

Husman, Karen

From: Husman, Karen
Sent: Thursday, August 17, 2023 5:04 PM
To: clawofthegriz
Cc: Cromwell, Nicole; Plecker, Monica; Kelly, Hunter; Johnson, Tate
Subject: RE: [EXTERNAL] Jarred Busch Building/Access

Dan,

I can send you the staff report and recommendation when it is approved and ready. Regardless of what the recommendation is to the Board of Adjustment, they have the ability to decide whether it is approved or denied with their own determinations.

I will add you to the email list for the Staff report when completed.

Enjoy the day,

	<p>Karen Husman Planner I husmank@billingsmt.gov</p>
<p>billingsmt.gov</p>	<p>2825 3rd Ave N, 4th Floor Billings, MT 59101 P 406.247.8684</p>

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From: clawofthegriz <clawofthegriz@protonmail.com>
Sent: Thursday, August 17, 2023 4:49 PM
To: Husman, Karen <husmank@billingsmt.gov>
Subject: RE: [EXTERNAL] Jarred Busch Building/Access

Karen: Disregard including my information in the county variance request 298. I can ascertain from emails with you, Schieno, Kelly, Plecker and city right of way people that this was an exercise in futility. As the saying goes too much water is over the dam and nothing has been done implicates approval will be granted just as the approach permit was issued.

Maybe you have read some of my emails I sent to Monica and her responses they are:

Monica: From what you stated (my interpretation), observing the front of the building the person doesn't need to do anything just run his wheeled units up and over the rolled curb to access building. The curb is about 3-5" high. What does approach work is not completed mean, like paperwork? Is this a yearly application thing or if the approach work is completed it becomes a permanent approach? Is there something I am missing or is this fella going to be allowed to tear out the rolled berm and pour cement approach (like homeowner have for garage access approach

their houses? If Busch was going to do this, the city would have to make sure its high enough so not to disturb the water runoff that flows down the street gutter. My opinion (whether right/wrong) I don't think the landowners that already have legal designated right of way to their property on E Echo Drive should be allowed to be granted a new access from the rear of their properties to use Hawthorn Lane. This road was developed for the Daniels Subdivision when it was built 2000 after the folks on Echo Drive were in existence for years. Dan Neuman

Dan,

The City has site development regulations which guide how approaches need to be constructed. In other words the city has specs that need to be adhered to. Driving over curb is not an option. An improved approach is what is required of the city with the permit. The approach permit is a one time permit that allows an approach to be constructed according to city specs. The only reason an individual would need to obtain another one is if they didn't complete the work within the valid 1 year timeframe, then the permit would be expired, thus requiring a new one before being able to construct the approach. The city has inspectors which review to ensure compliance with the design and specs.

As for your concern about a lot being able to access a different public right of what rather than the one provided by the subdivision is not something I will continue to comment on. I have already provided information regarding this on August 7th. Please refer to that email.

Thanks,

Monica

Karen: So, like I stated above the fix is in and since Mr. Busch has done more work on the shed landscaping and improved the floor inside the building seems quite obvious, he will get approval. even though he never had a scintilla proof of approval to even build the building is mindboggling. As far as I am concerned other trees block my view of his building, but it's the people on the other side of the street that will have to look at this big building from their windows seems unfair that someone can pull this off, but that is life. It was nice for years to view these nice 1 arce home/garage tracts for folks on the Daniels subdivision side, but that soon will be forever ruined. It's just a matter of time that some of the other landowners may follow suit. I rest my case and thank you for your patience. Advise if my remarks are stricken from the record. Dan Neuman
Sent with Proton Mail secure email.

----- Original Message -----

On Monday, August 7th, 2023 at 2:41 PM, Husman, Karen <husmank@billingsmt.gov> wrote:

Dan,

I have received your information and will include this in the file for County Variance request 298. Your concerns are now part of the permanent record for this variance and will be included in the staff report attachments to the County board of Adjustment.

Regards,



Karen Husman

Planner I

husmank@billingsmt.gov

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P 406.247.8684

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From: clawofthegriz <clawofthegriz@protonmail.com>
Sent: Monday, August 7, 2023 1:54 PM
To: Husman, Karen <husmank@billingsmt.gov>
Cc: Kelly, Hunter <KellyH@billingsmt.gov>; Mike Schieno <mschieno@yellowstonecountymt.gov>
Subject: [EXTERNAL] Jarred Busch Building/Access

Ms. Hussman, Hi FYI I sent an email to Mr. Kelly, AICP Candidate, Planner 1 on 8/5/23 (see below) and copied Mike Schieno, Code Enforcement Supervisor and Monica Plecker, AICP Planning Division Manager. Since your name was mentioned, I thought you need to be advised.

Email I sent to Mr. Kelly 08/05/2023:

Mr. Kelly: Greeting, if I am correct on the Busch project PLNX 01809 the plans were submitted to the City County Planning Department on 5/10/23 and was reviewed 5/12/23 and sent out for correction. The correction I believe was due to the new building being 3600 sq ft instead the required 3000 sq ft requirements. This action was to expire on 8/10/23 which will be in several days. However: in viewing the County website today, I observed everything was still in the status quo (nothing has changed).

