

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1372 **- Project #** PZX-23-00220

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 # D01863 **CITY ELECTION WARD #** 1

Legal Description of Property: Remainder of the South part of Government Lots 2 and 3 of Section 15, Township 1 South, Range 26 East, less COS 1596.

Address or General Location (If unknown, contact City Engineering): 3508 South Frontage Road

Zoning Classification: Heavy Commercial (CX)

Size of Parcel (Area & Dimensions): Approximately 20 acres total, lot will be split approx. evenly.

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: Variance from Section 27-409, Table 27-400-6 (6) to allow for some parking in front of the building.

Facts of Hardship: (attach letter) Attached letter.

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

Owner(s): Torgerson's Real Estate Holdings LLC

(Recorded Owner) 4701 N River Dr, Great Falls, MT 59405

(Address) 406-453-1453 brion.torgerson@torgerson.biz

(Phone Number) (email)

Agent(s): Taylor Kasperick, Performance Engineering

(Name) 608 N 29th St 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: *Brion Torgerson* **Date:** 9.29.2023
(Recorded Owner)





608 North 29th Street • Billings, MT 59101 • 406-384-0080

October 2, 2023

Chair of the Board of Adjustments
City of Billings Planning Department

*RE: Zoning Variance Request for 3508 South Frontage Road –
Remainder of the South Part of Government Lots 2 and 3 of Section
15, Township 1 South, Range 26 East, less COS 1596.*

To the Chair of Board of Adjustments,

Thank you for the time and consideration in reviewing the submitted City Zoning Variance Application for the Torgerson's Equipment facility proposed at 3508 South Frontage Road in the City of Billings, being the remainder of the South Part of Government Lots 2 and 3 of Section 15, Township 1 South, Range 26 East less COS 1596. This property is located on the south side of South Frontage Road immediately east of Washington Street and the South Billings Drain, north of the Yellowstone River, and south of South Frontage Road and Interstate 90. The project is proposed to provide a new operations facility for Torgerson's, which will combine their existing operations currently being used at 1728 Old Hardin Road (Torgerson's Construction Equipment) and at 5022 Laurel Road (Torgerson's Implement). The Owner feels this is a great location for such use provided its proximity and ease of access to Interstate 90 for surrounding contractors and farmers, with the interstate frontage being surrounded by heavy commercial/light industrial zoned districts along the road.

The submitted variance applies to Table 27-400-6, B, 6, of the City of Billings Zoning Code Section 27-409 for Heavy Commercial (CX) District, which requires surface or accessory parking to be located on the side or rear of a building. The owner of the property plans to construct a building which will include office, sales, and equipment service space.

Per the City Variance application package, this letter and statement of hardship is being provided to answer the following questions, with reasoning for each questions provided below.

1. What reasons prevent you from using the property in conformance with the Zoning Regulation requirements?

Reasons for being prevented from using the property in conformance with the Zoning Regulations requirements are two-fold, including both site constraints as well as planned use and function of the facility. In relation to site constraints, this property has numerous encumbrances that limit the ability of the site to meet the zoning code requirements for front parking.

- a. The first includes limited access to the site based on the adjacent public right-of-way being South Frontage Road and access controlled by MDT. This is important to note as if multiple approaches were allowable, as would be the case based on lot frontage if it was City right-of-way, dedicated approaches for both passenger vehicles and large trucks and machinery could be provided to keep different traffic types separate from one another. However, since access will be limited to one approach, the ability to do so is diminished.
- b. Secondly, there are numerous existing physical limitations to the site, including the Yellowstone River to the south, the South Billings Drain to the west, Grey Eagle Ditch that will need to be re-routed to the north, and existing gas and petroleum lines running along the frontage. These physical limitations preclude the Owner fully utilizing the full area of the property to push the building to the front of the lot and provide additional space for parking on the side and rear of the building, while still providing a safe environment for passenger vehicles and heavy machinery to operate together.
- c. Lastly, the physical dimensions of the site lead to a certain amount of “dead space” if not utilized for drive lanes and/or parking. As the lot is adjacent to South Frontage Road with runs at a diagonal in comparison to side lot lines, a considerable amount of unusable ground would be incurred on the front of the lot if the building was pushed all the way to front. Similarly, if the building was rotated to be perpendicular to the front lot line, this “dead space” would then shift to the side lot line.

In terms of use limitations necessitating this request for variance, I have provided the photos below to demonstrate the types of machinery and equipment that Torgerson's operates on a daily basis and has coming and going from their properties.



