

Project Number: PZ-15-00160

Variance #1219

Legal Description:	PALISADES PARK SUBD 1ST FILING , S28, T01 N, R25 E, BLOCK 8, Lot 4A, & LT 4B BLK 8 PALISADE S PARK SUBD 2ND				
General Location:	3903 PALISADES PARK DR				
Owner:	David Sellers				
Agent:					
Fees:	Amt:		Check#		Rect#
Sign Bond:	Amt:		Sign #:		Returned: Y N
Planner:	Dave Green				
Submittal Deadline:	9/8/15				
Legal Ad Taken To Paper:	9/15/15				
Property Was Posted:	9/18/15				
Surrounding Property Owners Notified:	9/18/15				
City Task Forces Notified:	9/11/15				
Staff Report Sent to Board Members:	9/28/15				
Applicant Notified of Meeting Date:	9/28/15				
Advisory Board Public Hearing Held:	NA				
Advisory Recommendation:	NA				
Applicant Notified of Results of Hearing:	NA				
Legal Ad with Advisory Recommendation To Paper (City Only):	NA				
Governing Body Hearing Held:	10/7/15				
Governing Body Action:	<i>denial 6-0</i>				
Applicant Notified of Results of Hearing:	10/8/15				
Blue Book/ CE notified:	10/8/15				
Map Revised/ Resolution or Ordinance sent to GIS:	NA				

CITY OF BILLINGS
*** CUSTOMER RECEIPT ***

plngenuser
Receipt no: R-L-871484

PZ-15-00160
ZON-VAR - CITY - RESIDENTIAL
Paid By: David Sellers

Type	Due	Paid
Project	\$459.00	\$459.00

Tax:
Total Tax \$8.00

Tender Detail
Check \$45.00
-Check Number: 4629.
Check \$414.00
-Check Number: 4628
Total Tendered \$459.00
Total Payment \$459.00
Change \$8.00

**** THANK YOU FOR YOUR PAYMENT ****

Check: 4629.
Date: 9/03/15 Rcr-L-871484

CHECK FOR DEPOSIT ONLY \$45.00
PAY TO THE ORDER OF
US BANK
BILLINGS, MONTANA
FOR DEPOSIT ONLY
CITY OF BILLINGS
BUILDING
GENERAL DEPOSITORY
1-800-9359-2821

Check: 4628
Date: 9/03/15 Rcr-L-871484
CHECK \$414.00
FOR DEPOSIT ONLY
PAY TO THE ORDER OF
US BANK
BILLINGS, MONTANA
FOR DEPOSIT ONLY
CITY OF BILLINGS
BUILDING
GENERAL DEPOSITORY
1-800-9359-2821

3, 03



CE officer Morgan checked property
on 9/23/16. No fence built, just
posts from when original CE
violation started in 2015.



CITY/COUNTY PLANNING DIVISION

"SERVING BILLINGS, BROADVIEW AND YELLOWSTONE COUNTY"

PLANNING & COMMUNITY SERVICES DEPARTMENT

2825 3RD AVENUE NORTH, 4TH FLOOR

BILLINGS, MONTANA 59101

PHONE: (406)247-8676 FAX: (406) 657-8327

REQUEST FOR PUBLIC RECORDS



I, DAVID Sellers (Applicant), do hereby make application for inspection and/or copying of the following public records of Yellowstone County or the City of Billings, Montana. (Please be as specific as possible in your request, to assist us in locating the records as quickly as possible. List the file name, document, and document page(s).)

look at the complete file on #1219
Project # PZ-15-00160

CALL 861-3903

Applicant's Signature: David Sellers Date of Request: 4-14-16
Address: 3903 Palisades Pk Dr
Telephone: HOME: 406-655-1659 WORK: 406-861-3903
Email Address: centinied224@gmail.com
Dept. Head Authorization: [Signature] DATE: 4.14.16

"INTERNAL USE ONLY BELOW THIS LINE"

The Above Requested Records Are: (Check One.)

- Available for inspection in the Office of the City Clerk immediately upon processing your request.
- To be Scanned/Copied at your expense and will be available to you on _____ (day, date) at _____ o'clock ____ M.
- Currently in storage/use and not available for inspection/copying at this time. These records will be made available to you in the Planning Division office on the _____ day of _____, 20____, at _____ O'clock ____ M.
- Not subject to disclosure pursuant to Montana Public Records Statutes (Art.II, Sec. Mont. Const.; M.C.A. 7-1-4144.)
- The subject of a written request for a determination for the Attorney General as to whether they are subject to disclosure.
- Not in existence, due to "vagueness" of request or it requires creation of documents.

Hard Copies: _____ Number of Copies; Per page charge: \$0.25. Total: \$ _____

Staff Time (\$10.00/hr after the first 1/2 hour) _____ Hr.(s) Total \$ _____

Digital Scan/Email Files. Staff time: \$10.00/hr. after First 1/2 Hour _____ Hr(s) Total \$ _____

Provided on a CD/Flash Drive/Device \$7.50 (ea.) Total \$ _____

Processed By/Date _____ Total Due for this request \$ _____



PLANNING DIVISION
"SERVING BILLINGS, BROADVIEW AND YELLOWSTONE COUNTY"
PLANNING & COMMUNITY SERVICES DEPARTMENT
2825 3RD AVENUE NORTH, 4TH FLOOR
BILLINGS, MONTANA 59101
PHONE: (406)247-8676 FAX: (406) 657-8327



October 8, 2015

CITY VARIANCE #1219
Project Number: PZ-15-00160

David and Norma Sellers
3903 Palisades Park Drive
Billings, MT 59102

David and Norma Sellers,

This is to inform you of the action taken by the City Board of Adjustment (BOA) at its October 7, 2015 meeting on your request for a variance from BMCC Section 27-604 requiring a maximum fence height of 6 feet on the side or rear property line to allow a maximum fence height of 7 feet on the north property line to replace a damaged 6.5-foot fence in a Residential 9,600 (R-96) zone, on Lot 4A, Block 8 of Palisades Park Subdivision 1st Filing and Lot 4B, Block 8 of Palisades Park Subdivision 2nd Filing, a 10,195 square foot parcel of land. Tax ID: C03167.

The board of adjustment voted 6-0 to Deny your variance request.

This also means that any new fence posts with concrete footings recently installed by you must be removed within 10 days of receiving this notice.

Should you wish to install a new fence you need to obtain a fence permit, with a maximum fence height of 6 feet, from the planning department and it must be installed on your property. This would require you to know where your property lines are and be able to prove that fact. Hiring a surveyor would be the most accurate way to determine where your property lines are located.

If you have any questions, please call me at 247-8666 or by email at greend@ci.billings.mt.us

Sincerely,

Dave Green, Planner II

Palisades Park 1st & 2nd B8 Lts 4A & 4B

PZ-15-160

Section: Township: Range: Billings

General Location: 3903 PALISADES PARK DR

Cross Reference: PALISADES PARK SUBD 1ST FILING , S28, T01 N, R25 E, BLOCK 8, Lot 4A, & LT 4B BLK 8 PALISADE S PARK SUBD 2ND

Zoning: R-96

Action Date: October 7, 2015

Variance #1219 – A variance from BMCC Section 27-604 requiring a maximum fence height of 6 feet on the side or rear property line to allow a maximum fence height of 7 feet on the north property line to replace a damaged 6.5-foot fence in a Residential 9,600 (R-96) zone, on Lot 4A, Block 8 of Palisades Park Subdivision 1st Filing and Lot 4B, Block 8 of Palisades Park Subdivision 2nd Filing, a 10,195 square foot parcel of land. Tax ID: C03167.

The BOA voted 6-0 to deny the variance on October 7, 2015.



PLANNING



Incorrect information
17 years ago
6.5 foot fence

fences are on properties to the north
Call police because of problems w/neighbors
Wall of china reference
lots of fences 6' tall

