

December 30, 2024

Randy Redfern

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**Subject:** [EXTERNAL] PROTEST OF VARIANCE 1377 - 2151 LAKE HILLS DRIVE

I am totally against any allowance of variance #1377 at 2151 Lake Hills Drive in Billings Heights. The city regulations do not allow for the attached garage sq ft area to be larger than the sq ft of the living area. When I built my house at 2143 Gleneagles Blvd just over 3 years ago I specifically asked for a larger garage and my builder told me "NO" He stated the regulations said he has to abide by those and that building plans would not be approved by the planning committee if they are not within the specs allowed.

The house being built at 2151 Lake Hills Dr. is 1805 sq ft in the living area and 2697 sq ft in the garage area. NOT EVEN CLOSE TO BEING IN COMPLIANCE!

The builder (INFINITY HOMES) knowingly is building a home that he knows is out of compliance. The same builder has built numerous new homes in my area and as far as I can tell, are all within compliance, but one could wonder if other "mistakes" have been allowed. So why would he even submit plans knowing the regulations? Unless he knew someone in Planning that would approve them? Did the builder take advantage of the department having to move during the summer? Some residents could question the credibility of the people involved.

According to the criteria you will use to determine this variance, I have the following comments:

*(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 is nothing peculiar to this lot for a normal/conforming house and garage**

*(2) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;*

**Zoning as is would not deprive the applicant of having a nice 1800 square foot garage**

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

**Granting this variance would ABSOLUTELY provide special privilege to the applicant. As it is currently built, it could hold 14 small cars or 10 full-sized trucks. It is not in harmony with this criteria to have a 14 car garage with an 1805 square foot house.**

I have been informed that a few years ago a four-plex was under construction on Lake Hills Drive and the setback to the street was not in compliance. The builder was required to correct the mistake prior

to proceeding with completion of the four-plex

I understand mistakes can occur, but this mistake NEEDS to be corrected! If a variance is approved, this will send a message to any other builder to try do the same thing.

Here is my proposal to remedy the problem having the least amount of hardship on the builder:

Incorporate the needed square footage from the garage stall closest to the living area. Put up a wall or walls and finish the incorporated space as living area. Take the garage door out and refinish the wall as the rest of the home. Incorporate enough square footage from the garage into living are until the garage is less in sq ft and within the regulations of the City. I see no other option since this was brought to everyone's attention at such a late time in the building process. It's almost as if no one wanted anyone to know about what was going on.

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Deanna Redfern

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I am writing to request denial of City Variance 1377 – 2151 Lake Hills Drive regarding the private garage area square footage that greatly exceeds the square footage of the gross floor area. The house under construction is 1805 square feet of living area and the garage is 2697 square feet.

The builder of this home knowingly submitted building plans that did not conform to current building standards. I am baffled to understand why a builder who has built numerous homes in the community would even attempt this. My husband and I built a house 3 years ago and wanted a big garage also. We were told by our builder that a garage could not exceed the square footage of the house, so to be within the required codes, our garage is smaller than our house. Our builder told us the codes were firm and anything not conforming would not be approved by the Planning Division. Builders know this is true, so as I said, why was the plan even submitted?

The plans for this home were approved by mistake according to Planning Division Manager Anna Vickers. In an email from her on December 10, 2024, she stated:

*“Both applicants and the city are required to follow regulations within the zoning code. in this case because the attached garage is larger than the living area, the use becomes storage instead of residential. City Planning is taking the building plans through a variance process in attempt to rectify the mistake in approval.”*

This response tells me that the mistake was made, the house will be built as planned with a garage that does not conform to code, and the correction will be made by manipulating the zoning. That doesn't seem to be an appropriate solution to me.

Please consider the Board of Adjustment considerations #1, #2, and #3.

- Regarding #1 - there are no special circumstances to the land or lot that requires it to be treated differently than any other residential lot in the same neighborhood.
- Regarding #2 – the current zoning could not prevent the applicant from having a nice 1800 square foot garage if it was built to conform with the current zoning code.
- Regarding #3 – granting this variance **WILL ABSOLUTELY** give special privilege to the

builder/proposed home owner - a privilege I was not given, nor was any other property owner in this neighborhood given such a privilege.

I recently retired from the City of Billings Human Resources Office. I know the City holds itself accountable for mistakes and that mistakes happen. For example, if an employee was overpaid in error, regardless of how the error came about, the employee was required to repay the funds they weren't entitled to receive. If the City made an error and incorrectly paid an employee, the correction was made and all employees were treated fairly and equally. This situation is not different - a mistake was made, it should be corrected even if the parties involved don't like the solution.

The only solution I see for this error is to convert enough of the garage square footage to living area so that the garage is not larger than the house. There is no hardship for the builder to correct a "mistake" made knowing it was wrong from the beginning. The garage at this house is larger than most houses built by Infinity Homes in this area. The garage at this home would have the capacity of more than 10 small-medium cars. It is large.

It will not be fair to any property owner to approve this variance. Such approval will tempt every other builder to try to pull a similar stunt because the message they will get from this variance is to try to sneak it through and then claim ignorance of the rules. I don't think you want this to occur.

Please consider denying this variance and requiring the appropriate correction made to the garage and living area to conform to the established codes.

Thank you.

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