10'



Spring Valley
Subdivision
Block 5, Lot 615
14,392 sq.ft.



-downspouts to extend 6' from foundation
-no drainage to neighbors
-all drainage to street unless otherwise indicated

--grade away from home must be 6" in the first 10'

- This plan drawn in accordance with the
- 2021 International Residential Code
 - 2021 International Mechanical Code
 - 2021 International Fuel Gas Code
 - 2021 International Energy Conservation Code
 - 2021 Uniform Plumbing Code
 - 2020 National Electrical Code

* General Contractor is expressly responsible for code adherence

IMPACT
DRAFTING & DESIGN, INC.
3010 W. 15th St.
Billings, MT 59105
406-251-9300

Project No. _____
Scale: 1" = 10'

Heitz Garage
426 INDIAN TRAIL
BILLINGS, MT 59105

THOMAS HEITZ

© 2022 IMPACT Drafting & Design, Inc.

Site Plan

Board of Adjustment

Date: 12/07/2022
Title: City Variance 1354 - 5821 Shooting Star Trail - Lot Coverage
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends conditional approval of Variance 1354 and adoption of the findings of the review criteria.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a variance from 27-306 -- Table 27-300.5 requiring a maximum of 40% lot coverage to allow a maximum of 2,498 square feet of lot coverage (~41.5%) for a proposed addition to an existing residence in a Suburban Neighborhood Residential (N3) zone, on Lot 7, Block 3 Trails West Sub 1st Filing, a 6,030 square foot parcel of land. The additional lot coverage will allow a 192 square foot addition to the rear of the dwelling for a dining area. The lot is a similar size to others within this subdivision and is a regular shape. The previous zoning R-60-R permitted lots of 6,000 square feet with only single family dwelling as an allowed use. The zone district allowed up to 40% lot coverage. Most original construction maximized the lot coverage. The new zoning is N3 that has no set lot area but also limits the total lot coverage to 40% and the use to single family dwellings. There is no particular hardship with the property other than the lot is only 6,030 square feet and the existing home is large with a 3-car attached garage and over 1,200 square feet of living space.

The owner applied for a building permit for the proposed addition in September when it was discovered the 192 sf addition would bring the footprint over the maximum lot coverage of 40% or 2,412 sf. Staff review of the subdivision revealed at least six other properties with less than 100 sf of lot coverage available and two that have exceeded lot coverage by 180 to 200 sf or 2% to 3% over the maximum. The lot coverage percentages on these other properties was not due to a plan review error, but due to the addition of sheds or outbuildings that did not require any building permit review. The overages are small and do not have an impact on adjacent properties. The amount requested by this owner is similar to the lots that have exceeded the 40% lot coverage maximum. There are no variances of record for Trails West Subdivision. Foxtail Village Subdivision to the north of Trails West has similar lots and building design. A side setback variance was granted in Foxtail Village for a patio cover (Variance 1123 in 2012 for 5813 Kit Lnae S). Lots in Cottonwood Grove Subdivision to the northeast have been granted variances for maximum projections of stairs or decks into yards and for setbacks. A lot in Vintage Estates to the east was granted a lot coverage variance and a setback variance for a new dwelling (Variance 1275 in 2018 for 5205 Cabernet). A lot coverage variance to allow 32% lot coverage for a lot in Copper Ridge Subdivision was denied in 2009 (Variance 1044 - 6737 Cove Creek Dr). Two other similar variances were denied in the Copper Ridge or Falcon Ridge subdivisions north and west of the Rimrock Road at 62nd St West. The code update in 2021 now allows 40% lot coverage in the N2 and N3 residential zone districts, 50% in the RMH zone and the four other residential districts allow 60% lot coverage. The four requested variances that were previously denied would no longer need to apply for variances under the new code requirements.

