

APPLICATION FORM

COUNTY VARIANCE County Variance # 296 - Project # PZX-22-00276

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

PROPERTY TAX ID # C128440 **COUNTY COMMISSIONER DISTRICT #** 1

Legal Description of Property: Lot 24 of Block 1 of Blue Creek Views Major Subdivision located in Section 33, Township 01 South, Range 26 East, Principal Meridian Montana, Yellowstone County Montana

Address or General Location (If unknown, contact County Public Works): 3720 Basin Creek Rd. N. Billings, MT 59101

Zoning Classification: RR3

Size of Parcel (Area & Dimensions): 4.124 Acres

Covenants or Deed Restrictions on Property: Yes X No

If yes, please attach to application

Variance Requested: 27-1001.C.2.(b) Residential Use Types (1) Household Living: This use type is characterized by residential occupancy of a dwelling unit by one or more persons.

Facts of Hardship: The applicant cannot subdivide due to the covenants of the property. The applicant also purchased the manufactured home kit prior to realizing they would need approval for a second principal dwelling unit.

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

Owner(s): Caleb Bruski and Megan Bruski now known as Sora Breanne Bruski
(Recorded Owner)
3720 Basin Creek Rd. Billings, MT 59101
(Address)
406-861-5293 vedikit74@gmail.com
(Phone Number) (email)

Agent(s): Anna Vickers/ IMEG Corp.
(Name)
175 N 27th St. Ste 1312, Billings, MT 59101
(Address)
225-603-1371 anna.m.vickers@imegcorp.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. I hereby certify that all the information presented herein is factual and correct.

Signature: Caleb BRUSKI Date: 11/14/2022
E2B9669A9B0A4B1
(Recorded Owner)



STATEMENT OF HARDSHIP

Below are questions listed in **bold** within Yellowstone County Variance Application to address the Board of Adjustment.

6. Prepare a written statement to the Board of Adjustment and include the following information:

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

The applicant was not aware of all land restrictions regarding the property when he began the process of adding an additional home on his property. He was aware that certain types of dwellings - manufactured homes, modular homes, etc had restrictions for the property. He chose a dwelling type that was allowed on his property. Prior to Recode the property was zoned Agriculture Suburban zoning. This prior zoning code allowed for one principal structure of each one acre of a lot area. Currently the property is zoned Rural Residential 3 (RR3). This new zoning requires principal structures to have its own legally separate lot. The new code allows for use of an accessory dwelling unit (ADU) on the same lot through a special review process and only if the dwelling unit complies with the restrictions for ADUs within the code.

Due to the subdivision's completion prior to current Yellowstone County Subdivision Regulations regarding further subdivision of lots within a major subdivision to be reviewed as a subsequent minor subdivision, following requirements for major subdivisions the burden for the entire subdivision's improvements would be shouldered by one landowner. The landowner had begun construction and purchased the principle structure prior to being aware of restrictions on the property that had changed over the years. The request for a variance to the zoning code in order for the structure to comply with standards is the applicant's best course of action. The applicant's attempt to try and comply with the code after being unaware at the beginning of this process is best done through the Board of Adjustments review process for a variance.

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

Caleb and Megan are the current owners of the property. The couple has two daughters ages 6 and 3. Caleb and Megan are undergoing a divorce. As housing and property has become increasingly expensive due to inflation, housing shortages, and Montana's influx of new residents the applicant decided to build a second principal structure on their property. The goal of the structure was to be near the children and maintain a coparenting structure. The process of the home construction began with laying foundation and obtaining addressing. As the applicant became aware of issues with compliance from regulations the applicant paused the construction process and began navigating bringing the property into compliance.

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

There is no demolition intended for the property. The addition of a second principal structure began, and the foundation was poured. The applicant would like to finish construction of the structure once receiving approval of the variance from the board of adjustments and the weather allows. The applicant also intends to follow all compliance regulations regarding water and sewer for the associated second principal structure.