



**CITY BOARD OF ADJUSTMENT**  
**AGENDA-Wednesday, April 3, 2024, 6:00 p.m.**  
Miller Building, 1<sup>st</sup> Floor Conference Room  
2825 3<sup>rd</sup> Avenue North, Billings, Montana

**NOTICE TO THE PUBLIC**

**In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.**

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
  - Email: [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov)
- Call in during the Public Comment periods as indicated on the agenda:
  - Citizens may call in during specific Public Comment periods at **406.237.6165**. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. 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 the Planning Division Office, at 406-247-8676.

Please direct questions to Brenda Berns, Planning Clerk email: [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov) or (406)247-8610

**Call the meeting to order.**

**Introduction of City Board of Adjustment Members and Planning Department Staff.**

**Public Comment**

**Approval of Minutes: November 1, 2023**

**Disclosure of any Conflict of Interest-Members of the Commission and Staff**

**Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff**  
**a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.**

**Regular Business:**

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

## **Public Hearings:**

- a. **City Variance 1373 -- 5343 N Iron Mountain Rd. -- Build to zone** - A variance from Table 27-300.4(A.3) requiring a front build-to zone of 10--32 feet along with facade element locations, to allow a build-to zone of 50 - 67 feet, in a Mid-century Neighborhood (N2) zone, on Lot 8, Block 9 of Grand Peaks Sub. 6th filing, a 13,283 square foot parcel of land. The purpose of the variance is to allow a specific building design on an odd-shaped lot with a narrow street frontage. Tax ID: A37647

## **Other Business/Announcements**

### **Adjournment**

Additional information on this application is available on-line at

<https://www.billingsmt.gov/2361/Current-Zoning-Applications> or in the Planning Offices at 2825 3<sup>rd</sup> Ave N -- 4<sup>th</sup> Floor.

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 Brenda Berns, Planning Clerk; e-mail [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov) or (406) 247-8610

**Date:** 04/03/2024  
**Title:**  
**Presented by:**  
**Department:** Planning & Community Services  
**Presentation:**

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**Information**

**RECOMMENDATION**

The minutes of the Board meeting of November 1, 2023

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

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**Attachments**

Minutes of November 1, 2023

**CITY BOARD OF ADJUSTMENT**

MINUTES November 1, 2023

Name	Title	01/04/2023	02/01/2023	03/01/2023	04/05/2023	05/03/2023	06/07/2023	07/06/2023	08/02/2023	09/06/2023	10/04/2023	11/01/2023	12/06/2023	
		David Mitchell	Member	1	E	-	R	E	S	I	G	N	E	D
Dave Hagstrom	Member	1	1	1	1	-	1	E	E	1	1	1		
George Warmer	Member	E	1	1	1	-	E	E	E	1	A	1		
Jeff Bollman	Vice Chair	1	1	E	E	-	1	1	1	1	-	-	-	
Oscar Heinrich	Chair	Z	1	1	Z	-	1	1	1	1	1	1		
Chris Hayes	Member	1	E	1	1	-	1	1	1	1	P	A		
Josh Sayer	Vice Chair beginning 10/4/2023	1	1	1	1	-	1	1	1	1	1	1		
Brian Roush	Member	-	-	-	-	-	-	-	-	1	1	1		
<b>TOTAL NUMBER OF APPLICATIONS 2023</b>		<b>01/04/2023</b>	<b>02/01/2023</b>	<b>03/01/2023</b>	<b>04/05/2023</b>	<b>05/03/2023</b>	<b>06/07/2023</b>	<b>07/06/2023</b>	<b>08/02/2023</b>	<b>09/06/2023</b>	<b>10/04/2023</b>	<b>11/01/2023</b>	<b>12/06/2023</b>	<b>TOTAL</b>
<b>Variance</b>		<b>1</b>	<b>4</b>	<b>3</b>	<b>4*</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>1</b>	<b>*1</b>	<b>3</b>	<b>2</b>		<b>21</b>
<b>Appeal</b>					<b>1</b>	<b>-</b>								<b>1</b>

Vice Chair Sayer called the meeting to order at 6:00 PM.

Vice Chair Sayer introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator; and Brenda Berns, Planning Clerk

**Attending:** Taylor Kasperick, Performance Engineering

**Public Comment**

Vice Chair Sayer opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting.

### **Approval of Meeting Minutes**

Meeting minutes for October 4, 2023. - Approved

Disclosure of Exparte Communications: None

Disclosure of Site Visits: George Warmer, Dave Hagstrom

Disclosure of Conflict of Interest: None

### **Public Hearings**

**Applicant requested Withdrawal – City Variance 1369 – 502 Wicks Ln. – Parking Siting** – a variance from Table 27-400.5-B.8 requiring surface or accessory parking location to be either in the rear yard or limited in the front or side yard in a Neighborhood Office (NO) to allow unlimited parking in the front yard on the west 25 feet of lot 9 and the east 50 feet of lot 10 of Block 1 (less 750 sf street) of Arrowhead Subd., an 0.863 acre parcel of land. The purpose of the variance is to allow an existing commercial structure to remain in place while a replacement structure is built on the site.

### **Motion**

**Motion made by Oscar Heinrich, seconded by Dave Hagstrom to Approve Applicant’s request to withdraw. The motion was carried with a unanimous vote.**

**City Variance 1372 – 3508 S Frontage Road – Parking Siting** – A variance from the siting and building standards for the Heavy Commercial (CX) zone district that requires surface parking to be in a side or rear yard (Section 27-409-Table 27-400.6 (B.6)). The property is on South Frontage Road near where the road changes speed and direction, then becomes Riverside Drive, and then Garden Avenue. These are local streets that continue north and east to the S 27<sup>th</sup> St interchange with Interstate 90. The subject property is legally described as an unplatted parcel in Section 15, Township 1 South, Range 26 East, a remainder of the south part of Government Lots 2 and 3 (less C/S 1596) and is approximately 20 acres in area. The lot will be split in the near future and the requested variance will apply only to the lot on the west half of the parcel where the proposed use will be located. The proposed use is for a consolidated location for Torgerson’s Equipment, and agricultural dealership offering sales, parts, & service to customers across Montana.