Planning staff is recommending approval based on the review criteria for variances. While there is no substantial hardship with this lot that does not apply to other lots in the area, at least two other lots in the subdivision have exceeded lot coverage maximum by similar amounts without the benefit of a formal variance. There have been a few small lot coverage variances in the area. Denying this request could deprive this applicant of rights commonly enjoyed by other property in the area.

APPLICATION DATA

OWNERS: Michael and LaRona Mahon
AGENT: None
PURPOSE: Dining room addition of 192 square feet
LEGAL DESCRIPTION: Lot 7, Block 3 Trails West Subdivision 1st Filing
ADDRESS: 5821 Shooting Star Trail
EXISTING LAND USE: Residential
PROPOSED LAND USE: Same
EXISTING ZONING: N3

CONCURRENT APPLICATIONS

SURROUNDING ZONING & LAND USE

NORTH: Zoning: N3

Land Use: Residential

SOUTH: Zoning: N3

Land Use: Residential

EAST: Zoning: N3

Land Use: Residential

WEST: Zoning: N3

Land Use: Residential

STAKEHOLDERS

Planning staff has not received any comment from the surrounding property owners as of the date of this report.

ALTERNATIVES

The Board of Adjustment may:

- Conditionally approve the request variance and adopt the recommended findings of the review criteria; or
- Deny the variance and adopt different findings of the review criteria; or
- Delay action on the variance to the next scheduled Board meeting; or
- Allow the applicant to withdraw.

Four votes in favor are required to approve any variance. If a variance is denied, the applicant must wait one year to reapply for the same variance.

FISCAL EFFECTS

The Planning Division budget will not be effected by the Board's decision on this variance.

SUMMARY

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances (Sec. 27-1627.D and E.), as outlined below, have been satisfied:

Section 27-1627.D

1) That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district.

The subject property does not have a hardship which is peculiar to this lot. It is similar in size and shape to other lots within the area. At least six other lots in the subdivision have been built to or close to the maximum allowed lot coverage. At least two other lots in the subdivision have inadvertently exceeded the 40% maximum lot coverage through placement of structures that did not require building permits.

2) That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district.

There have been other variances applied for and approved within the surrounding area, and at least two lots in the subdivision that are over the maximum 40% lot coverage by a similar amount but have not been granted variances. These small lot coverage overages were due to shed or outbuildings that did not require building permits. Granting this variance would be consistent with limitations placed on other lots in the same zoning district.

3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district.

The granting of this variance will not confer a special privilege since similar variances have been granted in the vicinity of this property including in Vintage Estates and Foxtail Village. There are at least two other properties in the subdivision that are over 40% lot coverage by 1 or 2 percent without the benefit of a variance.

4) That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the Growth Policy.

Granting of this variance application is compatible with the goals of the 2016 Growth Policy. Allowing continued investment in residential property supports a use that is compatible with the neighborhood. Granting this variance should also be in harmony with the general purpose and intent of the Zoning Regulations.

Section 27-1627.E

2) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code;

Staff is recommending several conditions for the variance request:

1. This approval is to allow 2,498 square feet of lot coverage (~41.5%). No other variance is intended or implied.
2. The variance is limited to Lot 7, Block 3 of Trails West Subdivision 1st Filing, generally located at 5821 Shooting Start Trail.
3. The applicant will apply for and receive approval for a building permit within 1 year and complete construction within 3 years of BOA approval. Failure to meet the time limits of this condition will void the variance.
4. There will be no construction activities before 7 a.m. or after 8 p.m. daily.
5. The applicant shall meet all other city code requirements in place at the time of construction except for the variance granted herein.
6. 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, leaseholders, heirs and assigns.

3) The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

Staff is recommending the applicant have 1 year to receive approval of a building permit and 3 years to complete the project.

4) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this zoning code in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district.

