

CITY VARIANCE

APPLICATION FORM

ID: Billings Variance # 1362 - Project # PZ-23-0002Z

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 # C00163 CITY ELECTION WARD # 2

Legal Description of Property: Lots 2A, 3A and 4A of the Amended Plat of Brittain Acres Subdivision  
(Proposed Lot 3A-1 of the Amended Plat of Lots 2A, 3A, and 4A)

Address or General Location (If unknown, contact City Engineering): 807 Bench Blvd

Zoning Classification: Corridor Mixed-Use 2

Size of Parcel (Area & Dimensions): 81,412.74 SF (228.65' x 357.35')

Covenants or Deed Restrictions on Property: Yes  No  See attached Reciprocal Easement

If yes, please attach to application

Variance(s) Requested: Variance from Table 27-400-3, A, 4. Front Build-to-Zone 10-20 feet.

Facts of Hardship: (attach letter) See Attached Letter.

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

Owner(s): Fleury Properties, LLC  
(Recorded Owner) 2730 Cass Lane, Billings, MT 59105  
(Address) 406-861-9267 bnfleury12@gmail.com  
(Phone Number) (email)

Agent(s): Performance Engineering  
(Name) 608 N. 29th Street, Billings, MT 59101  
(Address) 406-384-0080 taylor@performance-ec.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: 1-27-23  
(Recorded Owner)





608 North 29<sup>th</sup> Street • Billings, MT 59101 • 406-384-0080

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January 31, 2023

Chair of the Board of Adjustments  
City of Billings Planning Department

*RE: Build-To Variance Application – Proposed Lot 3A-1 of the Amended Plat of Lots 2A, 3A, and 4A of Amended Plat of Lots 1, 2, 3, 4, and 5 of Brittain Acres Subdivision*

To the Chair of Board of Adjustments,

Thank you for the time and consideration in reviewing the submitted City Zoning Variance Application for the proposed development currently located on Lots 2A, 3A, and 4A of Amended Plat of Lots 1, 2, 3, 4, and 5 of Brittain Acres. The current lot lines will be relocated as shown on the draft plat included with this application, and the proposed development will be located on Lot 3A-1 of the Amended Plat of Lots 2A, 3A, and 4A of Amended Plat of Lots 1, 2, 3, 4, and 5 of Brittain Acres Subdivision. The property is located northeast of the intersection of Bench Boulevard and Yellowstone River Rd. The proposed project will include a new commercial building to serve a drive through restaurant establishment. Performance Engineering and the Owner feel that the property is an excellent location for the proposed use. The area that the proposed building is to be built on is an undeveloped empty field adjacent to two homes. The surrounding area is largely residential, and the proposed use would promote strong community connections as it would provide a relaxing place for people to gather and socialize.

The submitted variance applies to Table 27-400-3, A 4, of the City of Billings Zoning Code Section Commercial and Mixed-Use Districts (CMU2) which requires the front of the building be built to within 10 to 20 feet of the property frontage. The proposed Lot 3A-1 is fronted by Yellowstone River Rd. at the south end of the lot.

Facts of hardship to meet this requirement for the proposed building relate to an existing sanitary sewer easement service line located north

of the build-to zone along Yellowstone River Rd. The facts of hardship experienced with this requirement are as follows:

- The southern boundary of the 10-foot wide Sanitary Sewer Service Easement benefitting Lot 1A of the Amended Brittain Acres Subdivision (Doc. No. 3833648) runs parallel to the southern boundary of the proposed Lot 3A-1 at an approximate distance of 27.60 feet, therefore any building meeting the build to requirements would be built on and across the existing Sanitary Sewer Service Easement, which is included with this application for reference.
- Additionally, an existing sanitary sewer service which services EconoGlass located on Lot 1A is centered within the easement and meeting the build-to requirements would mean the southern building face would be built approximately 12.5 feet over the existing sanitary service.
- Meeting the build-to zone requirements would make future repair or replacement of the existing sanitary service impossible without impacting the proposed building's foundation.

We appreciate your consideration of this variance request given the property's unique characteristics and the area's existing nature. Should you have any further questions please do not hesitate to call at 406-384-0080 or email myself at [taylor@performance-ec.com](mailto:taylor@performance-ec.com). We look forward to presenting this request to you at the schedule meeting for consideration.

Best Regards,



Taylor Kasperick, PE  
Project Manager