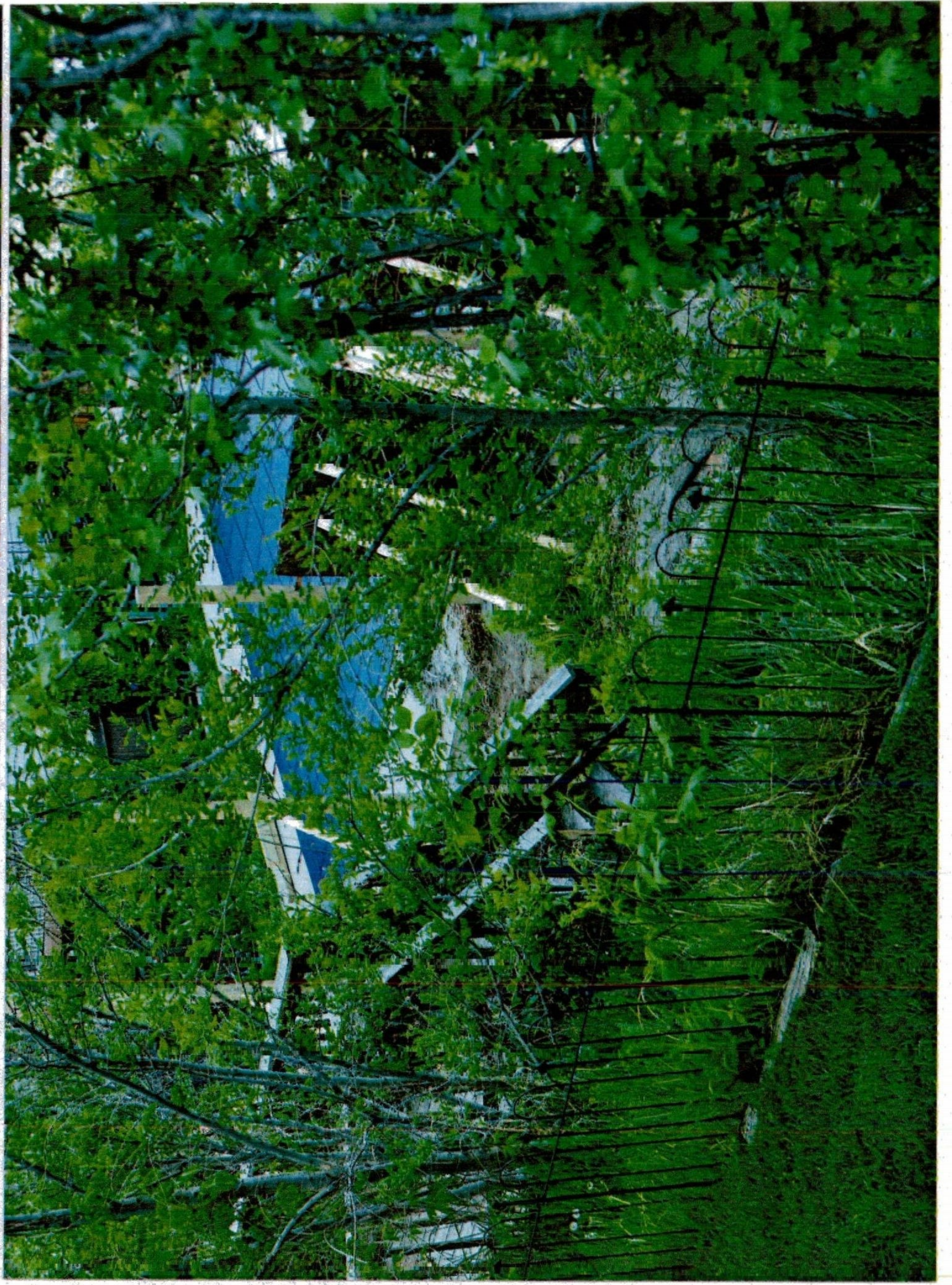
12/19 Marti: Deny Variance
Maeyri: 2nd

Yes IIII

Variance denied unanimous vote

Neighbor Joos spoke against
Neighbors to the north







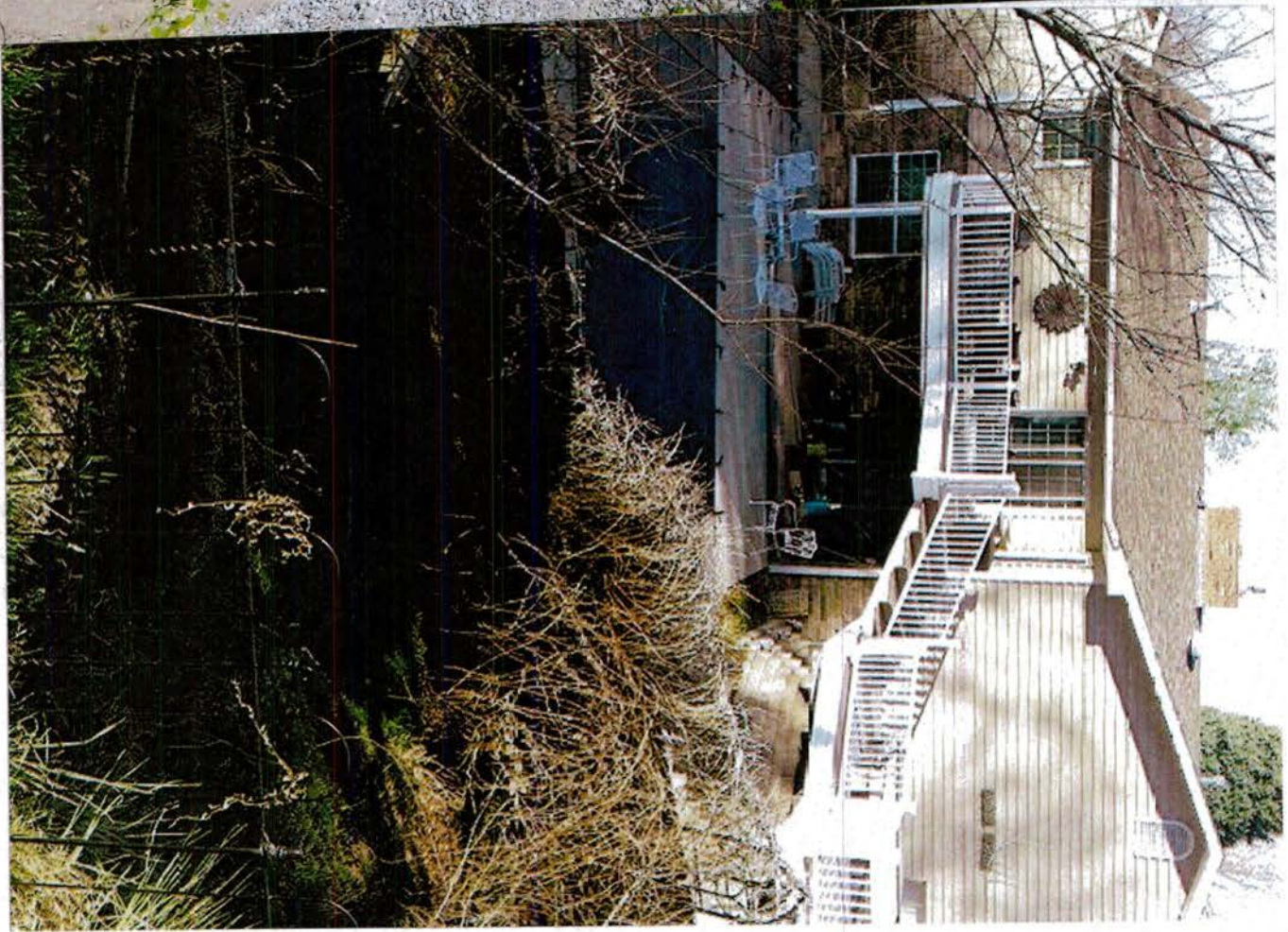
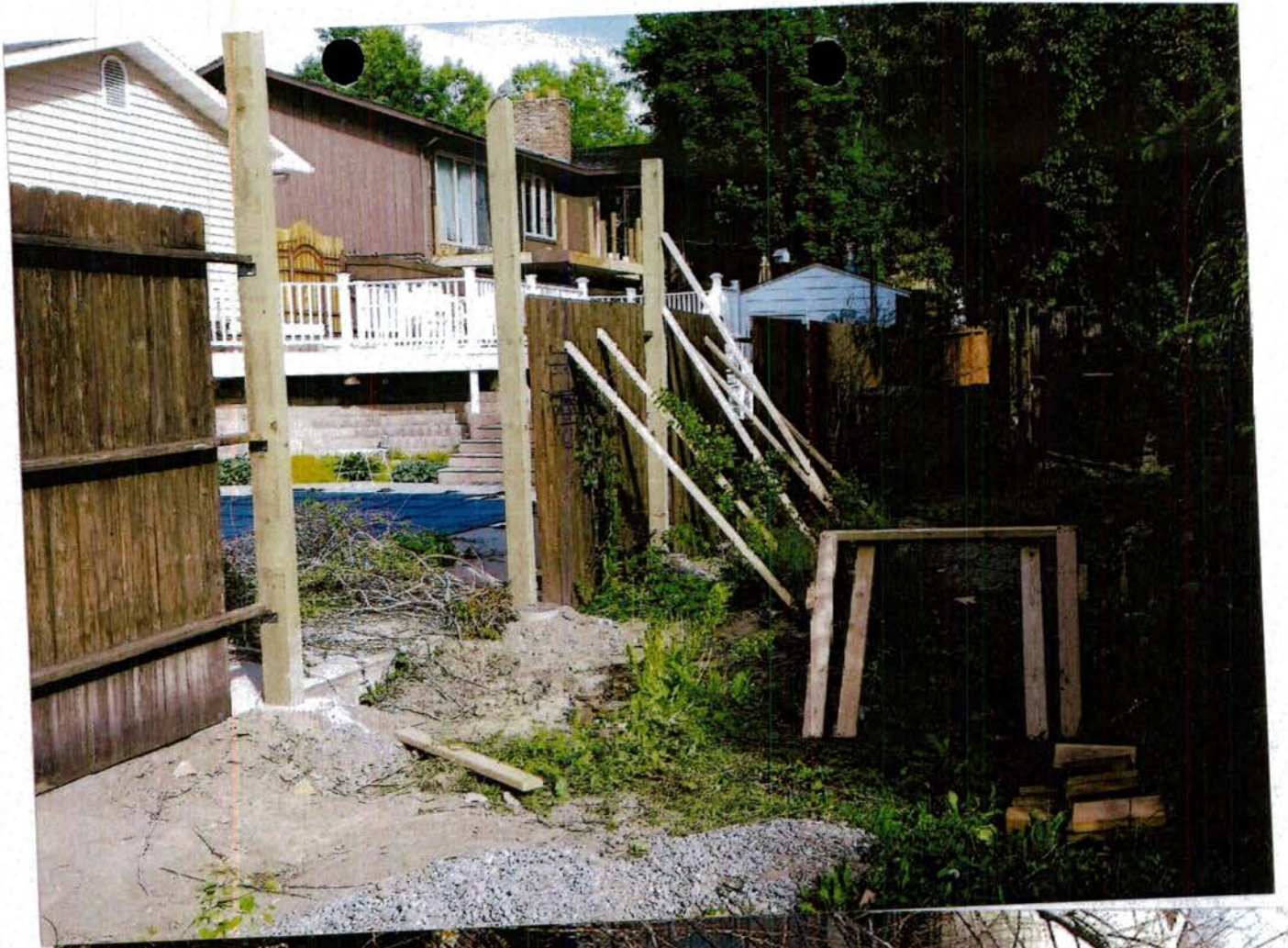










