

CITY VARIANCE APPLICATION FORM

CITY VARIANCE : Billings Variance #_1376___ - Project #_PZX-24-00269

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 # C13967 CITY ELECTION WARD # 5

Legal Description of Property: Lot 14A, Block 1, Montana Sapphire Subdivision, NE 1/4 of Section 15, T. 1 S., R. 25 E., P.M.M., City of Billings, Yellowstone County, Montana.

Address or General Location (If unknown, contact City Engineering): 4221 Kari Lane, Billings, MT 59106

Zoning Classification: Corridor Mixed Use 2 (CMU2)

Size of Parcel (Area & Dimensions): 2.0283, 272' x 325'

Variance(s) Requested: Build-To, Lot Line Coverage, Windows & Door Facade, Principal Entrance, and Vacuums. City of Billings

Zoning Code Table 27-400-3, A; 27-1500;Q

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): Mr. Mike Irwin (Owner under Contract)
(Recorded Owner)
PO Box 659, Belgrade, MT 59714
(Address)
mirwin@wyoming.com
(email)
(Phone Number)

Agent(s): Performance Engineering
(Name)
3412 Colton Blvd. Suite 201, Billings, Montana 59102
(Address)
406-384-0080
(Phone Number)
taylor@performance-ec.com
(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: [Signature] Date: 11.1.2024
(Recorded Owner – digital signature allowed)



3412 Colton Boulevard, Suite 202 • Billings, MT 59102 • 406-384-0080

November 1, 2024

Chair of the Board of Adjustments
City of Billings Planning Department

RE: Zoning Variance Request for 421 Kari Lane – Lot 14A of the Plat of Amended Lots 14 and 15, Block 1, Montana Sapphire Subdivision

To the Chair of Board of Adjustments,

Thank you for the time and consideration in reviewing the submitted City Zoning Variance Application for the Rocky Mountain Car Wash proposed at 421 Kari Lane in the City of Billings, being located on Lot 14A of the Plat of the Amended Lots 14 and 15, Block 1, of Montana Sapphire Subdivision. This property is located on the south side of King Avenue, immediately west of Dannell Street and north of Kari Lane. The latter two roads, Dannell Street and Kari Lane, are private roads serving Montana Sapphire Subdivision while King Avenue west of Shiloh is a MDT controlled and maintained urban route.

The project is proposed to provide a new car wash facility owned and operated by Rocky Mountain Car Wash. Rocky Mountain Car Wash is a company who has successfully operated car washes in both Montana and Wyoming for the last 20-plus years while providing a top-shelf car wash amenity to the communities they have locations in. Locations in Montana include Belgrade (2 locations), Butte, and Helena, with 11 additional locations across Wyoming. Additional information and examples of Rocky Mountain Car Wash's style of wash can be seen on their website located at the link below.

[Rocky Mountain Car Wash - Self Service Car Wash in WY and MT](#)

This memo is being provided to supplement the variance application and discuss both the physical hardship necessitating the submitted variances as well as providing information on why certain use restrictions for car washes within CMU zone districts present hardships themselves for allowed uses.

In particular, the following variances are being requested for the planned project:

1. Relaxation of CMU-2 Build-To requirements for side streets listed in Table 27-400-3.
2. Relaxation of front minimum lot line coverage requirements listed in Table 27-400-3.
3. Removal of build-to corner requirement in Table 27-400-3.
4. Permitting no front façade entrance and eliminating door and window coverage on the front façade in Table 27-400-3.

The above referenced variances are being submitted based on the use and consideration of Dannell Street as the "front lot line". As the subject property is fronted on three of four sides by roadways, depending on which street is considered the front street versus a side street would change the extent of and number of variances requested as part of this application. As such, the additional variances listed below are being referenced in relation to the project should either King Avenue or Kari Lane be classified as the property's front street.

1. Relaxation of CMU-2 Build-To requirements for side and front streets listed in Table 27-400-3.
2. Allow garage doors and car wash bays to be located on the front façade contrary to 27-1005, Q, 1.

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 and hardships for being prevented from using the property in conformance with the Zoning Regulations requirements are multi-faceted, related to both the physical characteristics of the subject property as well as the "Permitted" by right use of a car wash, or other vehicle service station, in a CMU-2 zone district that directly conflicts with the siting standards of the district. Each hardship is detailed further in the bullets below.

Site Specific Hardships:

- The subject property is a rare instance where there are three separate roadways that are adjacent to the property, leaving only

one lot line that is not occupied by a street frontage. Given the front street, side street, and build-to corner requirements of the CMU-2 district listed in Table 27-400-3, any single building use would not be able to meet these requirements without constructing a building running the entire length of the Dannell Street frontage, or being forced to construct multiple buildings.

- A 20'-wide utility easement exists along the property's north line, precluding any proposed building from being built within the front build-to zone along the King Avenue frontage. While the building and siting standards for setbacks and build-to requirements are typically measured from the back of the most restrictive easement, the 20' utility easement on this lot precludes the strict conformance with the intent of a build-to requirement of promoting a walkable and pedestrian facility by having the front façade near the public right-of-way. Further this point, the subject property is located on the southwest corner of the Dannell Street/King Avenue roundabout, which further pushes the public pedestrian facilities away from any structure.
- Access to the subject property is also limited, being restricted from both King Avenue (MDT controlled) and Dannell Street based on platted no-access easements. Therefore, the sole frontage the subject property can be accessed from is Kari Lane, further limiting the ability, if Kari Lane were considered the front street, to place both the building and site accesses along this frontage while still accommodating access and circular on the site. Additionally, the southern property line of the subject property is approximately 28' south of the northern curb line of Kari Lane (the southern property line is essentially the centerline of Kari Lane), which means any structure would not be built within the 20' build-to requirement.

