



ZONING VARIANCE REQUEST



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

Check one: City of Billings Variance Yellowstone County Variance

Address Midland Road

Legal Description Lot 2A Block 1 Billings Operations Center

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

1. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements? see attached letter
2. Why is there a need for the intended use of the property at this location?
3. Statement to Chairperson of the Board Adjustment. What is intended to be done with the property, including new construction or change in the use of the property and why the variance is being sought.

Required Project Uploads

- Site Plan
- Signed Application and Statement (Variance Questions)
- Radius Map & Certified List of Property Owners
- Typed Mailing Labels Certified Surrounding Property Owners

Online Access: <https://services.billingsmt.gov/citizenaccess/>

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 Request for a Variance. Also, I attest that all the information presented herein is factual and correct.

Recorded Owner(s) Midland Shops LLC
Owner's Address 2040 Grand Ave. - Suite 1

Owner's Phone Number 307-751-5318 (E-mail) bsgrealestate@gmail.com

Applicant/Agent Atwood Architecture

Applicant/Agent's Address 1301 Division Street

Applicant/Agent's Phone Number 406-855-4262 (E-mail) scott@atwoodarchitecture.com

Signature of Recorded Owner(s) [Signature] Date 1-31-2023

AUTHORITIES: Procedures and review Criteria for Variance requests Billings Montana City Code (BMCC) 27-1506 et seq. (SEC. 27-1506. CITY VARIANCES, CITY BOARD OF ADJUSTMENT a) Authority. The City Board of Adjustment shall have the authority to grant a variance from the terms of this chapter in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to City Variance 2020-2021 updated Nov 8, 2019 the lot shape or topography, a literal enforcement of the provisions of the chapter would result in unnecessary hardship.

AUTHORITIES: Procedures and Review Criteria for County Variance requests: Unified Zoning Regulations Section 27-1511 et seq. SEC. 27-1511. COUNTY VARIANCES, YELLOWSTONE COUNTY BOARD OF ADJUSTMENT a) Authority. The County Board of Adjustment shall have the authority to grant a variance from the terms of the chapter in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to the lot shape or topography, a literal enforcement of the provisions of the chapter would result in unnecessary hardship.

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

CITY VARIANCE **APPLICATION FORM**
ID: Billings Variance # _____ - Project # ^{fzx} 23-00019

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 # 01A30490A CITY ELECTION WARD # 3

Legal Description of Property: Lot 2A, Block 1, Billings Operations Center Sub.

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

Zoning Classification: CMU2

Size of Parcel (Area & Dimensions): 33,915 s.f. (310' x 108' pie-shaped)

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: SET BACK / BUILDING PLACEMENT

Facts of Hardship: (attach letter) attached

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

Owner(s): Midland Shops LLC

(Recorded Owner) 2646 Grand Ave. - Suite 1

(Address) 307-751-5378 bsgrealestate@gmail.com

(Phone Number) (email)

Agent(s): Atwood Architecture

(Name) 1301 Division Street

(Address) 406-855-4262 sottie@atwoodarchitecture.com

(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 1-31-2023
(Recorded Owner)





January 30, 2023

Nicole Cromwell, Zoning Coordinator
Billings Planning Department
2825 3rd Avenue North
Billings, MT 59101

Re: Variance Application - Midland Road
Identification of Hardship

Dear Board of Adjustment,

Facts of Hardship for Lot 2A Block 1, Billings Operations Center

As shown on the attached site layout study we find the following hardships for the property:

- 1) The primary hardship is the existence of an existing drainage easement across the lot. Because it cannot be built upon, this easement forces the owner to push any future building back (South) on the site.
- 2) The secondary issue is the "pie-shaped" nature of the lot. Because the building must be pushed back on the site due to the easement noted above, the lot narrows and essentially forces the building to be rotated in order to gain any true useful square footage.
- 3) After a series of studies, the Owner has decided that the layout as shown gains enough useful square footage to be economically feasible. You may notice that the layout relies on passing across the adjacent property for both private and Fire Dept./Solid Waste access. The Owner is aware of this and will follow up with appropriate documentation/filing of access easement if this variance is granted.

We hope the above explains the challenges that the Owner must deal with in developing the property.

Sincerely,
Atwood Architecture

A handwritten signature in blue ink that reads 'SCOTT ATWOOD'.

Scott Atwood, Registered Architect
copy: Bryan Gentry

1301 Division Street

Billings, MT 59101

406-855-4262