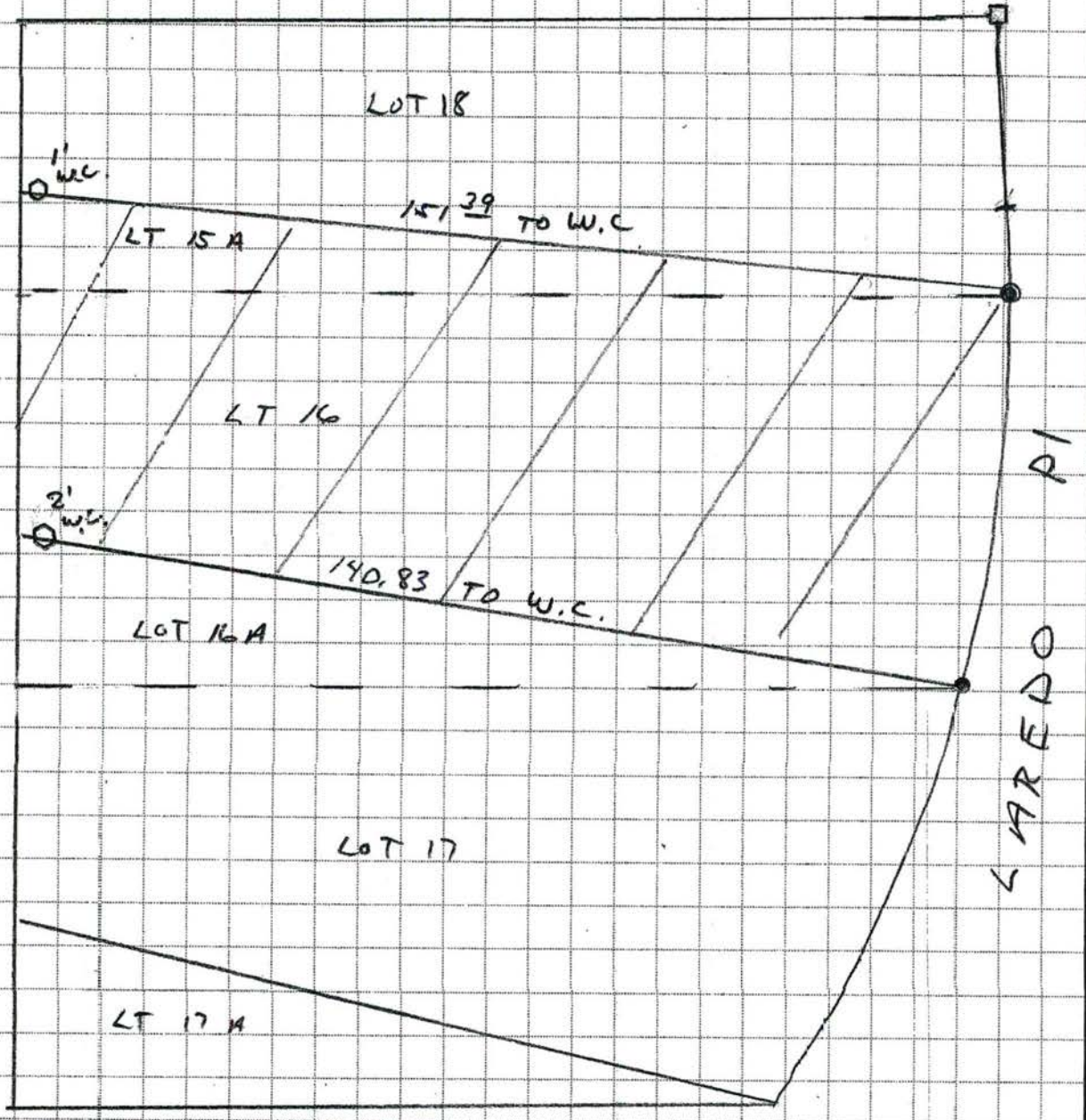
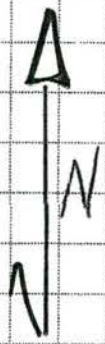




MONTANA MERIDIAN SURVEYING
 2030 TANNER LANE
 BILLINGS, MONTANA 59102
 406-598-1756
 hett@bresnan.net

JOB John LINYA LOOS
 SHEET NO. 3208 LAREDO PL
 CALCULATED BY LT 15A, LT 16 DATE 7-14-2015
 CHECKED BY D. H. DATE _____
 SCALE _____

Palisades Park SUBD 1st
 AMENDED LOTS 15-17
 BIK 8



- ⊙ = Found 5/8" REBAR
- = Found 3/8" PIPE
- = SET 2" ACR Witness COR 1 FT EAST OF Prop COR
- = SET 2" ACR Witness COR 2 FT EAST OF Prop COR
- = Found ATLAS YCR

September 25, 2015

Dear City Planning Department,

This is in response to the zoning request by Dave and Norma Sellers. We live directly to the East of the Sellers, we have absolutely no objections to the proposed fence change on the Seller property. Our property is very private when the trees are leafed out (see picture) which mostly blocks neighbors from seeing into our back yard and, the Sellers do not have the ability to grow the trees on the concrete pool decking. The addition of the proposed arbor would afford us further privacy when leafed out. The neighbors to the South of us are built on a slope so that put us at a disadvantage and provides lack of privacy by the nature of the geography. The neighbor that the Sellers speak of have dogs who we have in the past been annoying and would bark whenever we stepped on the deck. They do bark at us on occasion but with the addition of the vine maybe the dogs would not see us and remain quiet.

Sincerely

Donald and Christine Tyler

Christine A. Tyler
Donald M. Tyler





Donald M. Tyler
3847 Palisades Park Dr.
Billings, MT 59102-0151

BILLINGS MT 591

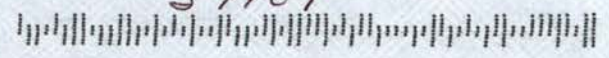
26 SEP 2015 PM 1 L



RECEIVED
SEP 28 2015
PLANNING & COMMUNITY
SERVICES DEPARTMENT

City Planning Division
2825 3rd Ave N.
Billings, MT
59101

5910181949





City Board of Adjustment

Meeting Date: 10/07/2015

SUBJECT: Variance #1219 - 3903 Palisades Park - Fence Height

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: David Green

Information

REQUEST

Item # 1. City Variance #1219, Dave Green, Planner II - The applicant is requesting a variance from BMCC Section 27-604 requiring a maximum fence height of 6 feet on the side or rear property line to allow a maximum fence height of 7 feet on the north property line to replace a damage 6.5-foot fence in a Residential 9,600 (R-96) zone, on Lot 4A, Block 8 of Palisades Park Subdivision 1st Filing and Lot 4B, Block 8 of Palisades Park Subdivision 2nd Filing, a 10,195 square foot parcel of land. Tax ID: C03167, David and Norma Sellers, owners.

RECOMMENDATION

Staff recommends conditional approval of the variance.

APPLICATION DATA

OWNER: David and Norma Sellers

AGENT: None

LEGAL DESCRIPTION: Lot 4A, Block 8 of Palisades Park Subdivision 1st Filing and Lot 4B, Block 8 of Palisades Park Subdivision 2nd Filing

ADDRESS: 3903 Palisades Park Drive

CURRENT ZONING: Residential 9600

EXISTING LAND USE: Residential

PROPOSED USE: Same

SIZE OF PARCEL: 10,195 square feet

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

There have been a few variances in the surrounding neighborhood that have been applied for and granted and some that were denied. There have been 16 variances applied for in the neighborhood. Of those 16 variances, 13 were granted and 3 were denied. The ones that were granted included front setback reductions, lot size reductions, arterial setbacks reduced, rear setback reduction, and two fence height variances (one fence variance was a front fence from 3 feet to 5 feet and the other was for a rear and side fence height from 6 feet to 8 feet). The three that were denied were for rear, 20' to 2', and side, 5' to 0' setback reductions. A side setback from 5' to 1' 8" was denied and a front setback from 20' to 5' was denied.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: Residential 9600 (R-96) Land Use: Residential
SOUTH:	Zoning: R-96 Land Use: Residential
EAST:	Zoning: R-96 Land Use: Residential
WEST:	Zoning: R-96 Land Use: Residential

BACKGROUND

The applicant is requesting a variance from Section 27-604 requiring a maximum fence height of 6 feet on the side or rear property line to allow a maximum fence height of 7 feet on the rear side yard along the north property line to replace a damaged 6.5-foot fence. The property is in a Residential 9,600 (R-96) zone and is 10,195 square feet in size.

This area of Billings is built at the foot of the Rims. The subject property is 'downhill' from the north fence on the side property line behind the house. There is a natural drainage that runs at the back property lines of the properties in this part of the subdivision with the north elevations higher than the ones on the south. With the properties on the north being higher, a common fence on the shared rear property line would appear shorter on the north property than on the south property.

The applicant submitted pictures and states that the fence on their property now is 77 inches tall and has been for 17 years. They are asking to be able to rebuild a new fence that is 7 feet tall with a decorative trellis top on it that could possibly be used for growing hanging vines or for other decorative purposes. The variance would be to allow the subject property a taller fence to provide a greater amount of privacy from a property that is uphill from them.

While posting the property, one of the pictures taken between homes shows that the back

yards to the north are at a higher elevation to the back of the house than the back yards to the south for the homes on Palisades Park Drive. Back yards to the north were visible from Palisades Park Drive. Front yards on homes on Palisades Park Drive are higher than their back yards but still lower than back yards are to the north (See attached photos).

