



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, January 8, 2025, 6:00 p.m.
3rd Floor Conference Room
316 N. 26th St, Billings MT 59101

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

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 the Board via email before 12:00pm on the meeting date. All emails received prior to this time will be entered into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, PO Box 1178, Billings MT 59103
 - Email: bernsb@billingsmt.gov
- 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 406-247-8610.

Please direct questions to Brenda Berns, Planning Clerk at bernsb@billingsmt.gov

Call the meeting to order.

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

Public Comment

Approval of Minutes: December 4, 2024

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 1377 -- 2151 Lake Hills Dr -- Section 27-1002.C, Table 27-1000.1 and Section 27-1803 Definition of an Accessory Use** - A Variance from Section 27-1002.C and Section 1803 requiring an accessory use (private garage area) to be subordinate to a principal use (a dwelling) in terms of gross floor area to allow a new building with 2,697 sf GFA of garage space and 1,805 sf GFA of dwelling space in a Suburban Neighborhood Residential (N3) zone, on Lot 6, Block 16 of Lake Hills Sub, 16th Filing, a 18,649 sf parcel of land. The purpose of this variance is to allow a new dwelling with an attached garage to be completed. The planning staff approved the building permit in error. Tax ID: A22199

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 316 N 26th St 5th 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 at bernsb@billingsmt.gov

Date: 01/08/2025
Title:
Presented by:
Department: Planning & Community Services
Presentation:

Information

RECOMMENDATION

The minutes of the Board meeting of December 4, 2024

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

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of December 4, 2024

**CITY BOARD OF ADJUSTMENT
MINUTES OF DECEMBER 4, 2024**

Name	Title	01/03/2024	02/07/2024	03/06/2024	04/03/2024	05/01/2024	06/05/2024	07/03/2024	08/07/2024	09/04/2024	10/02/2024	11/06/2024	12/04/2024	
Josh Sayer	Chair	C	C	C	1	1	C	1	C	C	C	C	1	
Oscar Heinrich	Vice Chair	C	C	C	1	1	C	A	C	C	C	C	1	
George Warmer	Member	C	C	C	1	A	C	A	C	C	C	C	1	
Michael Bruschwein	Member	C	C	C	1	1	C	A	C	C	C	C	1	
Chris Hayes	Member	C	C	C	1	1	C	1	C	C	C	C	1	
Dave Hagstrom	Member	C	C	C	1	1	C	1	C	C	C	C	A	
Brian Roush	Member	C	C	C	E	1	C	1	C	C	C	C	1	
TOTAL NUMBER OF APPLICATIONS 2024		01/03/2024	02/07/2024	03/06/2024	04/04/2024	05/01/2024	06/05/2024	07/03/2024	08/07/2024	09/04/2024	10/02/2024	11/06/2024	12/04/2024	TOTAL
Variance		-	-	-	1	1	-	1	-	-	-	-	1	4
Appeal		-	-	-	-	-	-	-	-	-	-	-	-	-

Chairman Josh Sayer called the meeting to order at 6:00 PM.

Attending:

Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner; Brenda Berns, Planning Clerk

Public Comment

Chairman Sayer opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none.

Approval of Meeting Minutes

Meeting minutes for July 3, 2024 – Approved by motion. Board member Heinrich made a motion, seconded by Board member Warmer, to approve the minutes.

Disclosure of ExParte Communications - None

Disclosure of Site Visits – Board members Bruschwein, Warmer, Heinrich visited the site of Variance 1376

Disclosure of Conflict of Interest - None

Public Hearing

City Variance 1376 – 4221 Kari Lane – CMU2 Building and Siting – Zoning variance from Section 27-406, Table 27-4000.3.A.1 – Build-to Corner, A.3 – Minimum Front Lot Line Coverage, A.5 – Street-side Build-to-Zone and E.16 and 17 – Minimum Front Facade Door & Window coverage, in a Corridor Mixed Use 2 (CMU2) zone district on Lot 14A, Block 1 of Montana Sapphire Subdivision, having a general address of 4221 Kari Lane, a 2.083-acre parcel of vacant land. The proposed use is for a carwash, and the parcel has three street frontages. Tax ID: C13967

Karen Husman, Planner gave a brief presentation of the variance request and recommendation.