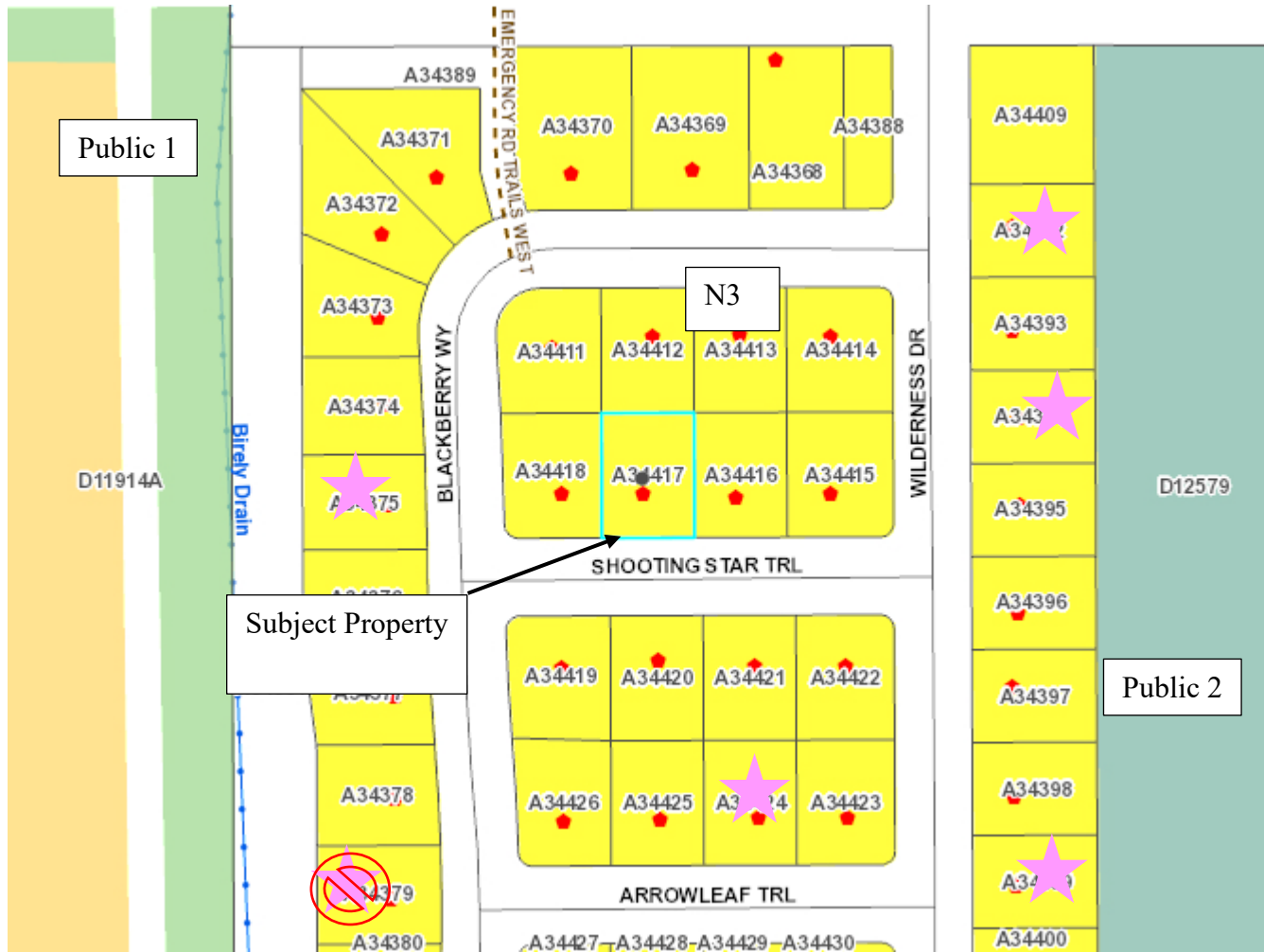
The granting of this variance would not allow a use that is not allowed in the zoning district. Dining room space for a home is an allowed uses in this zone district.