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

RECOMMENDATION

Staff recommends Conditional Approval

Attachments

Variance Determinations

Attachments

DETERMINATIONS

The Board of Adjustment shall make the following determinations prior to granting a variance:

- 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 existing on this property that would create a hardship. The subdivision where the subject property is located is below the Rims here in Billings. The house to the north of the subject property is at a higher elevation than the subject property. A 6 foot fence on the shared 'backyard' location appears much less than 6 feet on the uphill, north, side than it does on the subject property.

- 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 properties in the surrounding neighborhoods that have requested and have obtained a height variance for fences. The basic reason for fences is to provide a bit of privacy in your own back yard. When there are abrupt grade changes that result in one property being higher than one next to it a 6 foot fence does not provide much privacy for either property. The literal interpretation of the code for fence height would not provide the same amount of privacy in this neighborhood as it would in one that there are minimal to no grade changes between lots.

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

The variance will not allow the applicant any special privileges. There have been other fence height variances in the surrounding neighborhoods with one variance for an 8 foot fence height that was granted.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

The variance is in harmony with the general purpose and intent of the zoning regulations and the growth policy. This would be to allow the subject property a taller fence to provide a greater amount of privacy from a property that is uphill from them.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. 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 Chapter;**

Staff is recommending the following conditions for the increased maximum lot coverage variance request:

1. The variance is to increase the maximum fence height from 6 feet to 7 feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 4A, Block 8 of Palisades Park Subdivision 1st Filing and Lot 4B, Block 8 of Palisades Park Subdivision 2nd Filing generally located at 3903 Palisades Park Drive.

3. Construction of the fence will be in substantial conformance with the submitted site plan and shall meet all other required City regulations, with the exception of this variance for fence height.

4. The applicant will receive a fence permit approval within 6 months of the Board of Adjustment approval of the variance. Construction of the fence will be completed within 18 months of Board of Adjustment approval.

5. Construction activity is not to start before 7 am and will end by 8 pm daily.

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, lease holders, heirs and assigns.

- 6. 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; and**

The applicant will obtain a fence permit within 6 months of approval of this variance and have the construction completed within 18 months of this variance approval.

- 7. Under no circumstances shall the Board 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 granting of this variance would not allow a use that is not allowed in the zoning district. Fences are an allowed use in all residentially zoned districts in the city.

ATTACHMENTS

- A: Surrounding Zoning & Aerial View
- B. Site Photographs
- C: Application form
- D: Applicant Supplied Photos

ATTACHMENT A
Surrounding Zoning & Site Location



Subject property 



ATTACHMENT B
Site Photographs



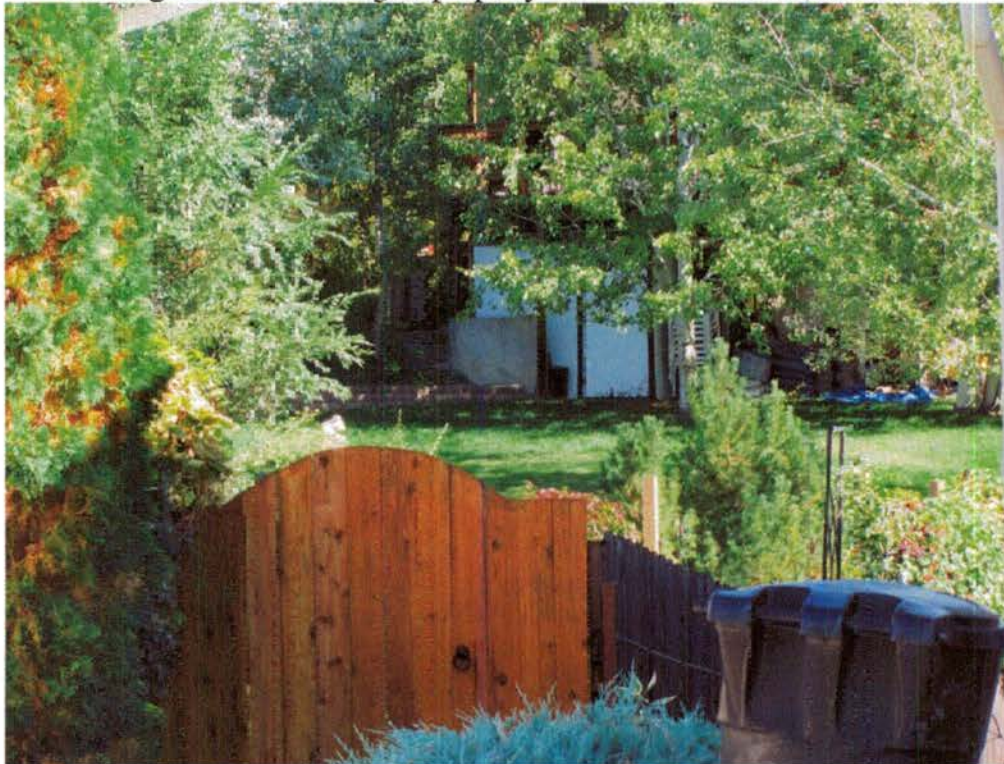
Subject Property



Looking north west from subject property



Looking between the subject property and the house to the east toward



the property to the north where the back yard is higher than the subject property

ATTACHMENT C

Application form

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1219 - Project # P2-15-0060

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings-Yellowstone County Unified Zoning Regulations.

TAX ID # C33167 CITY ELECTION WARD # 4?

Legal Description of Property: Section 28, Town 01 N, Range 25 E

Lot: 04A Block: 008 Palisades Park Sub 1st Filing

a 43 Block @ Palisades Park Sub 2nd Filing

Address or General Location (If unknown, contact City Engineering) Palisades Park Dr. Billings, MT

Zoning Classification: residential

Size of Parcel (Area & Dimensions): *23 10,195 sF

Covenants or Deed Restrictions on Property: Yes No



If yes, please attach to application

Variance(s) Requested: I would like to increase the North fence to 84 inches tall with a Persola Topper to hold vines. (see pictures attached)

Facts of Hardship: I have no ability to have trees for shade. I have a fence that is on the property line of people that are not city get along with. The fence has stood @ 88 inches for 17 yrs.

See Attached pictures

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

Owner(s): David a. Sellers / Norma J. Sellers

(Recorded Owner) 3903 Palisades Park Dr. Billings, MT 59102

(Address) (406) 655-1659 Certified 224 @ msn.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.

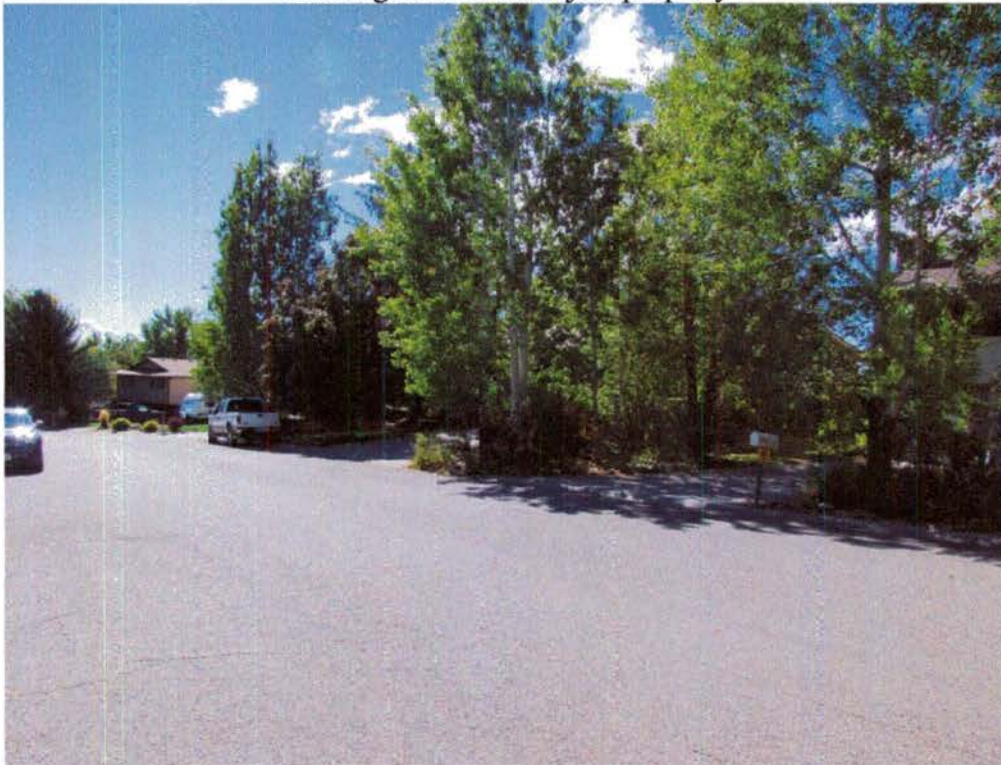
Signature: Norma Sellers Date: 8/3/15

(Recorded Owner)

ATTACHMENT B
Site Photographs, Continued



Looking east from subject property



Looking south east of subject property

Attachment D
Applicant provided photos



77" inch tall
fence before it
blew down -



77" inch
fence (north)
Before it Blew
Down - (note
View Deck Built
By neighbor at
Top of fence
(north)



Backyard
of Neighbor
that our fence
blew into. The
pine 2x4 are keeping
fence upright until
insurance adjuster
showed - (Note the
"fire" damage)

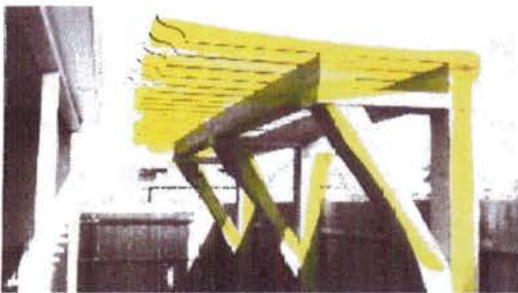


ergolas, Arbors and Decks in Lubbock, TX

8/28/15, 3:53 PM



Similar to this
only not as chunky
and large.