Photo 1: Common Farm Equipment on Tractor-Trailer

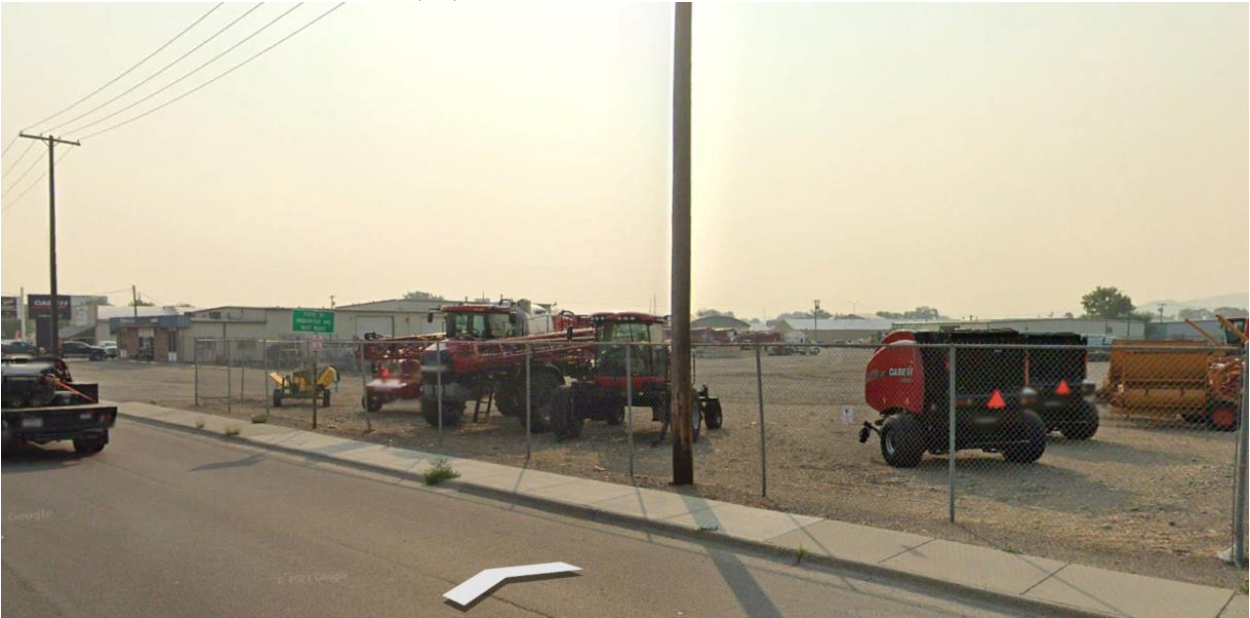


Photo 2: Farm Equipment as seen at current Torgerson's Implement Location



Photo 3: Size Reference of Equipment to Person



Photo 4: Construction Equipment at current Torgerson's C&E

As the photos are intended to demonstrate, the sheer size of equipment that Torgerson's operates and maintains on a daily basis necessitates a separate working area for this equipment from employees and patrons. Given all access to the site will be via a single approach, parking in front of the building rather than solely on the sides or rear of the building will enable Torgerson's to service and greet customers and employees alike without having potential conflicts with large and heavy machinery which would be an immense safety hazard to all involved. Keeping the employee and customer parking separate from yard, service, and loading/unloading is accomplished by putting some of the requisite parking in front of the building.

2. Why is there a need for the intended use of the property at this location?

The need for the intended use of the property at this location is due to the property's close proximity and access to Interstate 90, which allows customers who come from all over the region to quickly access Torgerson's via a direct route and eliminate the need for large and heavy equipment to be traveling on smaller and heavily trafficked City streets. As construction and agricultural users are often coming to Torgerson's from largely rural areas, being in close proximity to the Interstate enables both parties to effectively work together with limited disturbances.

3. Explain any demolition, construction, or reconstruction intended for all structures.

There are no existing structures on the subject property, so all structures will be new based on this development. With that being said, as referenced previously, Grey Eagle Ditch currently traverses the property about mid-lot and will necessitate re-routing as part of development. In discussions with the ditch company, it is planned to re-route the ditch along the west property line and north property line to tie into the newly re-aligned portion of the ditch in the NE corner of the property. Re-routing the ditch to the north property line also presents an additional physical hardship to pushing the building to the front lot line and placing parking behind or on the side of the building.

Facts of hardship to meet this requirement for the planned development relate to the current layout and planned use of the site in as well as existing physical constraints. The facts of hardship experienced with this site include the following:

- Based on the nature of operations for Torgerson's, there is a need to keep traffic of employees and customers in passenger vehicles separate from the traffic generated to bring and send heavy machinery and construction equipment from the site. As the majority of the site is necessitated for equipment display, machinery service area, and unloading/loading, this leaves a limited amount of area that can be utilized to keep the traffic separate. This limited area is best suited in front of the building.
- The submitted site plans (approach location is still being coordinated with MDT so two layouts have been provided) intend to NOT place all of the parking for the site in front of the building. To keep with the intent and nature of the code, it is proposed to allow for a double-parked aisle in front of the building with remaining parking to be provided on the sides of the building. These areas, with the exception of one row of single-parked stalls adjacent to the building, will largely be curbed off from other site traffic including heavy machinery and trucks to prevent unsafe mixing of those vehicles.
- Physical hardships with the lot include the re-routing of Grey Eagle ditch to the north property line, existing gas and petroleum pipelines running along the norther property line, the Yellowstone River on the south side and South Billings Drain on the west side of the property which precludes secondary access, and MDT control on number of accesses.

Due to these reasons, it is requested to allow a portion of the requisite parking for the facility to occur in front of the building which does not comply with the current City of Billings Zoning Code. It should be noted parking on the side of the building is still planned with the proposed layout(s) which complies with the Zoning Code, but a portion of the parking is proposed in front of the building.

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. We look forward to presenting this request to you at the schedule meeting for consideration.

Best Regards,

Taylor Kasperick, PE
Project Manager