Car Wash (Use) Specific Hardships

- While the use "Car Wash" is permitted by right in the CMU-2 zone district, it is evident that the building and site standards, as well as the use specific standards in 27-1005, Q, do not lend to the use actually being permitted in the zone district without the application of variances, in particular on this site where three roads front the subject property.
 - To this point, it would be very difficult to make a car wash of any type (self service, automatic, conveyor style, etc) be

able to meet a “build to corner” requirement while still providing sufficient space for an access aisle either into or out of a wash bay. With any car wash or vehicle service related operation, vehicles are generally coming in one side of a building and out the other without the ability to turn within the structure to navigate a corner.

- o The preclusion of garage doors or car wash bays facing the front façade. This requirement is manageable on corner lots and those with a single frontage, but is practically impossible on a lot such as the subject property where three of four sides of the property face a roadway.
- o Requirement to place vacuums either on the side or rear yard of a property forces vacuums to be located next to existing or future neighbors, moving one of the louder portions of a car wash operation nearest the adjacent property and uses rather than near the roadway. While this requirement is able to be met on this site, it is included within this memorandum for consideration to be revised in the future. It is my belief there are numerous examples within Billings of appropriate use of vacuums on a car wash site along the property frontage without having deleterious results (Buggy Bath Car Wash on Shiloh/Central and Town Pump Car Wash on Shiloh/King).
- o The requirement of a primary entrance into a car wash is not always applicable to a use of this nature. While the proposed car wash will have an office and restroom, not all car washes are staffed or have public-facing areas. As such, the requirement to have a primary entrance doorway on the front façade of a car wash is requested to be varied from on the submitted project.

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

Car wash facilities, much like coffee shops, are generally “capture” or “pass-by” facilities meaning they are need to be located in areas of high traffic in order to be successful as they are not “destination” uses. As such, this location offers a great visibility to the planned use as a car wash and is located on a heavily travelled corridor in King Avenue where continuous development will generate the traffic necessary to provide a successful car wash. While a car wash is permitted within the Heavy Commercial zone district and the building and siting standards of that district would require fewer variances than currently being requested, available lots with a Heavy Commercial zoning are not located in areas as high of visibility, ease of access, or as high of traffic volumes that are

paramount to the operation of such facility. Additionally, a zone change to Heavy Commercial is not being pursued as the adjacent lots and zoning in the surrounding area would not be as compatible with a Heavy Commercial zoning designation.

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

There are not existing buildings on the subject property that will require demolition. Historically, the property has been utilized for shed and small structure sales, which were modular and will/are currently removed from the site.

The construction of the proposed car wash would be conducted in conformance with the submitted site plan layout included with this application. As can be seen in the layouts and as detailed in this memorandum, it is believed that consideration of Dannell Street as the property "front street" allows for the development to meet the intent of the CMU-2 zone district most closely, necessitating the fewest variances and the least amount of numeric variance granted. The reasons for this and efforts to meet the intent of the CMU-2 zone district standards are detailed below:

- In considering Dannell Street and the property frontage, the proposed car wash is able to be shifted east to be constructed within 20' of the eastern property line, meeting the requirement of the front build-to requirement. While this requirement is met, the east face of the building (the narrower axis of the building) will be considered the front façade of the building, therefore not meeting the required front lot line coverage or door/window treatment requirements. As the interior of the eastern wall is an automatic car wash bay, there is limited to no opportunity to incorporate windows/primary entrance doorways onto this façade to meet the building standards listed in 27-400-3. However, both the north and south faces of the building will have glazed garage doors providing the architectural relief desired with this requirement to both side streets, one of which being King Avenue which will be the more visible side of the structure.
- As noted in the bullet above, garage doors and car wash bays are not oriented to the front street when considering Dannell Street as such, with the garage doors facing both King Avenue and Kari Lane facilitating a north-south movement of traffic which is also beneficial for a car wash operation especially

during winter months when wet vehicles and overspray commonly lead to icy conditions on the west and east sides of a building.

- Vacuum stalls are planned on the west side of the project layout to comply with 27-1005, Q, 3, b. The applicant would be willing to move these stalls to the northern side of the site (between the building and the King Avenue frontage) to avoid potential noise issues with the adjacent Manny's Bar to the west, but please note in doing so this would require the building to shift further south slightly increasing the variance needed from the side-street build-to requirement.

Due to these hardships, reasons, and explanation provided above, it is requested the Board of Adjustments consider and grant the requested and necessary variances to allow for the construction of a car wash as depicted in the provided layouts. Given the nature of this proposed development, and nuances in determination of the front street, I would welcome the opportunity to discuss with both the Planning Department and the Board to determine best application of the zoning code requirements, proposed site, and potential revisions to meet both the intent of the car wash use and the zoning 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. We look forward to presenting this request to you at the schedule meeting for consideration.

Best Regards,



Taylor Kasperick, PE
Project Manager