The note says 'Similar to this only not as chunky and large'.



PLANNING DIVISION
"SERVING BILLINGS, BROADVIEW AND YELLOWSTONE COUNTY"
PLANNING & COMMUNITY SERVICES DEPARTMENT
2825 3RD AVENUE NORTH, 4TH FLOOR
BILLINGS, MONTANA 59101
PHONE: (406)247-8676 FAX: (406) 657-8327



September 28, 2015

CITY VARIANCE #1219
Project Number: 15-160

David & Norm Seller
3903 Palisades Park Drive
Billings, MT 59102

Dear Mr. & Mrs. Sellers,

This is to inform you that there will be a public hearing on your request:
City Variance #1219 - 3903 Palisades Park Drive – Fence Height – A variance from BMCC Section 27-604 requiring a maximum fence height of 6 feet on the side or rear property line to allow a maximum fence height of 7 feet with an additional 2 feet for an attached pergola on the north property line to replace a damage 7.5-foot fence in a Residential 9,600 (R-96) zone, on Lot 4A, Block 8 of Palisades Park Subdivision 1st Filing and Lot 4B, Block 8 of Palisades Park Subdivision 2nd Filing, a 10,195 square foot parcel of land. Tax ID: C03167.

The Board of Adjustment of the City of Billings, Montana will hold a public hearing on the request on **Wednesday, October 7, 2015 at 6:00 p.m. in the Large Conference Room on the First Floor of the Miller Building, 2825 3rd Avenue North.**

The planning staff report and recommendation to the Board of Adjustment are enclosed. **The Board may or may not concur with this recommendation.** Any person wishing to provide testimony may appear before the Board of Adjustment. If you have questions please call me at 406-247-8662 or by email at cromwelln@ci.billings.mt.us

PLEASE BRING THE ZONING REQUEST SIGN WITH YOU TO THIS HEARING TO RECEIVE REIMBURSEMENT OF YOUR SIGN DEPOSIT.

Sincerely yours,

Dave Green

Dave Green
Planner II

Enclosure: Staff Report

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1219 - Project # P2-15-0060

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings-Yellowstone County Unified Zoning Regulations.

TAX ID # C03167 CITY ELECTION WARD # 4?

Legal Description of Property: Section 28, Town 01 N, Range 25 E

Lot: 04A Block: 008 Palisades Park Sub 1st Filing

& 4B Block 8 Palisades Park Sub 2nd Filing

Address or General Location (If unknown, contact City Engineering): 3903 Palisades Park Dr. Billings, MT

Zoning Classification: residential

Size of Parcel (Area & Dimensions): .23 10,195 sq

Covenants or Deed Restrictions on Property: Yes No



If yes, please attach to application

Variance(s) Requested: I would like to increase the North fence to 84 inches tall with a Pergola Topper to hold vines. (see pictures attached)

Facts of Hardship: I have no ability to have trees for shade. I have a fence that is on the property line of people that are not ~~not~~ get along with. The fence has stood 88 inches for 17 yrs.

See Attached pictures

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

Owner(s): David A. Sellers / Norm J. Sellers

(Recorded Owner) 3903 Palisades Park Dr. Billings, MT 59102

(Address) (406) 655-1659 (Phone Number) Certified 224 @ msn.com (email)

Agent(s): ?

(Name)

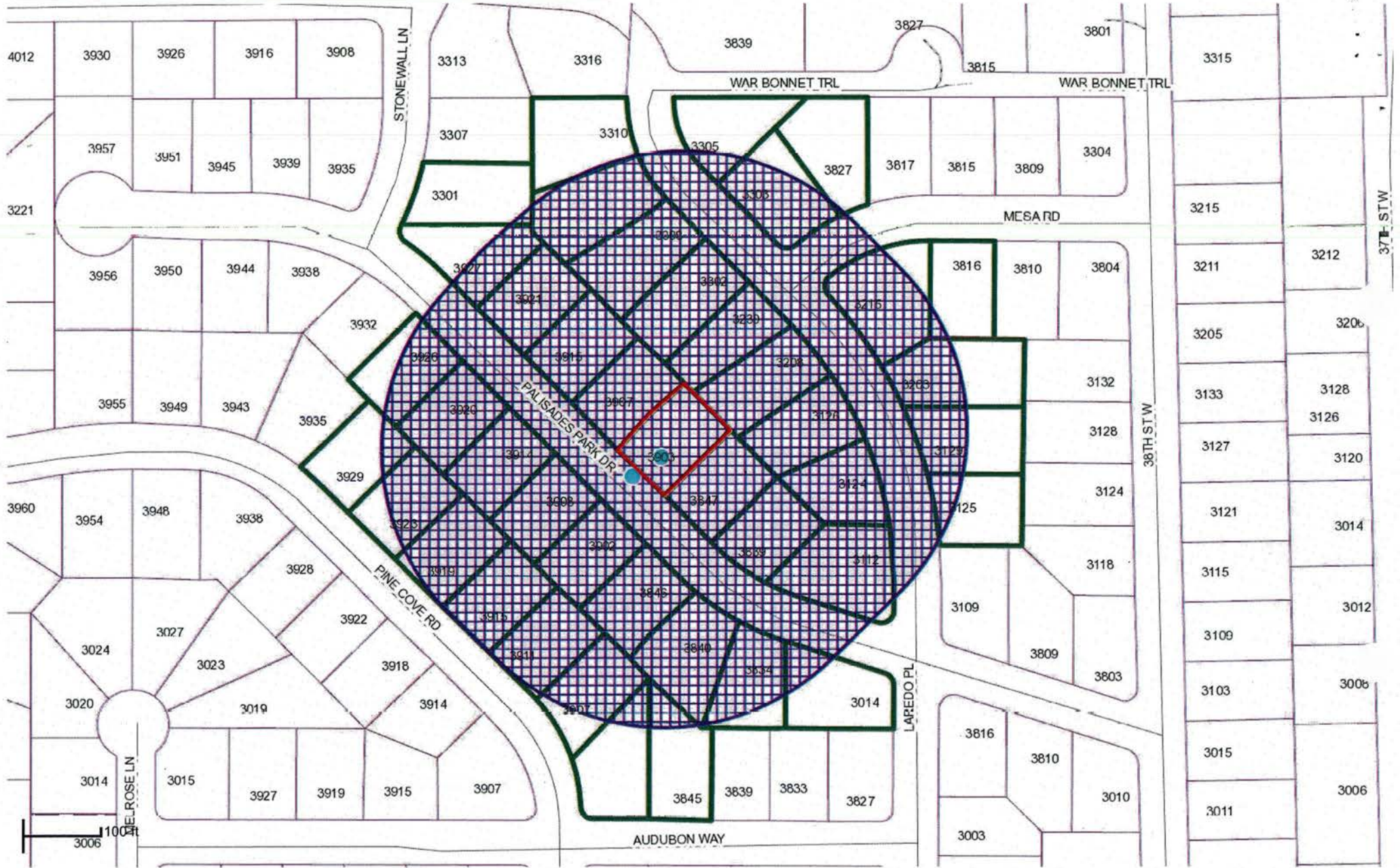
(Address)

(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.

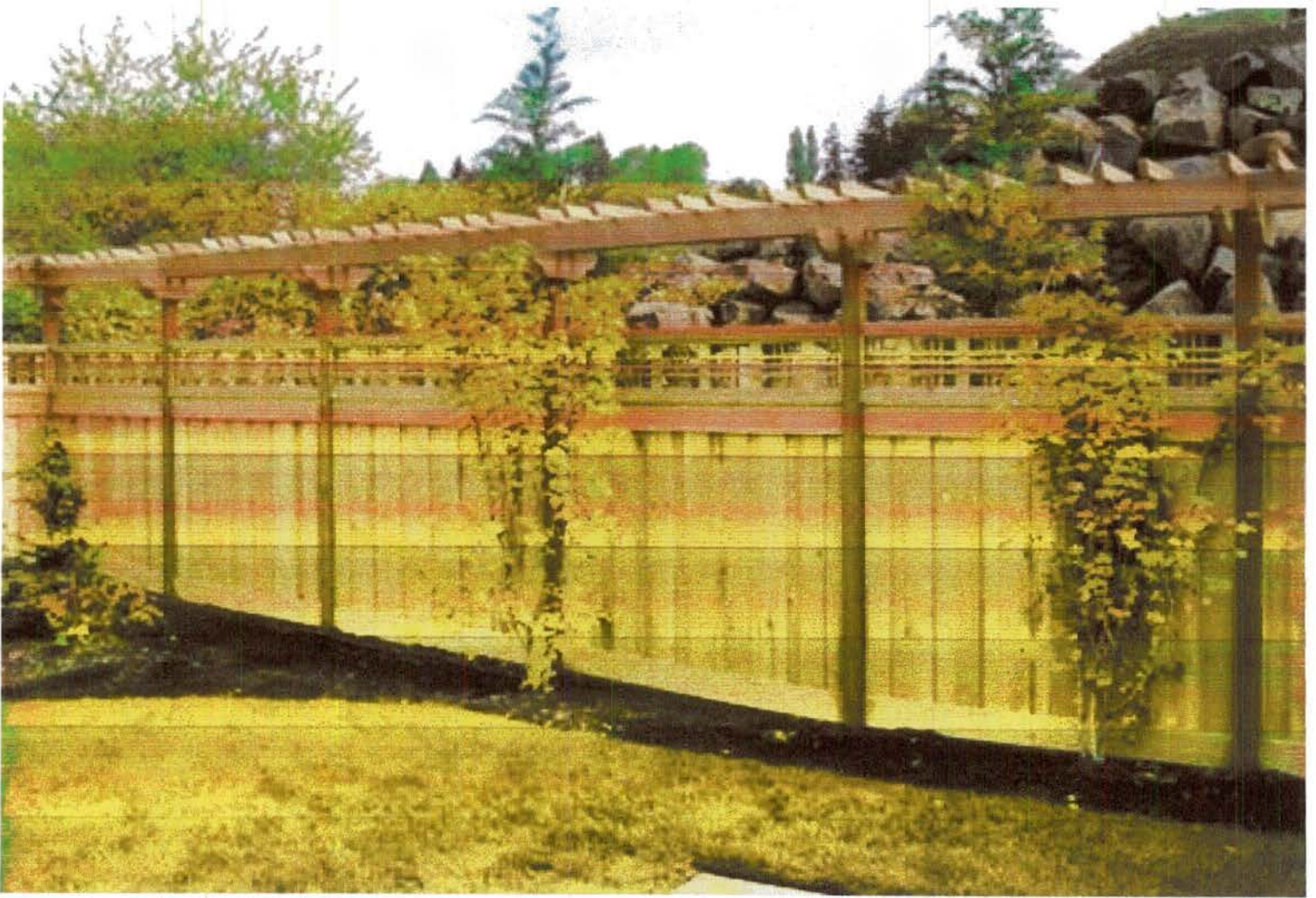
Signature: [Signature] Date: 8/3/15
(Recorded Owner)