### **Recommendation**

Planning Staff is recommending conditional approval based on draft findings of the review criteria for variances:

- 1) There is a hardship with the property that is not applicable to other lands in the same district. The property has two petroleum pipelines that cross the frontage, two drainage ditches, a flood plain on the rear of the property, and state-controlled access to S Frontage Road.
- 2) Denying the variance might deprive this owner of similar rights enjoyed by others in the area. The Board has granted two previous variances to allow parking in front of a building in the CX zone on this section of S Frontage Rd. Denying this variance request might deprive this owner of rights enjoyed by others in the same area.
- 3) Granting the building location variance will not confer a special privilege to this applicant. Any variance has the potential to grant a special privilege to an owner. Based on the analysis of the surrounding zoning history, the prior variance granted by this board and the existing development pattern in the area, staff do not find the variance to be a special privilege.
- 4) Granting the variance will be in harmony with the purposes of zoning and growth policy. Granting this variance is in conformance with the Growth Policy. The policy and regulations adopted to implement the policy are intended to reduce and eliminate the out-of-date development pattern of large buildings setback behind a sea of parking in the front of those buildings. The provision of parking stalls in front of the building will be in harmony with the purpose and intent of the growth policy and zoning.

- 5) In granting the variance, the BOA may impose appropriate conditions. Planning staff recommends the following conditions:
  1. The variance is to allow up to 41 surface parking spaces in front of the building. No other variance is intended or implied.
  2. The variance is limited to this legally described lot.
  3. The owner will install all required landscaping.
  4. Minor modification of the site plan is allowed.
  5. No evergreen in the street frontage, street trees trimmed up to 8-ft above grade. Trees shown on LS plan are sufficient.
  6. No outdoor announcement system that is audible beyond property lines.
  7. Complete the building permit process within 2 years and complete the project within 5 years. Failure to meet time lines, voids the variance.
  8. Any structures not shown on the site plan must conform to all zoning and city regulations.
  9. All regulations except for this variance apply to the development of the site.
  10. Failure to begin or complete the project will void the variance.
  11. These conditions of variance approval shall run with the land.
- 6) A time limit for action on the variance shall be prescribed (see condition 7 above).
- 7) No variance may allow a use not otherwise allowed or be inconsistent with other limits on uses in the district. The proposed use – a building for agricultural and heavy equipment sales and service is allowed.

### **Board Discussion**

Board Member Heinrich asked for a rereading of Staff Report item #7 and questioned if there were decision making capabilities for the Board regarding the east or west side.

Nicole Cromwell stated that both sides of the building, east and west were not included in the report. All conditions recommended for approval are under #5.

Board Member Hagstrom stated that one of the hardships was the two irrigation ditches on the land, however it appeared as though the owners of the warehouse were going to re-route the ditch. This would no longer be a hardship.

Nicole said there is still a ditch on the west side that restricts what they do on that side. This is the City/County drain that comes out of Washington Avenue. Most of the area where the ditch is right now is going to be a staging yard.

### **Applicant: Taylor Kasperick, PEC, 608 N. 29<sup>th</sup>, Billings MT**

Mr. Kasperick is the Agent for the Torgersons. We have had discussions with MDT regarding 2 approaches: one for the Torgersons, and another for a future vacant lot. It would be preferable on the eastern side for trucks off the roadway, but western side may work as well. We are looking to have 80 parking stalls with 41 in front of the building. We are attempting to keep heavy trucks and machinery away from the day-to-day traffic. With the layout we have on the eastern edge, heavy trucks and semis could pull straight in and out without conflict with pedestrians or other passenger vehicles. We have a loop-around to accommodate heavy trucks and our current plan would include curbs. Similar to other vehicle maintenance type facilities, we will have overhead doors allowing trucks to drive through the building. As far as the ditch, we are planning to re-route the Grey Eagle Ditch TPA south, as it would have been under one of the buildings.

20-acres is deceptive on this property, given that much of it is down off the bank of the Yellowstone River. The owner is attempting to maximize the space, allowing approximately 28 customer parking stalls.

**Questions for Applicant:**

Board member Josh Sayer asked how many stalls are shown on the layout presented. Mr. Kasperick responded there are 78 stalls.

Vice Chair Sayer asked if there were any additional questions. There were none.

**Motion**

**Motion made by Board Member Hagstrom, seconded by Board Member Warmer to Approve City Variance 1372. Motion was carried with a unanimous voice vote to Approve.**

**Other Business:** There was no other business.

**ADJOURNMENT: The meeting adjourned at 6:30 PM.**

**ATTEST: DRAFT. To be approved by a motion at the next regularly scheduled meeting.**

*Brenda J Berns, Planning Clerk*

**Board of Adjustment**

**Date:** 04/03/2024  
**Title:** Variance 1373- 5343 N Iron Mountain Rd.- Build-to Zone  
**Presented by:** Karen Husman  
**Department:** Planning & Community Services  
**Presentation:** Yes

**Information****RECOMMENDATION**

Planning staff recommends conditional approval of Variance 1373 and adoption of the findings of the proposed review criteria contained in the summary section of this report.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

This is a request to allow a variance from Table 27-300.4(A.3) requiring a front build-to zone of 10--32 feet along with facade element locations, to allow a build-to zone of 50 - 67 feet, in a Mid-century Neighborhood (N2) zone, on Lot 8, Block 9 of Grand Peaks Sub. 6th filing, a 13,283 square foot parcel of land. The purpose of the variance is to allow a specific building design on an odd-shaped lot with a narrow street frontage. While the front door and living area may be more than 50 feet from the property line, the code was recently amended (June 2023 - Ord. 23-5836) to specify which front facade items must be in the build-to zone. The N2 zone district site and structure standards require 60% of the front facade of a new structure to be within the required build-to zone, the front door, and 60% of the first floor door and windows. The build-to zone is a range for the N2 zone district between 10 feet and 32 feet behind the front property line. The request is to allow the front facade, including the garage, to be setback from the property line in a build-to range of 50 - 67 feet.

The new zoning regulations allow variances from any numerical limitation or requirement in the code and this includes the build-to zone. There are some small variations allowed through an administrative process. However, larger deviations still require a review and approval by the Board of Adjustment. The same basic criteria for variances have carried through from the previous zoning regulations since these criteria are outlined in state law. There are other properties within the district that have been developed to the previous setback requirements. This subdivision was created under the previous zoning code, with the intent of development under that code. With this development, the subject parcel is located in a type of cul-de-sac design and is a unique shape that restricts this parcel from meeting the build to zone and front facade requirements of the N2 district.

**STAKEHOLDERS**

Planning staff has not received any comments on the application as of the date of this report. The Board of Adjustment will hold a public hearing prior to acting on the request.

**ALTERNATIVES**

The Board of Adjustment may:

- Approve the findings of the review criteria as proposed by Planning staff and conditionally approve the variance application; or,
- Change the findings of the review criteria as proposed by Planning staff and deny the variance application; or
- Allow the application to be withdrawn at the request of the applicant; or
- Delay action on the variance application to a future Board meeting.

