

**CITY VARIANCE APPLICATION FORM**

**CITY VARIANCE : Billings Variance # 1374 - Project # PZX-24-00119**

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

PARCEL TAX ID # A36568 + A36567 CITY ELECTION WARD # 5

Legal Description of Property: Lots 1 + 2 of Block 1 of the Tierra Yellowstone Sub (19), S14, T01 S, R25 E

Address or General Location (If unknown, contact City Engineering): 3245 + 3275 Conrad Rd Billings, MT 59102

Zoning Classification: Heavy Commercial (CX)

Size of Parcel (Area & Dimensions): ~ 2.022 Acres Total, Each Lot 128' x 344'

Variance(s) Requested: Siting of the parking lot. City of Billings  
Zoning Code Table 27-400-6 B.6.

Facts of Hardship: (attach letter)

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

Owner(s): Scott Cox  
(Recorded Owner)  
1070 S. 24th St West  
(Address)  
406-670-4988 scott@rimrockart.com  
(Phone Number) (email)

Agent(s): Performance Engineering  
(Name)  
608 N 29th Street, Billings, MT 59101  
(Address)  
(406) 384-0080 taylor@performance-ll.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: 28/03/24  
(Recorded Owner – digital signature allowed)



608 North 29<sup>th</sup> Street • Billings, MT 59101 • 406-384-0080

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March 29, 2023

Chair of the Board of Adjustments  
City of Billings Planning Department

*RE: Lot 1 & 2 of Block 1 of the Tierra Yellowstone 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 Rimrock Art and Frame commercial development proposed on both Lots 1 & 2, Block 1, of the Tierra Yellowstone Subdivision. This property is located on the north side of Conrad Road, south side of Gabel Road, and west of S 32<sup>nd</sup> Street West. The project is proposed to provide a new mixed use building for the owners of Rimrock Art and Frame. The Owner feels this is a great location with the property being surrounded by other commercial uses.

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 a gallery and office space towards the building frontage, as well as a warehouse/manufacturing area with overhead doors at the center, and retail/office space at the rear.

Facts of hardship to meet the requirements for granting a relate to the current layout of the site in relation to the use of the proposed lot. The facts of hardship experienced with this site include the following:

- The planned use of the property as a mixed use commercial building with warehouse and shop space requires sufficient space to facilitate semi-truck and truck and trailer movements. Given this need, the ability to park vehicles on both sides of the

drive aisles on the west and east sides of the building is limited while still providing sufficient space for large vehicles. As such, provision of parking in front of the building for largely retail and customer use is necessary to keep those customers and pedestrians away from areas of the site where truck traffic and heavy vehicles would be operating.

- Additionally, it is noted within the CX district that a “setback” requirement is provided instead of a “build-to” requirement that is common among other zone districts (CMU, NMU, NO) that require parking to be on the side or rear of the building. This “setback” and rear or side parking requirement inherently create a hardship for any owner developing within the district as “dead space” is built into the requirements. This is to say requiring a setback AND parking on the rear or side essentially makes the setback distance unusable for anything outside landscaping which is also required under separate portions of the code. It is recommended that when/if the Zoning Code is amended, this aspect of the CX district is considered for amendment to at least allow limited front yard parking for facilities with “setback” requirements.
- The sides of the building are utilizing twenty-two (22) parking stalls to comfortably allow the unused space for trucking to circulate trucks that will be frequently accessing the warehouse and the overhead doors. Placing the passenger vehicle parking in the front will limit the interference between these two types of vehicles and increase the level of safety for employees, patrons, and those driving passenger vehicles in a heavy, over-the-road trucking space. Additionally, by allowing limited front yard parking customers of the front tenant space may park closer to the building entrance offering a more inviting feeling.
- Front yard parking, even if only limited, is right that has commonly been enjoyed by the surrounding lots in the same zoning district as the area of interest include, but are not limited to: Lot 5, Block 1, Tierra Yellowstone Subdivision; Lot 3-5A, Block 2, Gabel Subdivision 2<sup>nd</sup> filing amended; Lot 9B, Block 1, Gabel Subdivision 1<sup>st</sup> filing amended. All of which display surface and accessory parking located on the building frontage.

Due to these reasons, it was considered difficult to justify the placement of extra passenger car parking elsewhere on the site. While the limited front yard parking stalls do not comply with the current City of Billings Zoning Code, two (2) of them are ADA compliant which provide more accessible entrance and exit from the facilities frontage.

It should be noted the majority of passenger car parking stalls are located on either side of the proposed building and the rear, complying with this section of the code.

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](mailto:taylor@performance-ec.com). We look forward to presenting this request to you at the scheduled meeting for consideration.

Best Regards,

A handwritten signature in blue ink that reads "Taylor Kasperick". The signature is written in a cursive, flowing style.

Taylor Kasperick, PE  
Project Manager