City of Billings



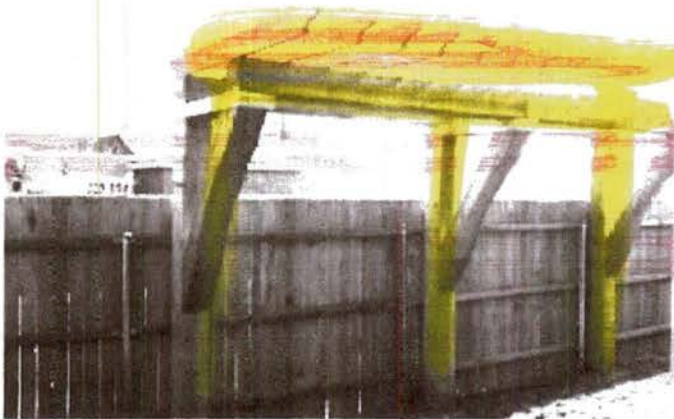
3903 Palisades Park Dr.



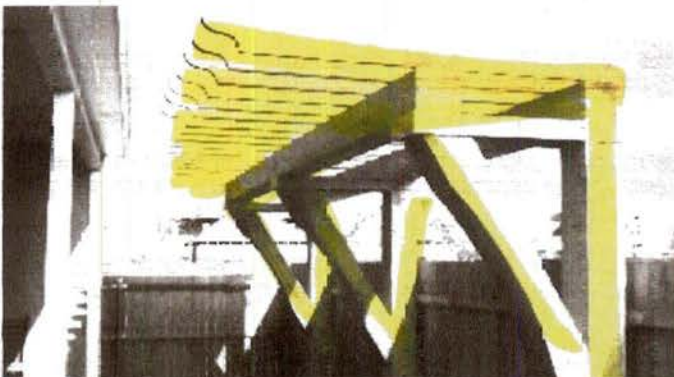


Pergo as, Arbors and Decks in Lubbock, TX

8/28/15, 3:53 PM



Similar to this
only not as chunky
and large.

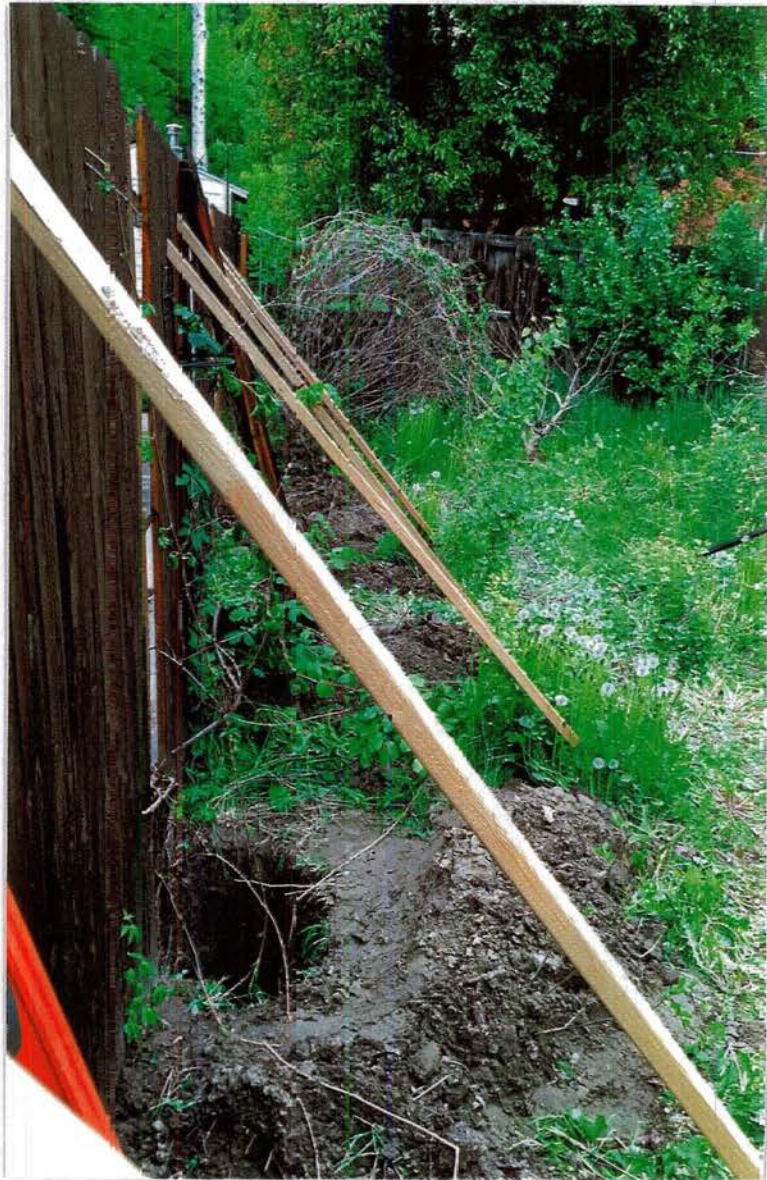




77" inch tall
fence before it
blew down -

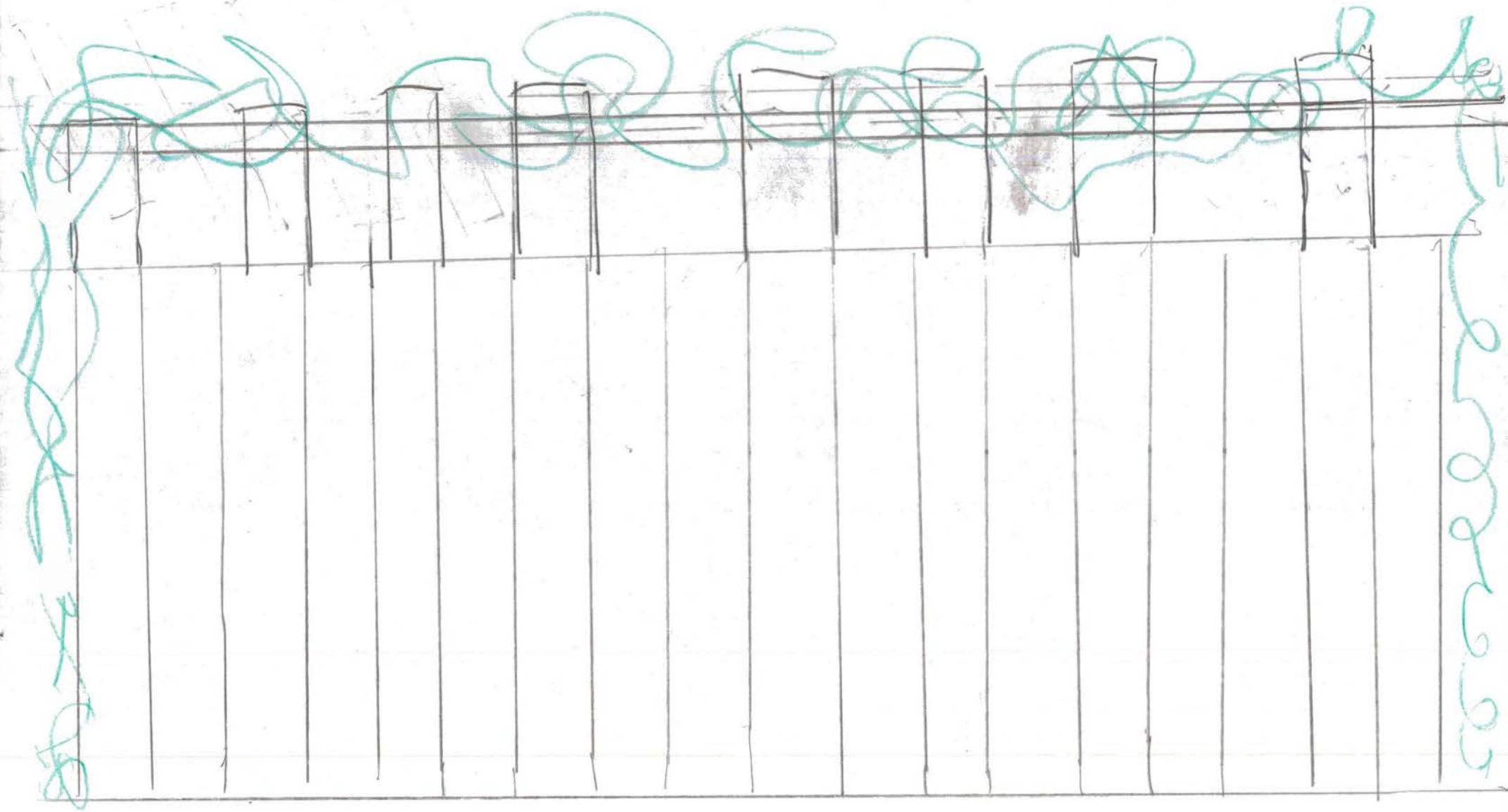


77" inch
fence (north)
Before it Blew
Down - (note
View Deck Built
By neighbor at
Top of fence
(north)



