

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # _____ - Project # _____

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 #A02533 CITY ELECTION WARD # 2

Legal Description of Property: Block 1, Lot 9, W25 ft Lot 9 & E50 ft Lot 10 (Less 750 Sq. ft Street), Arrowhead Subd., S22, T01N, R26E

Address or General Location (If unknown, contact City Engineering): 502 Wicks Ln.

Zoning Classification: NO

Size of Parcel (Area & Dimensions): 0.863 Acres (224.7' x 167.4')

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: Siting of the parking lot. City of Billings Zoning Code Table 27-400-5 B.8.

Facts of Hardship: Please see attached letter.

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

Owner(s): Laighton D. Jones Dental Properties, LLC.
(Recorded Owner) 502 Wicks Ln., Billings, MT 59105
(Address) (406) 248-7868
(Phone Number) (email)

Agent(s): Performance Engineering
(Name) 608 N. 29th St., Billings, MT 59101
(Address) (406) 384-0080 taylor@performace-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: 9/1/23
(Recorded Owner)

Date Stamp

September 1, 2023

Chair of the Board of Adjustments
City of Billings Planning Department

RE: Block 1 Lots 9 of Arrowhead Subdivision Zoning Variance Request

To the Chair of Board of Adjustments,

Thank you for the time and consideration in reviewing the submitted City Zoning Variance Application for the Wicks Dental facility proposed on Lot 9 of the Arrowhead Subdivision (502 Wicks Lane, Billings, MT 59105). This property is located on the south side of Wicks Lane between Kelby Drive and Augsburg Drive. The project is proposed to provide a new dental facility for Wicks Dental Clinic. Wicks Dental Clinic currently operates out of an existing building on the property and the owner feels that it is a great location for an updated building.

The submitted variance applies to Table 27-400-5, B, 8, of the City of Billings Zoning Code Section 27-409 for Neighborhood Office (NO) District, which requires surface or accessory parking to be located in the rear with limited front and side yard parking. The owner of the property plans to construct their new building while maintaining their existing office space during construction.

Facts of hardship to meet this requirement for the planned development relate to the current location of the proposed building in relation to the existing office space. The facts of hardship experienced with this site include the following:

- The proposed layout allows the new building to be constructed without demolishing the current office space. Construction of the proposed building could take a year or longer to complete and demolishing the existing Wicks Dental Clinic to construct the proposed building would cause undue financial burden on the

owner and their employees. Additionally, current customers would be required to find a new dental clinic to serve them while the proposed building is being constructed. It may be hard for the owner to regain customers after the new building is built and it would cause long-lasting financial strain. It is likely that if the variance is not granted the owner would not be able to construct the new building as they cannot afford to shut down the business for a year or more.

- The proposed layout maximizes both distance from the existing dental clinic and the amount of square footage available to the owner upon completion of the proposed building. Were an alternate layout proposed while maintaining the existing office space there would be approximately 7-feet between the proposed building's foundation and the outside wall of the existing building. The proximity of the construction activities to the existing building concerns the owner. The safety of their clients, employees and the on-site construction crews is of the utmost importance to the owner. Utilizing an alternate layout that conforms to the parking requirements would create unsafe conditions for construction crews, employees, and clients.
- A majority of the proposed parking will be located south of the northern most roof line of the new office building (closest to Wicks Ln., which is the frontage road). Only a portion of one ADA van accessible space and one existing parking spot will be in front of this roof line. The remainder of the parking spots will be located to the side or rear of the northern most roof line. A previous layout with the widest portion of the building rotated to run north-south was approved by the City of Billings. The previously approved layout had all its parking on the side or rear yard, with the northern most roof line treated as the front. The proposed layout matches the previously approved layout as close as possible while allowing the owner to maintain business activities while ensuring a safe setback from construction activities.
- It is also important to note that approving the proposed building layout with front and side parking adheres better to Crime Prevention Through Environmental Design (CPTED) principles. A major design principle encouraged in CPTED is having an open line of sight to parking areas. The proposed layout allows for a better line of sight from Wicks Lane and discourages crime. Rear

parking would reduce line of sight from Wicks and could encourage crime. The property is bordered to the south (across the alley) by First Neighborhood (N1) and Mixed Residential (NX1) districts. CPTED design principles and open sight lines help to protect customers, employees and adjacent residents from crime.

Due to these reasons, it was considered difficult and ultimately unsafe to propose a layout which places all parking to the rear with limited side and front yard parking. While a majority of the parking spaces are located in front of the proposed building all but the aforementioned spaces are located to the side or rear of the northernmost roof line along the frontage road.

We appreciate your consideration of this variance request given the construction concerns and financial burdens associated with shutting down Wicks Dental Clinic during construction. Should you have any further questions please do not hesitate to call at 406-384-0080 or email myself at taylor@performance-ec.com. We look forward to presenting this request to you at the scheduled meeting for consideration.

Best Regards,

Taylor Kasperick, PE
Project Manager