**FISCAL EFFECTS**

Approval or denial of the proposed variance will have no effect on the Planning Division budget.

**SUMMARY**

Before granting the requested variance, the Board of Adjustment shall consider the findings of the review criteria (Sec 27-1627.D)

**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 no special circumstances with this parcel other than the design of the lots are narrow on the front lot line and long

in dimension and wider to the rear of the parcel, restricting the options to build in the required build to zone. The subdivision consists of six filings, and the majority of the lots were built on prior to the new zoning code. Some of these homes may not meet the build-to zone front facade requirements. There are thirty lots in the sixth filing, fifteen of which have an active permit. The previous zoning code had a minimum front setback of 20 feet but no maximum. There are other developed parcels within this subdivision that were constructed under the new requirements and conform to the newer standard. However, this lot has a shape and dimension that does not allow for these standards to be met.

**2) That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other tracts in the same district.**

The majority of the homes built in this sixth filing of the subdivision are in compliance with the current regulation for "build- to" zone. However, this lot has a design and dimensions that would not allow it to easily meet these standards. Denial of the variance would deny this applicant rights commonly enjoyed by other parcels in the same district because there have been other approvals for variances to allow front build-to zone and front facade deviations in the same district (see attached zoning history). Alternatively, the build-to zone averaging takes the existing setbacks of the two dwellings on either side of the subject lot (in cases of subdivisions primarily constructed prior to the new code) and averages those setbacks together to determine the allowable expansion of a build-to zone. In this case, the subject property is adjacent to lots that are primarily under construction or already constructed and are now within the newer required build to zone, so the build-to averaging would not apply. There are also allowances for administrative relief in some cases. For example, administrative relief was granted to four parcels in this filing (prior to the June code amendment) to allow an additional five-feet for the build-to zone. This relief allowed up to 37 feet for the build-to zone. Administrative relief would not be appropriate for this parcel as it would not give them adequate setback to build the proposed home. Administrative relief can only allow an additional five feet beyond the minimum or maximum build-to zone.

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

Similar to 1 and 2, this parcel is narrow on the front lot line and long in dimension and wider to the rear of the parcel, restricting the options to build in the required build-to zone. The subdivision consists of six filings, the majority of lots built prior to the new zoning code, some of them may not meet the build to zone front facade requirements. There are thirty lots in the sixth filing, fifteen of which have an active permit. There have been other variances granted for similar requests. Recently, a similar variance was granted on four lots in the Founders Park Subdivision (Ping Circle). Granting this variance would not confer any special privilege.

**4) That the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code and with the growth policies.**

The Growth Policy and the Zoning Code together encourage uniform development and make allowances for sites with unique features. The Zoning Code criteria for approving variances is a tool that makes allowances for these odd-shaped lots. In this case, approval of the variance would allow this odd shaped parcel to be developed. The Growth Policy encourages uniform development. However, this variance would encourage development of these odd-shaped parcels in older subdivisions that may have lots designed under the previous zoning code. Although there are currently no other houses in this subdivision with a 50-67 foot build-to zone, the design and development of the lot as requested would still be uniform with the existing development in design and size.

**5) In granting any variance, the BOA may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. 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 Zoning Code.**

Planning Staff is recommending the following conditions of approval:

1. The build-to zone variance is limited to Lot 8, Block 9, of Grand Peaks Subdivision, 5343 N Iron Mountain Road.
2. The variance is from Section 27-305 (Table 27-300.4) requiring a build-to zone range of 10 feet to 32 feet from the front property line to allow a build-to zone range of 50 - 67 feet in a Mid-century Neighborhood (N2) zone. No other variance is intended or implied.
3. The structure will be built in substantial conformance to the site drawings submitted with this variance request.
4. Construction activity will not occur prior to 7 am or after 8 pm daily.
5. The applicant/developer shall apply for a building permit within six months of Board approval and complete construction within one year of Board approval.
6. Failure to begin or complete the project according to the time periods within this approval will void the variance.
7. The applicant shall meet all other city code requirements for the proposed single family home, with the exception of this variance.
8. 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, leaseholders, heirs and assigns.

**6) The BOA 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.**

Staff is recommending a 6-month period to apply for a building permit and 1 year to complete construction.

**7) Under no circumstances shall the BOA 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.**

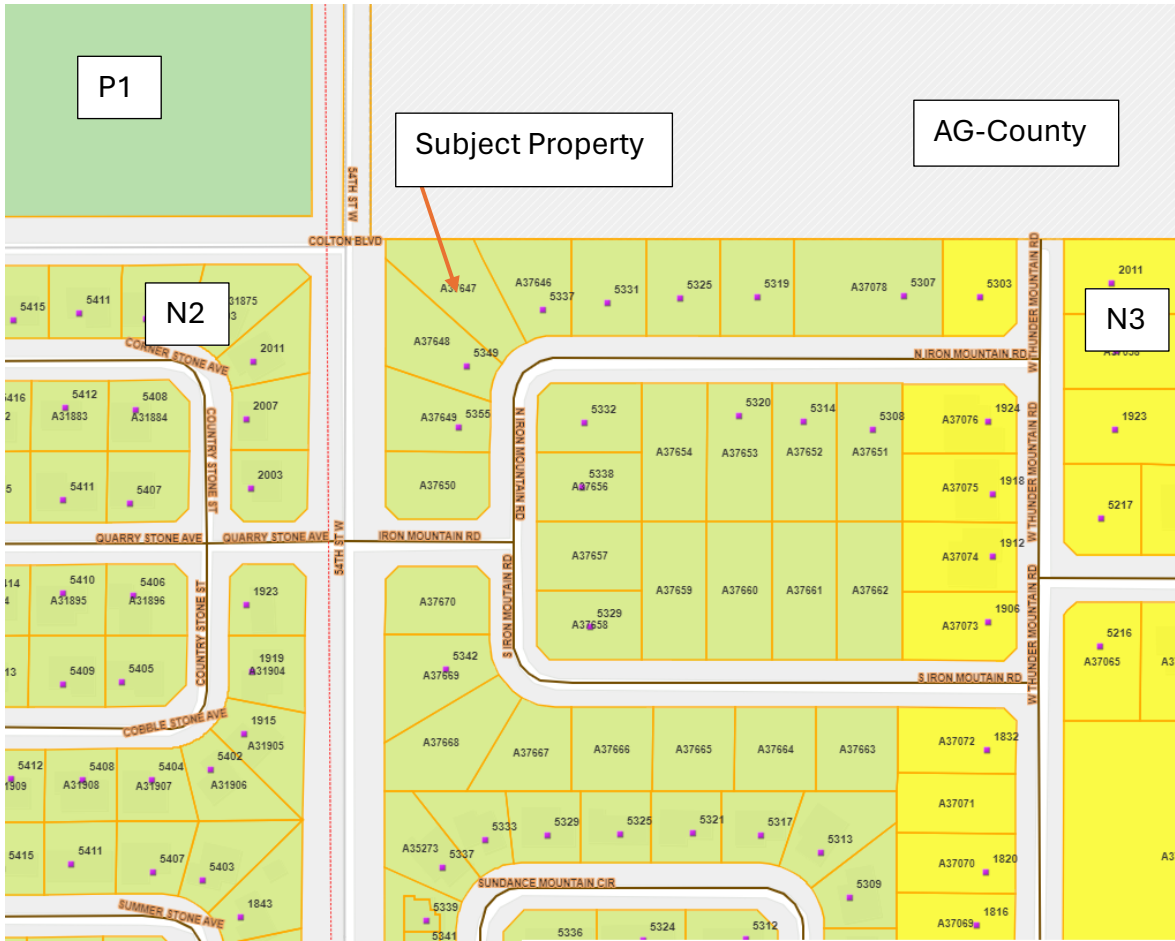
The proposed use is an allowed use in the N2 zone district. Single family dwellings are allowed in the N2 zones.