Backyard
of Neighbor
that our fence
blew into. (the
pine 2x4 are keeping
fence upright until
insurance adjuster
showed - (note the
"fine" landscape)

Proposed fence with pergola (topper)



Concrete



77" inch
fence (north)
Before it Blew
Down - (note
View Deck Built
By neighbor at
top of fence
(north)



77" inch tall
fence Before it
Blew Down -



Backyard
of Neighbor
that our fence
blew into. (the
pine 2x4 are keeping
fence upright until
insurance adjuster
showed. (note the
"fine" Larsson)

**Poly Vista Estates B3, LT 11
and 12**

13-51

Section: Township: Range: B/Y: Billings

General Location: 3724 & 3730 Vickery Court

Cross Reference:

Zoning: R-96

Approval Date: July 10, 2013

Variance #1156 - A variance from 27-604 requiring a maximum fence height of 6 feet to allow a maximum fence height of 8 feet in an R-96 zone on Lots 11 & 12, Block 3, Poly Vista Estates Subdivision. Tax IDs: A29570 and A29751

The Board of Adjustment voted 5-0 to conditionally approve the request. The conditions of approval are as follows:

1. The variance is for a maximum fence height of 8 feet on the side and back fences of the subject properties, no other variance is intended or implied by this approval.
2. The variance applies to Lots 11 & 12, Block 3, Poly Vista Estates Subdivision generally located at 3730 and 3724 Vickery Court.
3. The proposed fences will be located and built in substantial conformance with the submitted site plan.
4. The applicant will receive a fence permit approval within 6 months of the Board of Adjustment approval of the variance. Construction of the fence will be completed within 18 months of Board of Adjustment approval.
5. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
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, lease holders, heirs and assigns.



PLANNING

Ditch under road not acceptable
Park landscape for Dry Habitat

War Bonnet

Front Setback	
Lot Line Variance	
Arterial Setback	
Fence Height	3' to 5'
Rear Setback	

Rear + Back Setback denied for deck R 20' to 2 Sides 5' to 0'
 Side yard denied 5' to 1'8"
 20' front to 5' denied



Planning & Community Services Department

"Serving Billings, Broadview and Yellowstone County"

2825 3rd Avenue North, 4th Floor
Billings, Montana 59101
Phone: (406) 657-8246
Fax: (406) 657-8327



September 17, 2015

CITY Variance #1219
Project Number: 15-00160

Dear Property Owner:

This is to inform you of the following request recently submitted to the City/County Planning Department:

City Variance #1219 - 3903 Palisades Park Drive – Fence Height – A variance from BMCC Section 27-604 requiring a maximum fence height of 6 feet on the side or rear property line to allow a maximum fence height of 7 feet on the north property line to replace a damage 6.5-foot fence in a Residential 9,600 (R-96) zone, on Lot 4A, Block 8 of Palisades Park Subdivision 1st Filing and Lot 4E, Block 8 of Palisades Park Subdivision 2nd Filing, a 10,195 square foot parcel of land. Tax ID: C03167.

Notice is hereby given that the Board of Adjustment of the City of Billings, Montana will hold a public meeting on **Wednesday, October 7, 2015, at 6:00 p.m. in the Large Conference Room on the First Floor of the Miller Building, 2825 3rd Avenue North.**

Information on this matter may be obtained at the Planning & Community Services Department, 4th Floor of the Miller Building, 2825 3rd Ave North, Billings, MT 59101 or phone 247-8676. Anyone wishing to be heard on this matter may appear at this hearing or provide written testimony to Planning Division at the address above.

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 Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us

Sincerely,

The Staff of the City/County Planning Department

ORD. NO. 97-5048, § 13, 12-22-97

- (d) *City board of adjustment action.* The city board of adjustment, before it grants a variance shall determine:
- (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;
 - (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;
 - (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land in the same district;
 - (4) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and with the comprehensive plan;
 - (5) In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. 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 chapter;
 - (6) 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; and
 - (7) Under no circumstances shall the board 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.

**STATE OF MONTANA
COUNTY OF YELLOWSTONE**

I, KATHY DOKKEN, DO HEREBY CERTIFY THAT I HAVE CHECKED THE RECORDS (5 PAGES) IN MY OFFICE FROM JUNE 25, 2015 TO JULY 30, 2015 AND THE LISTED PEOPLE ARE THE OWNERS OF RECORD FOR THE ENCLOSED LISTED PROPERTY.

SIGNED AND SEALED THIS 4TH DAY OF AUGUST, 2015.

70	NAMES \$	35.00
	CERT \$	2.00
	TOTAL \$	37.00

JEFF MARTIN
CLERK & RECORDER

BY

Kathy Dokken

Date: 08/03/2015
Time: 09:11:44
Oper: mandres

Yellowstone County
TA Reports - Parcel Master List

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Norma Sellers 8/3/15

SAVE AS: Norma Sellers 8/3/15

RANGES: TAX YEAR: (R) 2015 - 2015
PARCEL# : (L) C03147C, C03147D, C03148,
C03148A, C03148B, C03148C, C03148D,
C03148E, C03149D, C03150, C03151,
C03151A, C03151B, C03152, C03154,
C03155, C03156, C03157C, C03157D,
C03157E, C03158, C03159, C03164B,
C03164C, C03164D, C03165, C03165A,
C03166, C03167, C03168, C03169,
C03169A, C03169B, C03169C, C03170A,
C03171, C03173, C03175, C03177,
C03177A, C03178, C03178A

TAX TYPE: (A)
LEVY DISTRICT: (A)
SUB-LEVY DIST: (A)
MISC CODE : (A)
LIST CODE: (A)

Certified Thru
6-25-15
Dept of Revenue
MA

OPTIONS: SCRT ORDER: N INCL RANGES/OPTIONS?: Y

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
C03150	BERG, STEVEN K & GAI MEYERS 3920 PALISADES PARK CR BILLINGS MT 59102-0134	03-1032-28-4-08-22-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 20	2		RE
C03157E	CAROLYN SCOTT JONES, TRUSTEE CAROLYN SCOTT JONES REVOCABLE TRUST 3203 LAREDO PL BILLINGS MT 59102-0146	03-1032-28-4-09-11-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 6, Lot 6	2		RE
C03151B	DILLS, THOMAS F 3902 PALISADES PARK CR BILLINGS MT 59102-0134	03-1032-28-4-08-19-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 23	2		RE
C03168	DONAHUE, MITCHELL T & MELISSA A 3907 PALISADES PARK CR BILLINGS MT 59102-0133	03-1032-28-4-12-07-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 5A, & LT 5B BLK 8 PALISADES PARK SUBD 2ND FLG	2		RE
C03169	DURAY, MATT 3915 PALISADES PK BILLINGS MT 59102	03-1032-28-4-12-06-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 8, Lot 6	2		RE
C03157D	GALLAGHER, MARGARET R 3129 LAREDO PL BILLINGS MT 59102-0118	03-1032-28-4-09-12-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 6, Lot 5	2		RE

Date: 08/03/2015
Time: 09:11:45
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Yellowstone County
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Norma Sellers 8/3/15

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
C03155	GURCHIEK, DAVID J & LYNDY S 3834 PALISADES PARK DR BILLINGS MT 59102-0150	03-1032-28-4-08-16-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 5, Lot 26	2		RE
C03148B	HAMER, JAMES W 14925 20TH AVE SW BURIEN WA 98166-1633	03-1032-28-4-08-07-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 8	2		RE
C03165A	HENRY, CHARLES D & GRETCHEN J 3839 PALISADES PARK DR BILLINGS MT 59102-0151	03-1032-28-4-12-10-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 2	2		RE
C03148E	HICKS, GARY W & ROMONA F 3929 PINE COVE RD BILLINGS MT 59102-0137	03-1032-28-4-08-04-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 11	2		RE
C03173	HILDEBRAND, KATHRYN A 3536 GLENFINNAN RD BILLINGS MT 59101-9456	03-1032-28-4-12-17-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 13A, & LT 13B BLK 8 PALISADES PARK SUBD 2ND	2		RE
C03154	HILL, STANLEY R & KATHRYN S 3840 PALISADES PARK DR BILLINGS MT 59102-0150	03-1032-28-4-08-17-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 5, Lot 25A, & LT 25B BLK 5 PALISADES PARK SUBD 2ND	2		RE
C03152	HILSENDEGER, ALEXANDER J & PATRICIA J 3846 PALISADES PARK DR BILLINGS MT 59102-0150	03-1032-28-4-08-18-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 5, Lot 24A, & LT 24B BLK 5 PALISADES PARK SUBD 2ND	2		RE
C03148A	JOHNSON, BLAIR M & ALIX D 3911 PINE COVE RD BILLINGS MT 59102-0137	03-1032-28-4-08-08-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 7	2		RE
C03169A	JOHNSON, DAVID P & DOLORES M 3921 PALISADES PARK DR BILLINGS MT 59102-0133	03-1032-28-4-12-05-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 8, Lot 7	2		RE
C03178A	JUNGERS, JALENE C 3124 LAREDO PL BILLINGS MT 59102-0119	03-1032-28-4-12-12-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 17A, & 18	2		RE

Date: 08/03/2015
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Norma Sellers 8/3/15