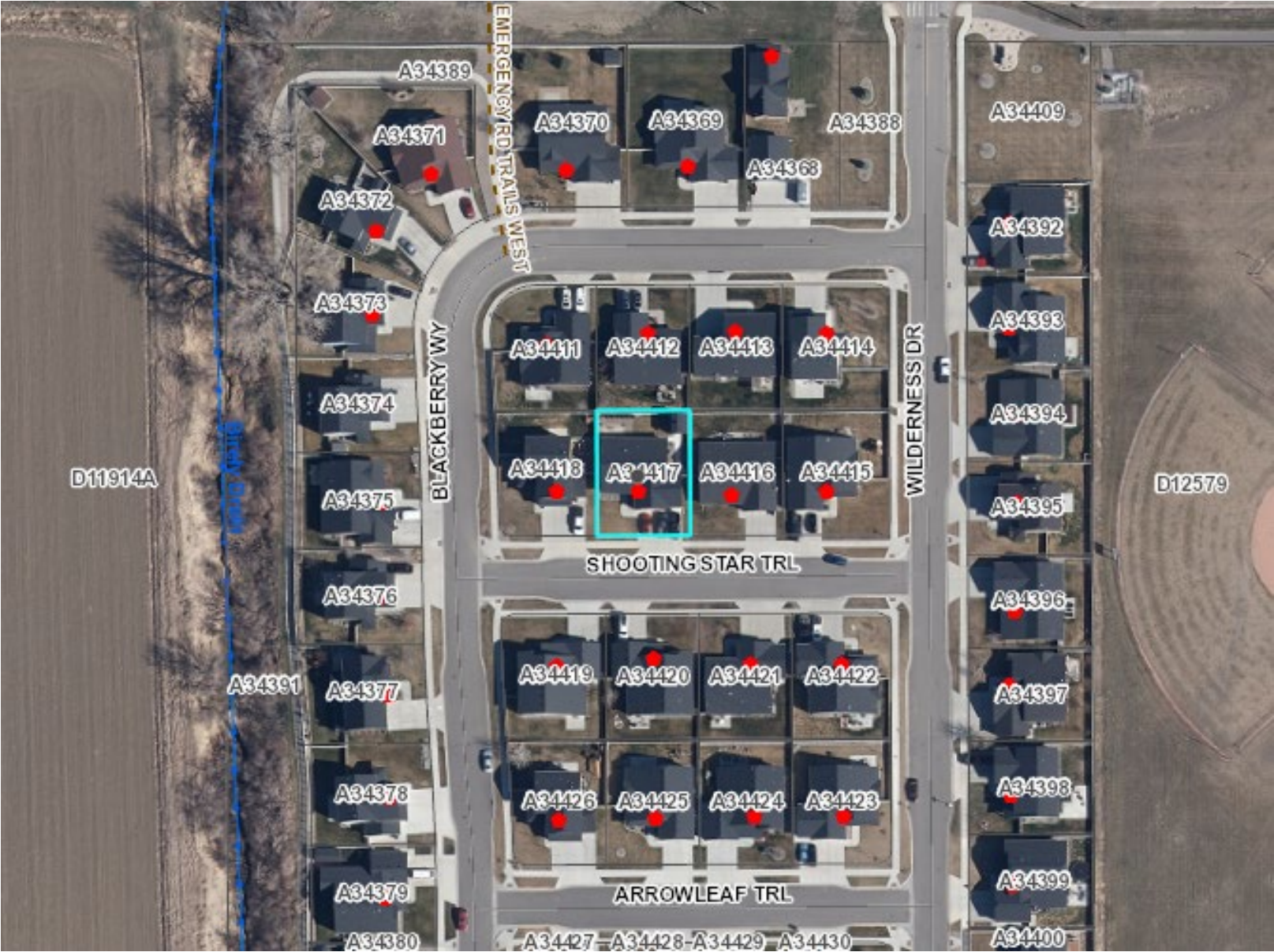
Attachments

Zoning Map and Site Photos
Chart of Zoning History
Application and Letter
Site Plan