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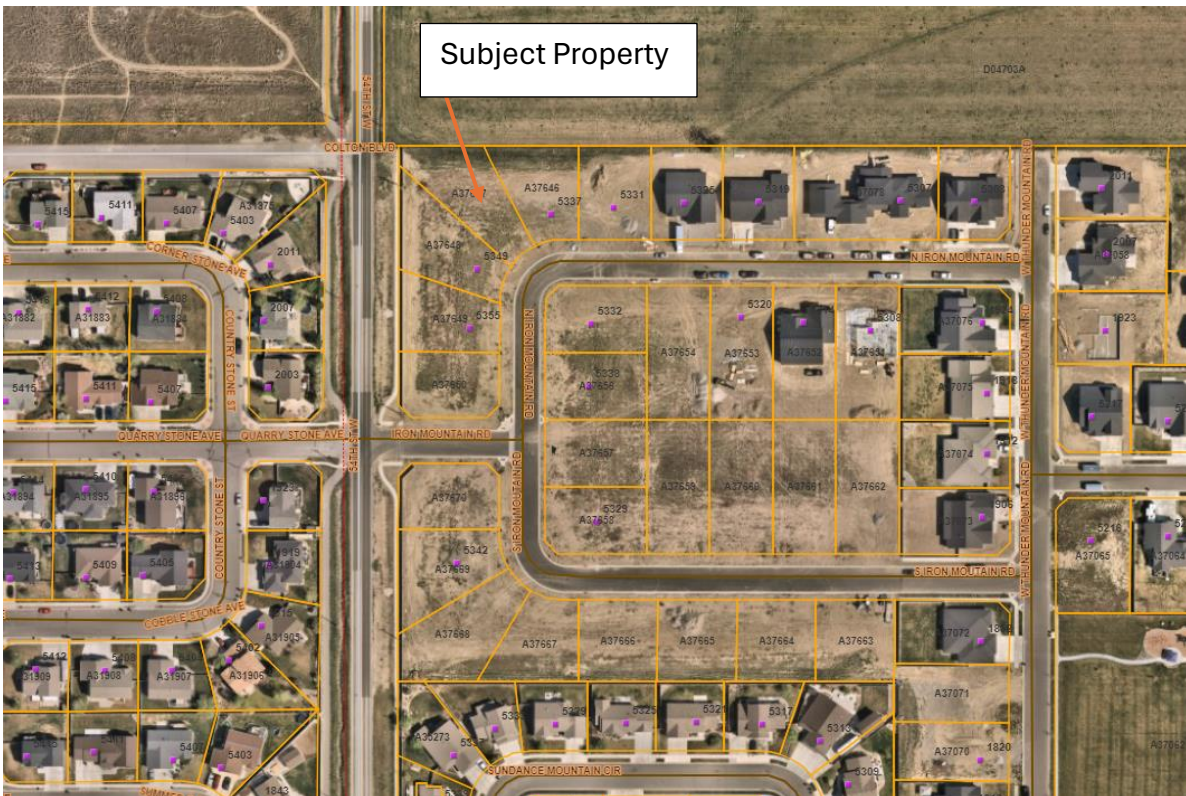
**Attachments**

Zoning Map & Site Photos  
Application & Applicant Letter  
Site Plan  
History

# Zoning Map & Site Photos Var. 1373



Zoning





East Property



South West Property



South east



South down Iron Mountain



Looking East

CITY VARIANCE

APPLICATION FORM  
ID: Billings Variance # 1373 - Project # PZX-24-00103

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 # A37647 CITY ELECTION WARD# 2 Legal

Description of Property: Grand Peaks Sub 6th Filing, Block 9, Lot 8

Address or General Location (If unknown, contact City Engineering): 5343 North Iron Mountain Road

Zoning Classification: N2 - Mid-Century Neighborhood

Size of Parcel (Area & Dimensions): Varies, See Attached Exhibit

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

If yes, please attach to application

Variance(s) Requested: 1) maximum garage entry width on front facade (more than 50%); 2) maximum build-to range


Facts of Hardship: See Attached Letter

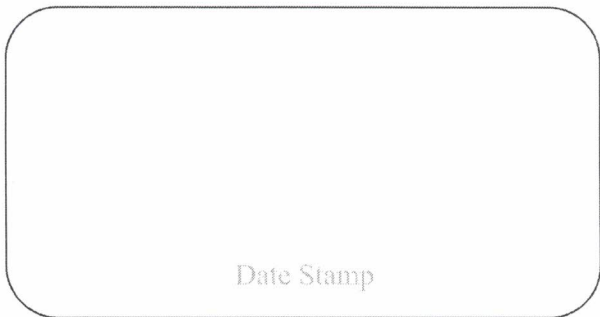
\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Hanser Capital Holdings, LLC  
(Recorded Owner)  
2916 Thousand Oaks St., Billings, MT 59102  
(Address)  
406-671-7301 bill@hanserconstruction.com  
(Phone Number) (email)

Agent(s): Performance Engineering - Taylor Kasperick, PE  
(Name)  
608 North 29th Street, 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:  Date: 2/29/24  
(Recorded Owner)