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
		AMEND L:15-17			
C03147C	LAIRD, PRISCILLA E ✓ 3845 AUDUBON WAY BILLINGS MT 59102-0110	03-1032-28-4-08-11-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 5, Lot 4	2		RE
C03148D	LAUGHERY, BO J & ✓ DOWNS, KAYCEE J ✓ 3923 PINE COVE RD BILLINGS MT 59102-0137	03-1032-28-4-08-05-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 10	2		RE
C03164D	LEMON, JAMES MATTHEW ✓ 3305 LAREDO PL BILLINGS MT 59102-0121	03-1032-28-4-15-01-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 7, Lot 7	2		RE
C03171	LEMON, TEMPE B ✓ 775 BLUEGRASS DR W BILLINGS MT 59106-4536	03-1032-28-4-12-18-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 12A, & LT 12B BLK 8 PALISADES PARK SUBD 2ND	2		RE
C03177A	LOOS, JOHN E & GINA M ✓ 3208 LAREDO PL BILLINGS MT 59102-0120	03-1032-28-4-12-14-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 15A, & LT 16 AMND L:15 TO 17	2		RE
C03148	LOWTHER, CLEORA B ✓ 3907 PINE COVE RD BILLINGS MT 59102-0137	03-1032-28-4-08-09-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 6	2		RE
C03175	MANKE, LEE ✓ 3302 LAREDO PL BILLINGS MT 59102-0122	03-1032-28-4-12-16-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 14A, & LT 14B BLK 8 PALISADES PARK SUBD 2ND	2		RE
C03156	MAYER, ERIC ALLEN & DEVIN N ✓ 3014 LAREDO PL BILLINGS MT 59102-0117	03-1032-28-4-08-15-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 5, Lot 27	2		RE
C03157C	MUGGERUD, LAWRENCE ✓ C/O DPM INC PO BOX 8C223 BILLINGS MT 59108-0223	03-1032-28-4-09-13-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 6, Lot 4	2		RE
C03170A	MURRISH, AARON & TRACEY ✓ 3310 LAREDO PL BILLINGS MT 59102-0122	03-1032-28-4-12-19-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28,	2		RE

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Norma Sellers 8/3/15

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
		T01 N, R25 E, BLOCK 8, Lot 11			
C03147D	NORDAHL, KATHLEEN A 5302 ROCKY MOUNTAIN BLVD BILLINGS MT 59106-1C59	03-1032-28-4-08-10-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 5	2		RE
C03169B	OPEN "O" LIVING TRUST OLSON, JANA TRUSTEE OLSON, JANA TRUSTEE 3927 PALISADES PARK DR BILLINGS MT 59102-0133	03-1032-28-4-12-04-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 8, Lot 8	2		RE
C03169C	PICKERING, WADE E & MICHELLE 3301 STONEWALL LN BILLINGS MT 59102-0142	03-1032-28-4-12-03-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 8, Lot 9	2		RE
C03164B	POETZL, STEVEN L & CAROLYN E 3827 MESA RD BILLINGS MT 59102-0129	03-1032-28-4-15-03-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 7, Lot 5	2		RE
C03159	POWELL, ROBERT D & DEBORAH J 3816 MESA RD BILLINGS MT 59102-0130	03-1032-28-4-09-09-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 6, Lot 8	2		RE
C03151A	QUANBECK, JENNIFER L & BENJAMIN K 3908 PALISADES PARK DR BILLINGS MT 59102-0134	03-1032-28-4-08-20-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 22	2		RE
C03177	RAWLS, TROY D & CINDY K 3230 LAREDO PL BILLINGS MT 59102-0120	03-1032-28-4-12-15-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 15, LOTS 15- 17 AMND	2		RE
C03164C	RICHTER, FRANK C 3303 LAREDO PL BILLINGS MT 59102-0121	03-1032-28-4-15-02-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 7, Lot 6	2		RE
C03151	ROHR FAMILY TRUST ROHR, ROGER W & CAROL R TRUSTEE 3914 PALISADES PARK DR BILLINGS MT 59102-0134	03-1032-28-4-08-21-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 21	2		RE
C03167	SELLERS, DAVID A & NORMA J 3903 PALISADES PARK DR BILLINGS MT 59102-0133	03-1032-28-4-12-08-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 4A, & LT 4B	2		RE

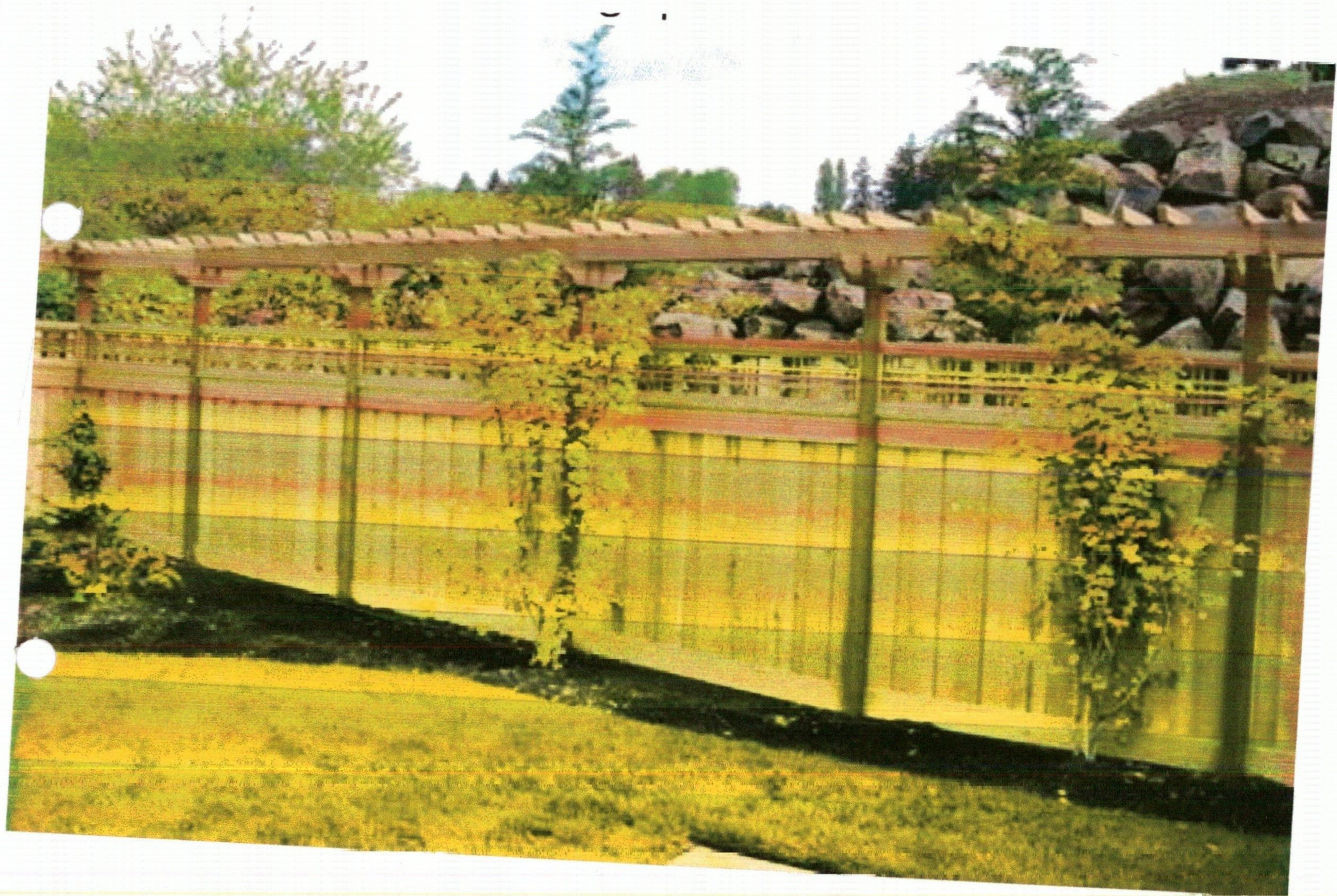
Date: 08/03/2015
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Yellowstone County
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Norma Sellers 8/3/15

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
		BLK 8 PALISADES PARK SUBD 2ND			
C03178	✓ SIELBACH, FRED A JR ✓ 3126 LAREDO PL BILLINGS MT 59102-0119	03-1032-28-4-12-13-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 16A, AMND LT 15-17, AND LOT 17	2		RE
C03165	✓ SPRAGG, SARAH M & ✓ MILLER, CHRISTY H ✓ 3112 LAREDO PL BILLINGS MT 59102-0119	03-1032-28-4-12-11-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 1	2		RE
C03148C	✓ STENSON, TIMOTHY A & GRETCHEN A ✓ 3919 PINE COVE RD BILLINGS MT 59102-0137	03-1032-28-4-08-06-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 9	2		RE
C03149D	✓ SUMMERS, SCOTT R & KRISTI ✓ 3926 PALISADES PARK CR BILLINGS MT 59102-0134	03-1032-28-4-08-23-0000 PSS PALISADES PARK SUBD 2ND FILING PALISADES PARK SUBD 2ND FILING, S28, T01 N, R25 E, BLOCK 5, Lot 19	2		RE
C03166	✓ TYLER, DONALD M & CHRISTINE A ✓ 3847 PALISADES PARK CR BILLINGS MT 59102-0151	03-1032-28-4-12-09-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 8, Lot 3	2		RE
C03158	✓ WATKINS, BEAU G & ✓ WINKLER, LAURA B ✓ 3215 LAREDO PL BILLINGS MT 59102-0146	03-1032-28-4-09-10-0000 PPK PALISADES PARK SUBD 1ST FILING PALISADES PARK SUBD 1ST FILING, S28, T01 N, R25 E, BLOCK 6, Lot 7	2		RE





Similar to this
only not as chunky
and large.