City Variance 1354 – 5821 Shooting Star Trail

Zoning Map and Site Photos







Subject Property



View of adjacent dwelling to the west



View east on Shooting Star Trail



View south across Shooting Star Trail

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
3115 Western Bluffs	1006	6/6/2007	Allow 40% lot coverage	No *	Single story dwelling
Golden Acres Dr	1013	9/5/2007	Allow 38% lot coverage	No *	Duplexes
6737 Cove Creek Dr	1044	4/1/2009	Allow 32% lot coverage	No *	Addition
5813 Kit Lane S	1123	7/12/2012	Side setback 2.5 ft	Yes	Patio cover
5404 Cobblestone	993	7/6/2006	10 foot projection in rear setback	Yes	Condition of no re-build
5419 Quarry Stone	994	8/2/2006	12 ft projection into front yard	Yes	
5411 Quarry Stone	1001	1/3/2007	4 ft projection into side yard	Yes	Fire wall required
1625 Riverstone	1064	11/4/2009	0 ft side setback	Yes	Existing building
5205 Cabernet	1275	3/7/2018	31% lot coverage & 10 ft setback for garage door	Yes	New construction
Silver Creek Estates	1224	3/2/2016	Clear Vision at several intersections	Yes	
4749 Gold Creek Trail	1319	10/7/2020	Allow 38% lot coverage	No *	New construction
*Please note these lots would no longer need variances since the code update in Feb 2021					

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1354 **- Project #** P22-22-00263

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 # A34417 CITY ELECTION WARD # 2: Billings

Legal Description of Property: Trails West Sub 1st Filing (11), \$05, T01 S, R25 E, Block 3, Lot 7

Address or General Location (If unknown, contact City Engineering): _____

5821 Shooting Star Trail

Zoning Classification: N3 - Suburban Neighborhood

Size of Parcel (Area & Dimensions): 6030 sq ft 67' x 90'

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

Variance(s) Requested: Maximum Total Building Coverage (40%)
Table 27-300.5: Site and Structure Regulation

Facts of Hardship: (attach letter)

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

Owner(s): Michael + Larong Mahon

(Recorded Owner) 5821 Shooting Star Trl, Billings, MT 59106

(Address) 406-794-7715 mmahon32@yahoo.com

(Phone Number) (email)

Agent(s): _____

(Name)

(Address)

(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: 10-28-22

(Recorded Owner)



Michael and LaRona Mahon
5821 Shooting Star Trail
Billings, MT 59106
406-794-7715

Variance Application

City of Billings

Panning & Community Services Department
2825 3rd Ave North, 4th Floor
Billings, MT

October 15, 2022

Dear Planning Staff/Board of Adjustments,

See application and additional documents required for this request.