# MEMO

To: City of Billings - Board of Adjustments

From: Taylor Kasperick, PE, Project Manager

Date: February 29, 2024

Re: 5343 North Iron Mountain Road Lot Variance Application

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On behalf of Hanser Capital Holdings, LLC, Performance Engineering is requesting variances from two parts of zoning code for N2 - Mid-Century Neighborhood to allow for continued construction of single family housing in their subdivision. Grand Peak Subdivision was created under the old zoning code at which time the planned construction worked for the style and type of houses built by the owner and all zoning codes were able to be met. When the subdivision was redesignated as N2 under Project Recode Lot 8, Block 9, of the 6<sup>th</sup> Filing was unable to comply with the current code for construction. This lot is located on the outer corner of North Iron Mountain Road leaving a narrow street frontage with wide backyards being a "pie-shaped" lot. Our formal request is for variance to the following rules:

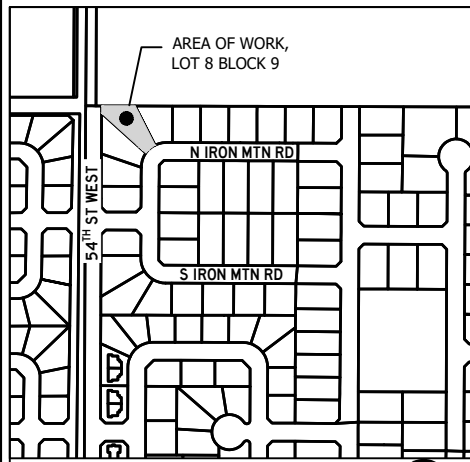
1. Maximum garage entry width on the front façade (more than 50%).
2. Maximum build to range of 20-feet.

The variances are required due to the narrow frontage located on North Iron Mountain Road, leaving little room for side or rear load garages as fitting a driveway (typically 20-24' wide for side load garage to accommodate turn in) and a house within the platted 38'-wide lot front is infeasible. In addition, based on the 38'-wide lot front, and 5' side setbacks, only 28' of the lot frontage is buildable meaning a two-car garage (16' width), let alone a 3-car garage which is typical for the surrounding subdivision, would not be permissible as currently platted.

The applicant is requesting a variance from the maximum build to range of 20-ft, again, due to the narrow frontage on North Iron Mountain Road. The width of the planned building forces it to be placed further back on the lot to meet the minimum side setback from neighboring lots on either side. Sliding the buildings back and allowing for a 50-ft maximum build to range would still meet the intent of the build to requirement while keeping with the character of the Grand Peak Subdivision. Significant changes to the existing floor plans for the standard houses built by applicant would be required to

meet the current code at a direct cost and detriment to the applicant and future home buyer.

If approved the lot will be constructed as presented on the exhibits included with this application. This will be single family home construction in accordance with all other zoning code rules and in keeping with the character of the Grand Peak neighborhood.



**VICINITY MAP**



- NOTES:**
1. PLUMBING CONTRACTOR TO VERIFY LOCATIONS OF SEWER & WATER SERVICES AND MAKE CONNECTIONS PER CITY REQUIREMENTS.
  2. UNUSED WATER METER SERVICES WILL BE ABANDONED PER BILLINGS CITY CODE.
  3. CONTRACTOR TO PROVIDE REQUIRED SIDEWALKS, CURB CUTS, & DRIVEWAY APRONS PER CITY ENGINEERING REQUIREMENTS.
  4. SIDEWALK TO BE 5' WIDTH PER CITY OF BILLINGS ENGINEERING DEPT.
  5. BOULEVARD TREES PER CITY OF BILLINGS PARKS DEPT.

**NOTES:**  
DRIVEWAY MATERIAL TO BE CONCRETE, ROOFING MATERIAL TO BE ASPHALT SHINGLES

**COVERAGE CALCULATIONS:**  
ZONE N2  
ALLOWABLE COVERAGE (40% OH)

LOT AREA = 13,283 SF  
ALLOWABLE FOOTPRINT = 5,313.2 SF

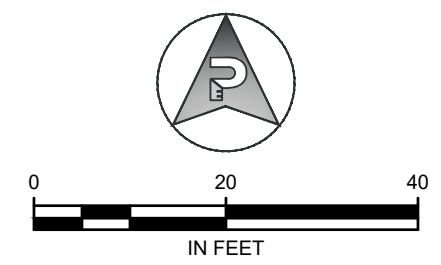
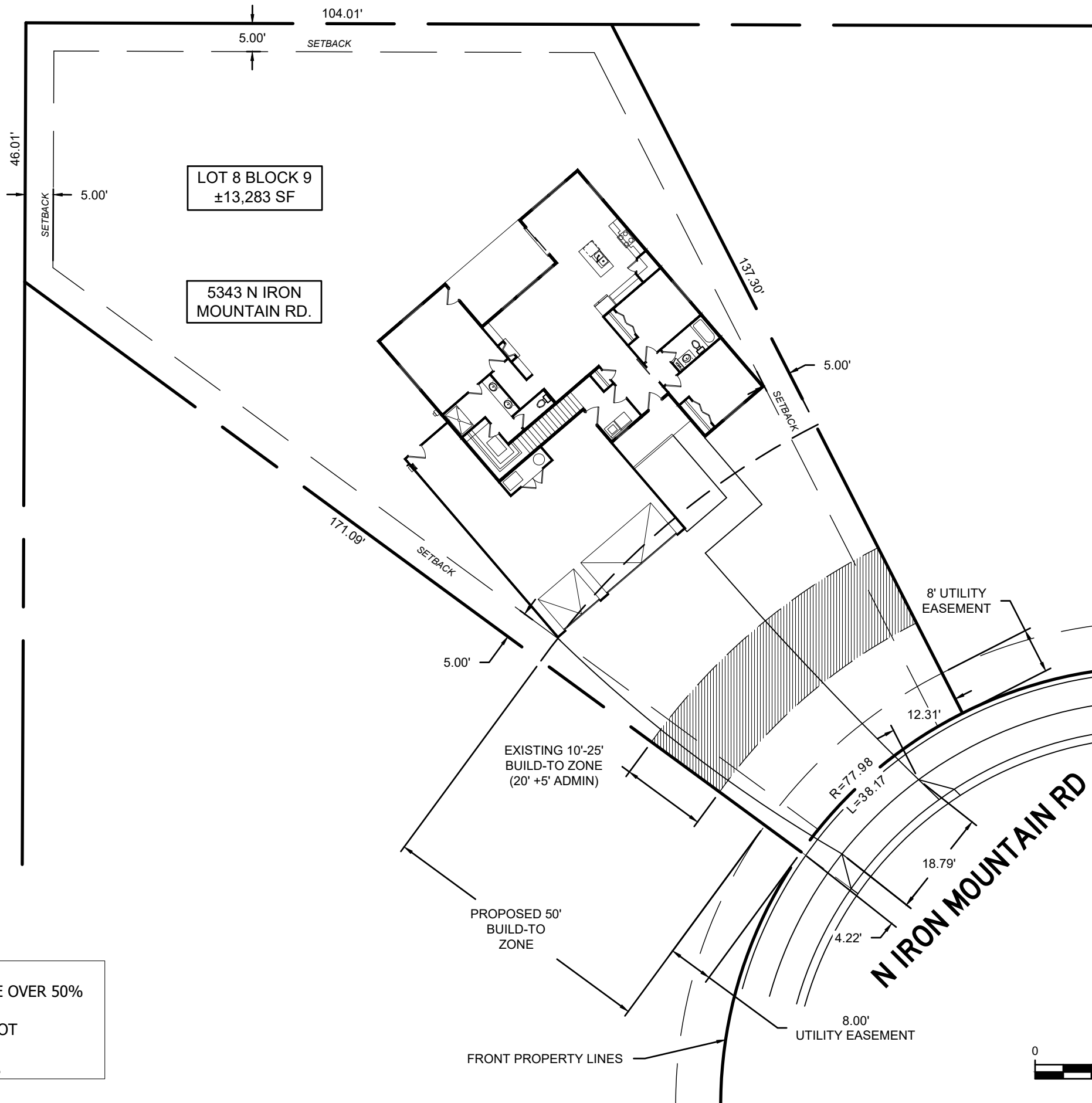
**BUILDING FOOTPRINT AREA**