Just as an update and FYI the three piles of gravel/dirt that have been stored in front of the new building for quite some time (on Hawthorn Lane), were processed today. I estimate the three loads to be roughly 27 cubic yards each. As stated above, when I looked at the County website it stated that Mr. Busch has until August 10 to comply with your actions on the building size. However, I didn't see anything on the website that officially showed his plan was authorized/approved. Nor is there any visible evidence to prove that the building size has been reduced to 3000 sq ft. Now that the dirt/gravel has been placed in the building and leveled out am I to assume you folks have given him authorization/approval to move forward on this project, even though he is not in compliance? In my opinion Mr. Busch should have had a cease/desist order in place until final approval. If his plan has not been approved, why is Mr. Busch allowed to continue on with the building project? Advise Dan Neuman

In conclusion: I think this big structure (under the auspices of toy/vehicle storage) should not be allowed in their subdivision with access out the back side of his property to Hawthorn Lane. Furthermore, I believe the landowners on Hawthorn Lane should have a say in whether those owners on the county jurisdictional land can exit their properties to Hawthorn Lane even though their subdivision access roads are permanent dedicated easements off of E Echo Drive. Whether the City will do their job and see through all this activity in the interest of the contiguous Daniels subdivision owners to not allow these accesses is the \$64,000 question. Even though it looks like the rules are on his side I contend it is wrong and the County should not go along with these types of activities. If one gets through the net than the other property owners may want to build large buildings and get access to Hawthorn Lane rather than use their designated legal access right-of-way on E Echo Drive

Email I sent to Mike Schieno 08/07/2023:

Mike: Below is the latest email I rec'd from Mr. Hunter, today, since your name was mentioned. If you haven't been out here since the building, went up I also advised Mr. Hunter that Mr. Busch has also done landscaping on the south side of the building by installing edging/rocks knowing he doesn't have approval on anything. Very bold unless he thinks it's a slam dunk thing. That can do anything against county/city rules. Dan

Email I rec'd from Mr. Kelly today 08/07/2023

Greeting Dan. The City/County planning Department received an application for a variance on garage size of the parcel in question on August 1, 2023. The County Board of Adjustment will hold its public hearing on September 14, 2023 beginning at 4:00 p.m. in the 1st Floor Conference Room at 2825 3rd Avenue North (Miller Building). You will receive a notice in the mail at least 15 days before the hearing, provided you are a property owner within 150 feet of the exterior boundary of the property. A posting in the Yellowstone County News and a physical sign will be posted on the property as well announcing the public hearing. The Planner handling this application is Karen Husman (husmank@billingsmt.gov, 406-247-8684). If you wish to formally protest this application, please send a written statement to Karen, either via e-mail or send a letter to our office.

Regarding the permit: Any expiration date you see would not apply here yet, as the permit has not been approved and/or issued. The permit is technically still in review awaiting revision or a determination from the Board of Adjustment. Any continued action on part of the property owner, in excess of what has been permitted, would be a matter of concern for Mike Schieno (mshieno@yellowstonecountymt.gov, 406-652-2050), Code Enforcement Supervisor for Yellowstone County. Please reach out to Mike if you have any additional concerns of that type.

Sent with [Proton Mail](#) secure email.

Husman, Karen

From: clawofthegriz <clawofthegriz@protonmail.com>
Sent: Monday, August 21, 2023 8:31 AM
To: Husman, Karen
Subject: RE: [EXTERNAL] Re: PLNX 01809

Karen: Thank you understand.

Sent with [Proton Mail](#) secure email.

----- Original Message -----

On Monday, August 21st, 2023 at 8:23 AM, Husman, Karen <husmank@billingsmt.gov> wrote:

Dan,

The property is not in a subdivision, it is a Certificate of Survey, and I did not find any restrictions on the survey. The Planning Division has no authority to enforce plat restrictions as they are an agreement the property owner would sign into when they purchase the property, enforceable by a HOA. Staff may consider them when researching a property that has applied for a variance, but we do not enforce covenants and restrictions.

Regards,

	<p>Karen Husman Planner I husmank@billingsmt.gov</p>
<p>billingsmt.gov</p>	<p>2825 3rd Ave N, 4th Floor Billings, MT 59101 P 406.247.8684</p>

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From: clawofthegriz <clawofthegriz@protonmail.com>
Sent: Friday, August 18, 2023 9:19 AM
To: Husman, Karen <husmank@billingsmt.gov>
Subject: [EXTERNAL] Re: PLNX 01809

Karen: Hi, TGIF, I wanted to mention for what it is worth. Has anybody in your office checked the Hall of Records to see what kind of CCRs are (by law) a part of these lots in this subdivision that Mr. Busch is a residence? I believe all subdivisions (just like our Daniels) has CCRs attached. Usually, the buyer is made aware of any CCRs by a realtor, lender and/or title company when the property is purchase. I would be willing to bet if someone did a thorough search there might be requirements in the CCRs that would prohibit the building of these kind of buildings in the back portion of these lots regarding height, setbacks, building type etc., etc. Which means they have to comply with their own CCRs before attempting changes. if a landowner would want to change any part of the CCRs for their benefit it usually requires normally 3/4 of the other landowner's permission to change their CCRs. A good example if the CCRs states residence can only have 1 dog/1cat (2 animals) than the landowners can change their CCRs to allow 2 dogs/1 cat, but it takes the other residence of that subdivision approval to change the CCRs which are than recorded in the Hall of Records. You might know all this stuff, but I thought I would mention it anyway. If you ever tripped on Echo Drive you will observe a few buildings of this nature (maybe not as big) on these landowners' lots; however, they all access their buildings off of their dedicated street right of ways on Echo Drive. I have yet to find any residence in the Echo development that are using the back of their property to gain access to Hawthorne Lane. Even those Echo residence that border Caroline Street, nada, zilch. Dan Neuman

Sent with [Proton Mail](#) secure email.

----- Original Message -----

On Thursday, August 17th, 2023 at 6:27 PM, clawofthegriz <clawofthegriz@protonmail.com> wrote:

Karen: Sure, add me to the email list for the report. Thank you Dan

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