6. Written Statement:

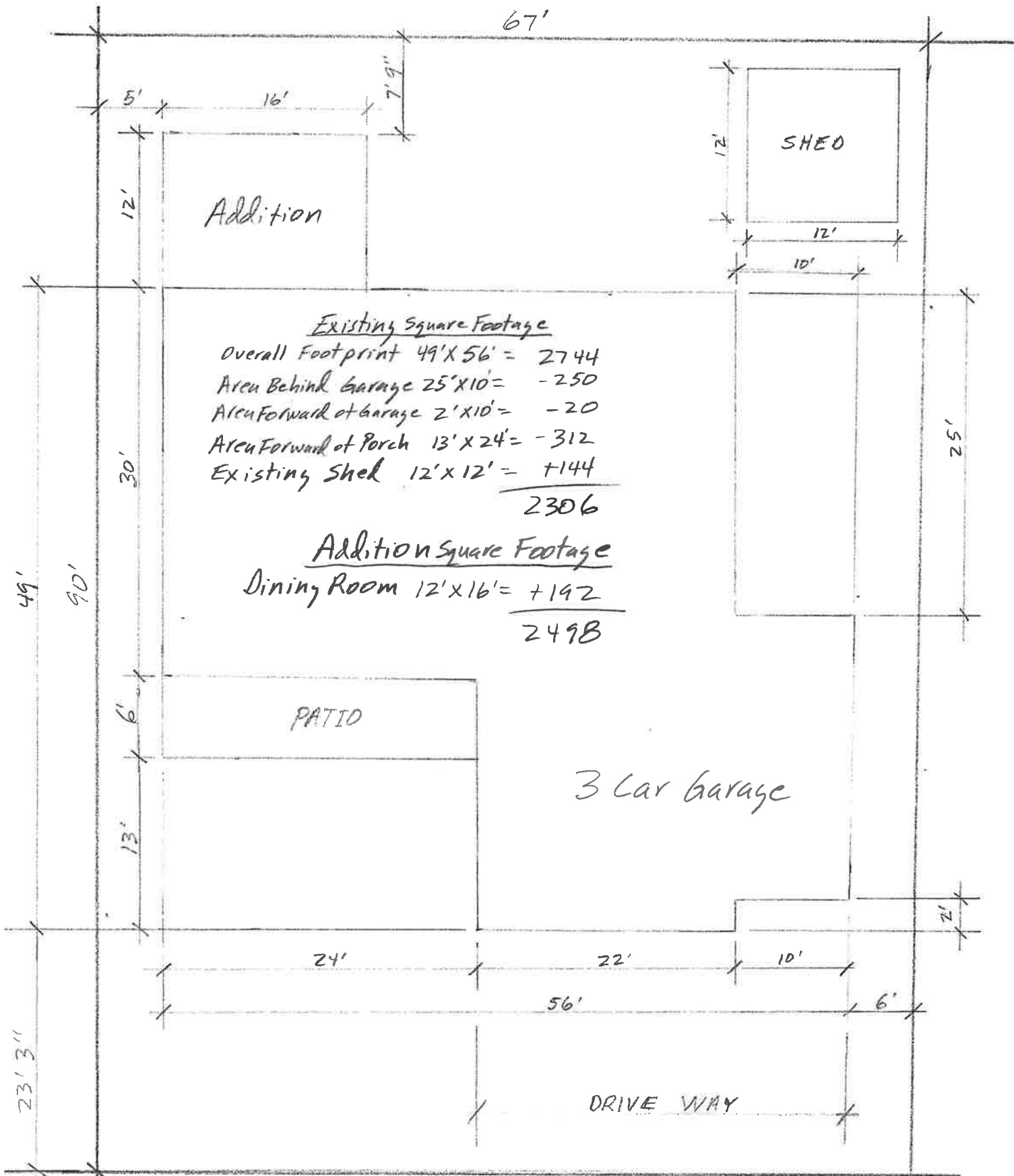
- A. The residential building permit application Project number **BP-22-03691** is in process and we request a variance for “Maximum Total Building Coverage (40%) – Table 27-300.5: Site and Structure Regulations - 9.
 - The addition to the existing dwelling as designed will encroach a few percent beyond the strict reading of the rule.
 - Due to the nature of the smaller lot sizes within this community, and that this is a one level single family home, the owners experience less than adequate space for food preparation and serving to family and guests that others in the community are normally not deprived. This variance allowance and small addition would not violate the general intent of the Maximum Total Building Coverage rule.
 - Your consideration of this variance allowance would display a willingness to cooperate with the community/owners and remain in harmony with the intended code objectives.

- B. A modest dining room addition will be added to an existing single-family dwelling. The existing floorplan leaves a small area for the kitchen/dining area and owners desire to extend into the usable (otherwise seldom used) space in the back yard to enlarge this kitchen/dining area for family/guest and special occasions. Although this subdivision falls under the N3 District with typically “wide lots”, this lot is not wide, and therefore the floorplan restricted the kitchen/dining area to result in the classic 3 bedroom/2 bath home.

- C. The construction of the addition will be of the same foundation, walls, roof pitch, siding, soffit/facia, gutter/downspouts, materials and coloring as the existing dwelling.