FIRST FLOOR =	1,746 SF
COVERED PORCHES =	246 SF
GARAGE =	972 SF
<b>TOTAL =</b>	<b>2,964 SF OKAY</b>

PERCENT OF LOT COVERAGE = 20.28% OKAY

**VARIANCE REQUESTS**

1. ATTACHED GARAGE FINISH FACADE OVER 50% OF TOTAL FACADE.
2. DRIVEWAY WIDTH OVER 50% OF LOT FRONTAGE.
3. EXTEND MAX BUILD- DEPTH TO 50'.



**GRAND PEAKS SUBD.**

BILLINGS, MT 59106

DESIGNED BY ADH	CHECKED BY SAA	QUALITY ASSURANCE
DRAWN BY	DATE 02/12/2024	DATE 02/12/2024
REV BY	DATE	CHKD BY
#	#	#
#	#	#
#	#	#

**SHEET TITLE**  
5343 N IRON MTN RD  
BUILD-TO VARIANCE

PROJECT NUMBER  
2024-021

SHEET NUMBER  
1 OF 1

DRAWING NUMBER

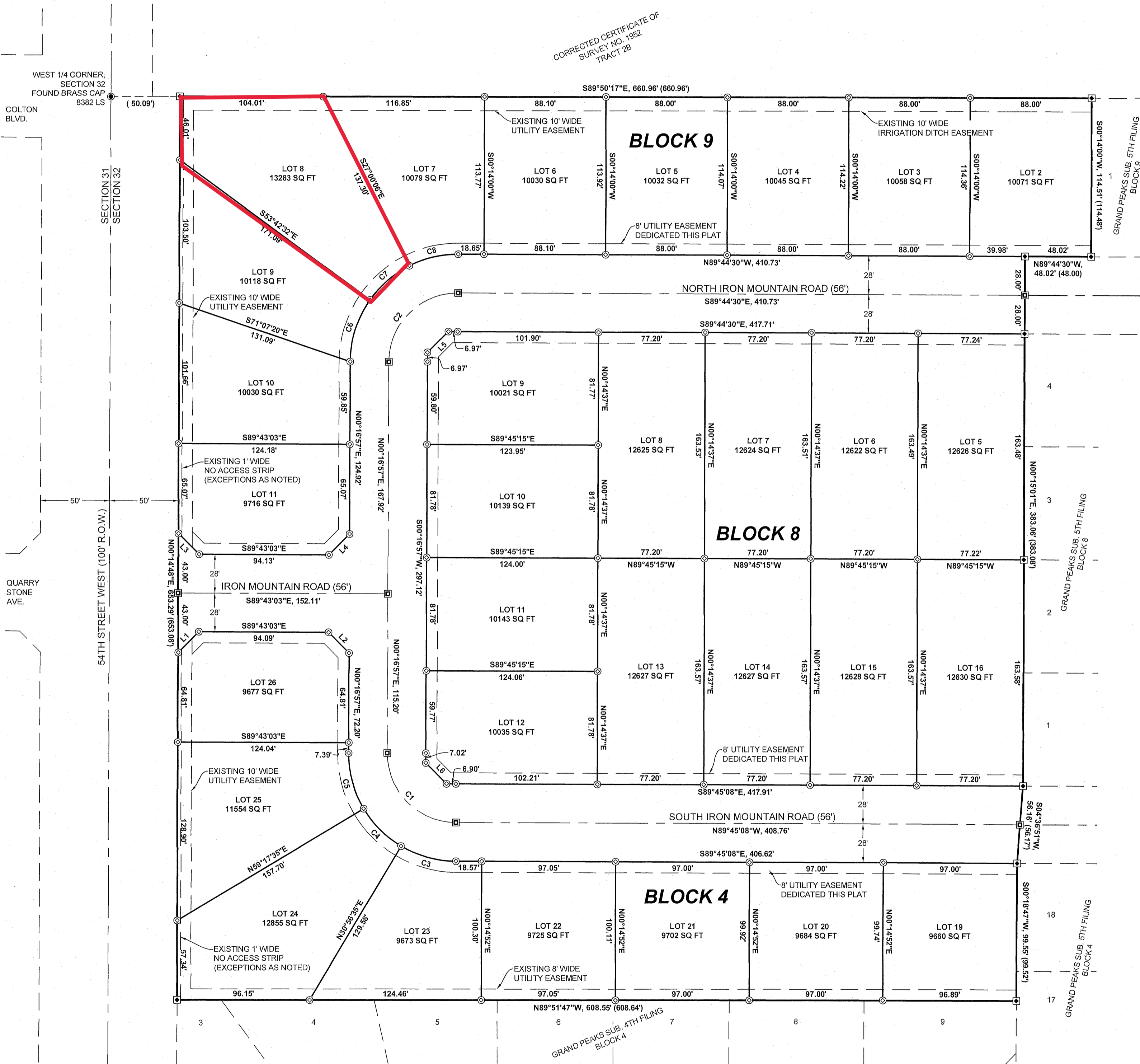
**EX1**

COPYRIGHT 2024 ©

# PLAT OF GRAND PEAKS SUBDIVISION, 6TH FILING

BEING LOT 2, BLOCK 9 OF GRAND PEAKS SUBDIVISION, 5TH FILING  
 WITHIN SW1/4 OF SECTION 32, T.1N., R.25 E., P.M.M.  
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: J & S DEVELOPMENT  
 DATE SURVEYED: APRIL 2021  
 PREPARED BY: WWC ENGINEERING



Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C1	50.00'	78.57'	90°02'05"	N44°44'05"W	70.74'
C2	50.00'	78.52'	89°58'32"	N45°16'13"E	70.70'
C3	78.00'	41.70'	30°37'52"	S74°26'12"E	41.21'
C4	78.00'	38.50'	28°19'50"	S44°58'50"E	38.12'
C5	78.00'	42.37'	31°07'23"	S15°16'44"E	41.86'
C6	78.00'	47.62'	34°58'50"	S17°46'22"W	46.89'
C7	78.00'	38.17'	28°02'12"	S49°16'53"W	37.79'
C8	78.00'	36.70'	28°57'30"	S76°46'44"W	36.37'

Line No.	Length	Bearing
L1	21.21'	N45°15'53"E
L2	21.21'	S44°43'03"E
L3	21.22'	N44°44'07"W
L4	21.21'	S45°16'57"W
L5	21.24'	S45°16'13"W
L6	21.21'	S44°44'11"E

- LEGEND**
- FOUND YELLOW PLASTIC CAP (VPC)
  - FOUND REBAR
  - SET 5/8" REBAR W/ PURPLE PLASTIC CAP (BRUCKNER 63052 LS)
  - FOUND BRASS CAP
  - SET CENTERLINE MONUMENT
  - (XXX.XX) RECORD DISTANCE (DOCUMENT NO. 3936728)
  - SUBDIVISION BOUNDARY
  - EXISTING EASEMENT AS NOTED
  - DEDICATED EASEMENT AS NOTED

**BASIS OF BEARING**  
 CITY OF BILLINGS LDP (MT83-BLGS-IF)  
 DATUM: NAD83  
 PROJECTION: LAMBERT CONFORMAL CONIC (SINGLE PARALLEL)  
 PROJECT ORIGIN LATITUDE: N45°47'00"  
 CENTRAL MERIDIAN: W108°25'00"  
 FALSE NORTHING: 164,041.9951FT (50,000.00 m)  
 FALSE EASTING: 656,167.9791FT (200,000.00 m)  
 SCALE FACTOR AT CENTRAL MERIDIAN: 1.0001515 (EXACT)

## LEGAL DESCRIPTION AND PROPERTY OWNER CERTIFICATE OF DEDICATION

State of Montana )  
 ) SS  
 County of Yellowstone )

KNOW ALL BY THESE PRESENTS: That we, the undersigned owners, do hereby certify that we, have caused to be surveyed, subdivided, and platted into lots blocks roads and alleys and other divisions and dedications, as shown by this plat hereunto included, the following described tract of land, to wit:

The parcel situated in the SW1/4 of Section 32, T.1N., R.25 E., P.M.M., City of Billings, Yellowstone County, Montana, and more particularly described as Lot 2, Block 9, Grand Peaks Subdivision, 5th Filing, Document No. 3936728; said tract containing a gross area of 9.304 acres and a net area of 7.514 acres, more or less, and subject to all easements of record or apparent on the ground.

The parkland requirement for this for this subdivision was met by the recording of the plat for Grand Peaks Subdivision, 5th Filing.

The above described tract of land is to be known and designated as GRAND PEAKS SUBDIVISION, 6TH FILING, Yellowstone County, Montana. The undersigned do hereby grant unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair, removal of lines over, under and across the areas designated on the plat as Utility Easement to have and hold forever. The lands included in all streets, avenues, and roads shown on the plat are also hereby granted and donated to the use of the public forever.

DATED THIS 13 DAY OF May, 2022

J & S Development Co., a Montana Corporation

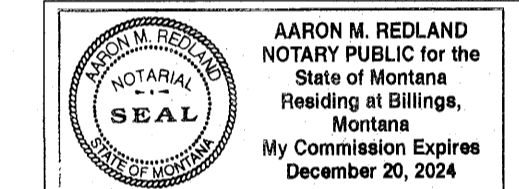
*Jeffrey Junkert, President*

## ACKNOWLEDGMENTS

State of Montana )  
 ) SS  
 County of Yellowstone )

on this 13th day of May, 2022, before me, the undersigned a notary public for the State of Montana, personally appeared Jeffrey Junkert, President of J & S Development, a Montana Corporation, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

*Aaron M. Redland*  
 Notary Public for the State of Montana



## CERTIFICATE OF CITY ATTORNEY

This Subdivision Plat has been reviewed by the City Attorney's Office and is acceptable to form.

Dated this 20 day of June, 2022

*John A. Grant*  
 Reviewed by

## ERRORS AND OMISSIONS REVIEW

Reviewed for errors and omissions in calculations and drafting this 19th day of JUNE, 2022, pursuant to section 76-3-611(2)(a), M.C.A.