Warm Regards,

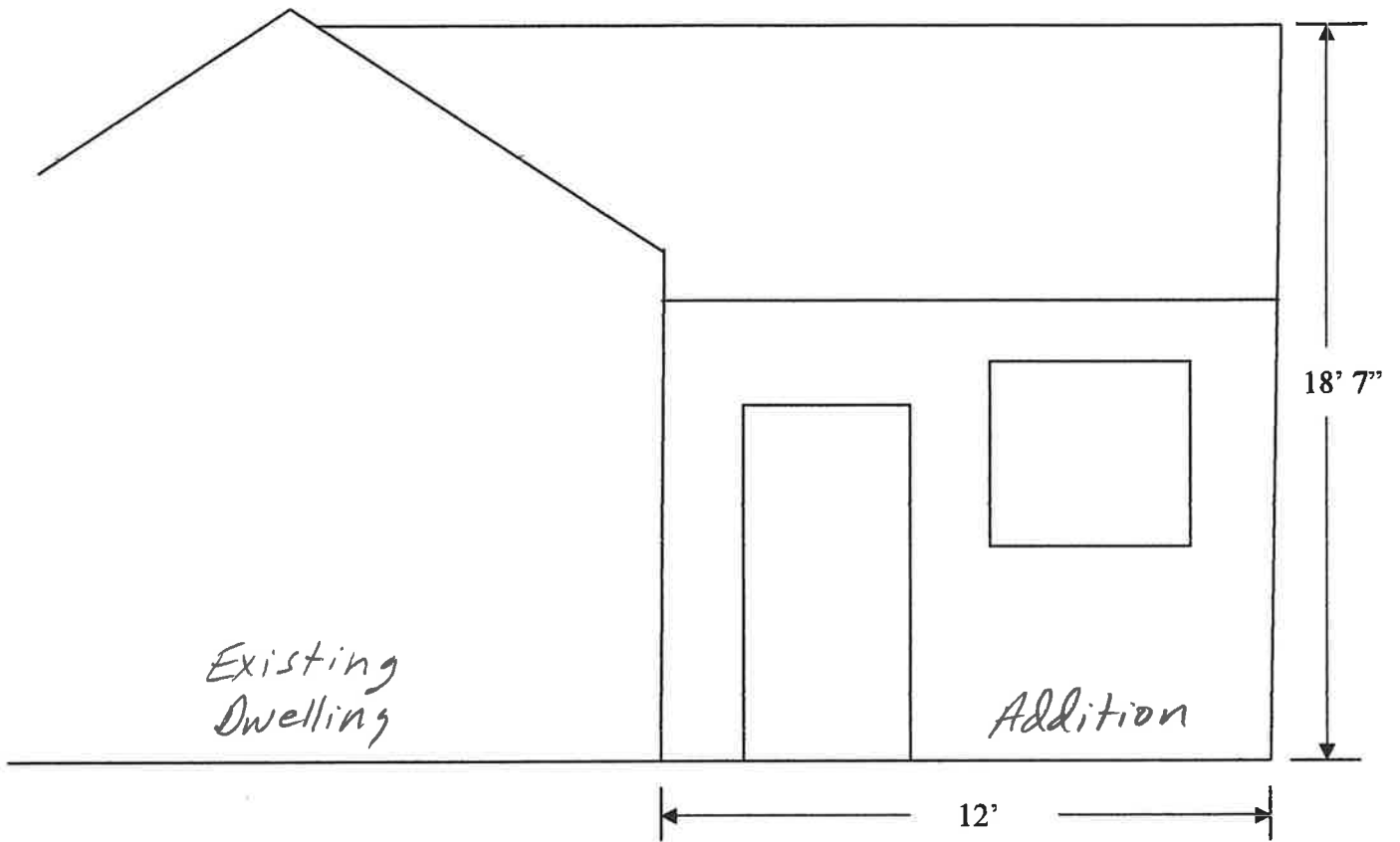
Mike and LaRona Mahon



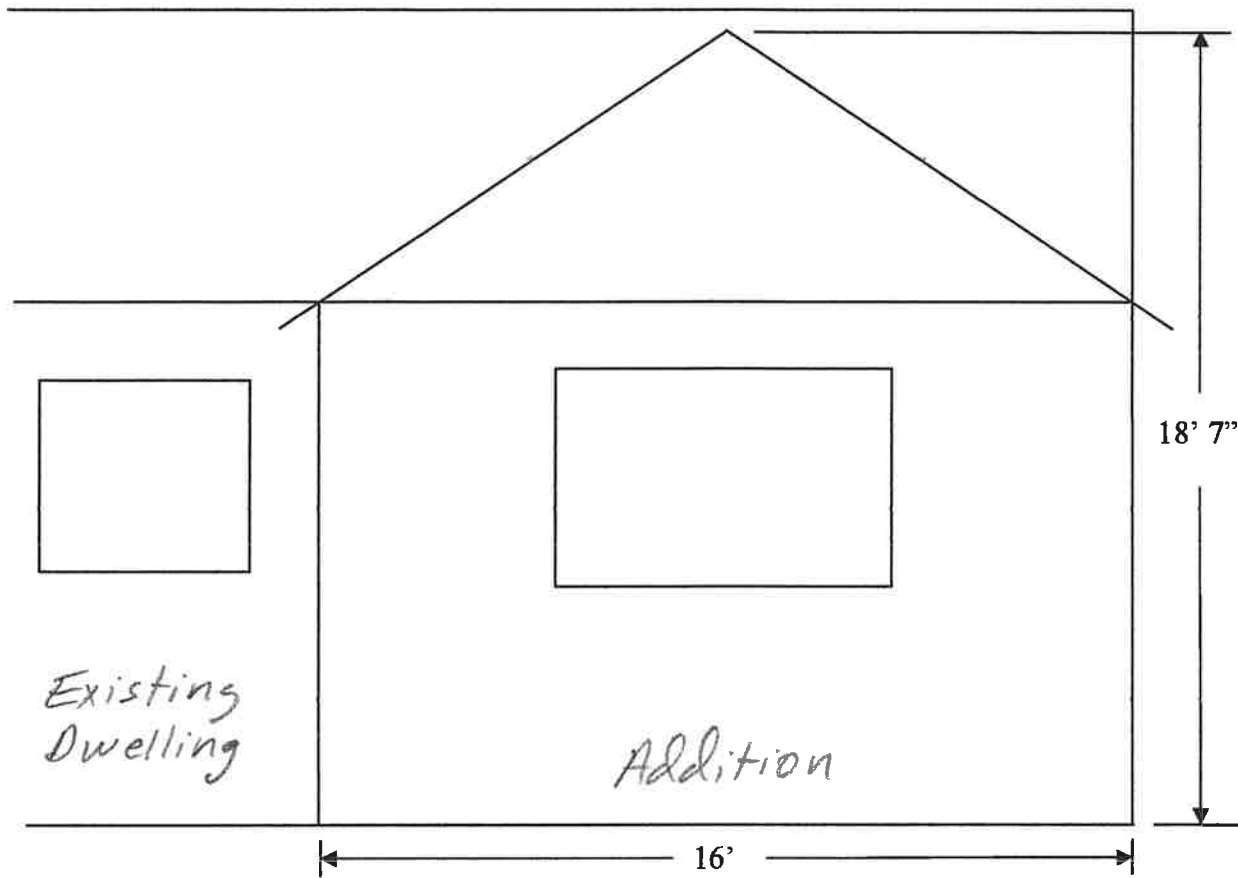
Project: BP-22-03691
 Dining Room Addition
 5821 Shooting Star Trail

Site Plan
 (NOT TO SCALE)





NOT TO SCALE
Dining Room Addition – Basic Concept
View looking West



NOT TO SCALE

Dining Room Addition – Basic Concept
View looking South