*John A. Grant*  
 Examining Land Surveyor

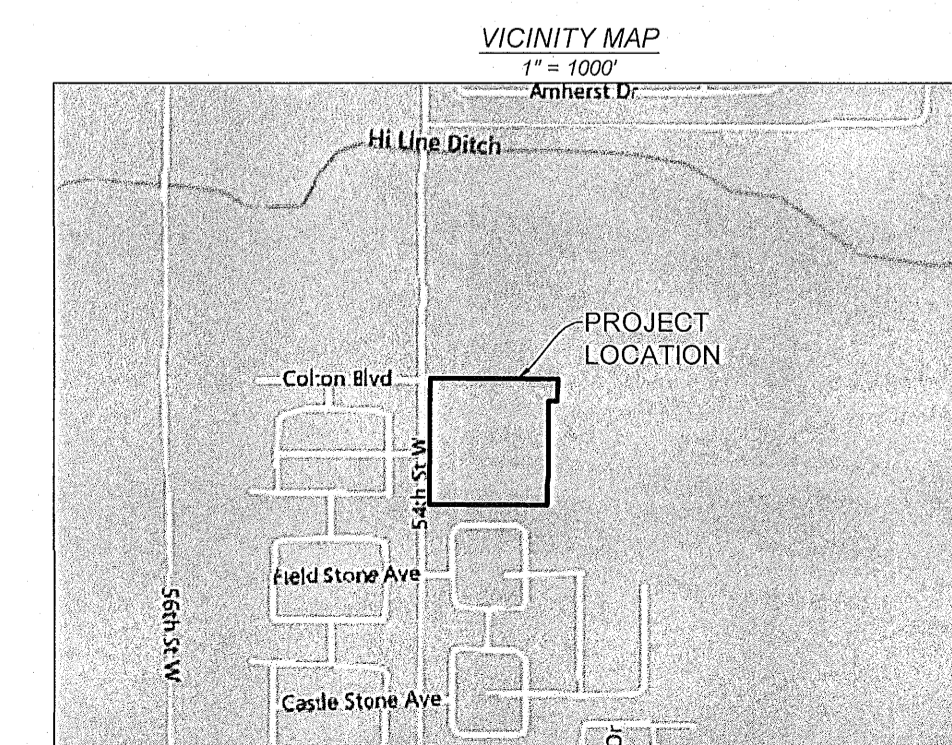
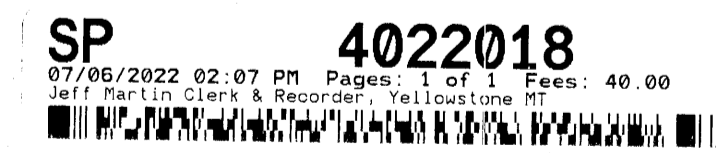
Reg. No. 17513 LS

## CERTIFICATE OF COUNTY TREASURER

I hereby certify, pursuant to Section 76-3-611(1)(b), M.C.A. that all real property taxes and special assessments assessed and levied on the land described on this Subdivision Plat and encompassed by the proposed division have been paid.

Dated this 6th day of July, 2022

*Morgan Hunt*  
 Treasurer  
 YELLOWSTONE COUNTY, MONTANA

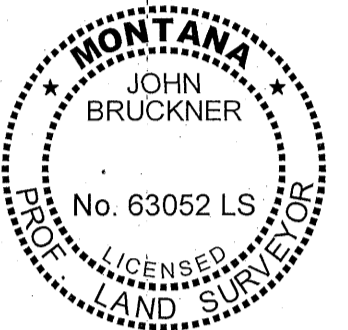


## CERTIFICATE OF SURVEYOR

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of April 2021, a survey was performed under my supervision of a tract of land to be known as GRAND PEAKS SUBDIVISION, 6TH FILING in accordance with the request of the owner thereof and in conformance with Montana Subdivision and Platting Act; said subdivision being in accordance with the Landowner's Certificate and as shown on the plat; that the monuments found and set are of the character and occupy the positions hereon.

Dated the 13 day of May, 2022

*John Bruckner*  
 John Bruckner  
 Registration Number 63052 LS



## CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that I have examined the annexed plat and find that it conforms with Section 76-4-125(1)(d) M.C.A. removing sanitary restrictions since the plat is inside a master planning area and is provided with municipal facilities for the supply of water and disposal of sewage and solid waste.

Dated this 14th day of JUNE, 2022

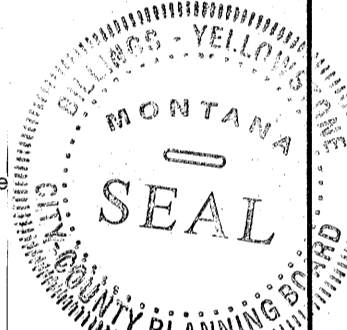
*John A. Grant*  
 CITY ENGINEER'S OFFICE

## NOTICE OF APPROVAL

STATE OF MONTANA )  
 ) SS  
 County of Yellowstone )

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

Dated 6/6/22 *Dannus Cole*  
*Michael Slay*  
 Executive Secretary



## CERTIFICATE OF CITY COUNCIL APPROVAL

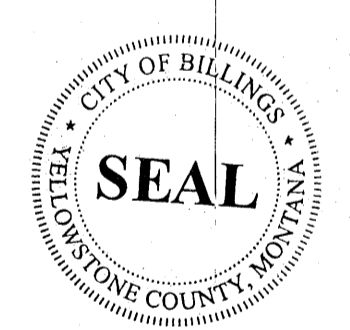
The City Council of the City of Billings, Yellowstone County, Montana does hereby certify that the accompanying plat for GRAND PEAKS SUBDIVISION, 6TH FILING has been duly examined and have found the same to conform to the law and hereby approve it.

Dated this 27th day of June, 2022

*William A. Cole*  
 CITY OF BILLINGS, MONTANA

BY: *William A. Cole*  
 Mayor

ATTEST: *Senise B. Pohlman*  
 City Clerk



## CERTIFICATE OF FILING BY CLERK AND RECORDER

## SUBDIVISION IMPROVEMENTS AGREEMENT

Document No. 4022019

**GRAND PEAKS SUBDIVISION, 6TH FILING**  
 CITY OF BILLINGS,  
 YELLOWSTONE COUNTY,  
 MONTANA

PREPARED FOR: J & S DEVELOPMENT  
 BILLINGS, MT

PREPARED BY: WWC ENGINEERING  
 600 S. 24th St., W. 3rd Fl. 201  
 Billings, MT 59102  
 (406) 894-2210  
 www.wwcengineering.com

PROJECT NO. 0021998  
 NO. REVISION BY DATE DATE

DESIGNED BY: JPB  
 DRAWN BY: JPB  
 CHECKED BY: AMR  
 DATE: 6/22/22

SHEET 1 OF 1

**APPLICABLE ZONING HISTORY**

<b>SUBJECT PROPERTY</b>	<b>VARIANCE</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
None					
<b>SURROUNDING PROPERTY</b>	<b>VARIANCE</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
5404 Cobble Stone	993	7/6/06	Rear setback	Y	
5419 Quarry Stone	994	8/2/06	Front setback	Y	
5411 Quarry Stone	1001	1/3/07	Side setback	Y	
1625 Riverstone St	1064	11/4/09	Side setback	Y	
4143 Banbury Pl	1347	7/6/22	Build to zone	Y	
1533, 1527, 1503 Ping Cir	1367	6/7/23	Build to zone and garage door width	Y	
2910 3 <sup>rd</sup> Ave S	1334	7/7/21	Build to zone	Y	
Shiloh Crossing Blvd	SR 993 w/ variance	3/28/22	Front lot line coverage		