Recommendation

Planning staff is recommending Conditional Approval based on draft findings of the review criteria for variances and the Eleven (11) conditions referenced from Section 27-1627.E

Applicant’s Agent:

Taylor Kasperick, Performance Engineering; agent for the purchaser of the property- Mr. Kasperick stated this is the owner’s 14th project in Wyoming and Montana. The subdivision was originally platted in 2002, the CCR’s require 25’ set back from property line, which creates a conflict between the zoning code and CCR’s. The one condition that gives pause is the architectural feature requirement for the frontage on Dannell St, which we believe already exists and would request that condition be omitted or revised.

Questions

Board Member Heinrich sought clarification on the extent of the decorative features. Ms. Cromwell explained that the condition was designed to create the illusion of windows rather than a solid wall for people walking by the property.

Board Member Sayer inquired about how the agent’s interpretation of the architectural features is approved. Ms. Cromwell clarified that this approval would take place during the subdivision review process.

**CITY BOARD OF ADJUSTMENT
MINUTES OF DECEMBER 4, 2024**

Board member Heinrich asked if the percentage of coverage was stipulated for the architectural feature. Ms. Husman advised that it was not specifically documented. Board Member Heinrich noted that the body shop to the south has false windows designed to create the illusion of an open building and would be a good representation of the architectural requirement.

Board Member Hayes requested clarification regarding the interior. Mr. Kasperick explained that the backside of the 50-foot wall houses the automatic wash bay. He added that the owner has concerns with changing the architectural design, as the current building plan aligns with the overall design of the other 13 car washes they own, and they wish to maintain that consistency. They also expressed concerns about incorporating actual windows on the wash bay side, citing potential structural integrity issues and the risk of glass instability, which could lead to shattering or breakage.

Motion

Approved by motion. Board member Heinrich made a motion to approve City Variance 1376 with staff recommended conditions, seconded by Board member Warmer. Motion was carried with a unanimous vote.

Other Business:

Ms. Cromwell advised the board that there will not be a meeting in January 2025

ADJOURNMENT: The meeting adjourned at 6:29 PM.

ATTEST: Draft to be approved by a motion at the next regularly scheduled meeting.

Brenda J Berns, Planning Clerk

Board of Adjustment

Date: 01/08/2025
Title: City Variance 1377 - 2151 Lake Hills
Presented by: Tate Johnson, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends conditional approval of the variance request from Section 27-1002.C and Section 27-1803 requiring an accessory use (private garage area) to be subordinate to a principal use (a dwelling) in terms of gross floor area (GFA) to allow a new building with 2,697 sf GFA of garage space and 1,805 sf GFA of living space in a Suburban Neighborhood Residential (N3) zone.

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

This is a variance request from zoning requirements that an accessory use (private garage area) must be subordinate to a principal use (a dwelling) in terms of gross floor area to allow a new building with 2,697 sf GFA of garage space and 1,805 sf GFA of dwelling. The purpose of this variance is to allow a dwelling with an attached garage to be completed. The building permit for the house and garage did not meet the zoning regulations when it was submitted by the builder and the Planning Division staff approved the building permit in error.

The N3: Suburban neighborhood residential zone district is a zoning district intended for residential neighborhoods primarily with single-family homes. Characteristics include wide lots and attached garages typically located on the front building façade, often greater than thirty-five (35) percent of the façade. The lot is 18,463 square feet with a proposed 1,805 square feet of living space with a 2,697 square-foot attached garage. This configuration results in the principal use as a dwelling being subordinate to the accessory use of the private garage. The living area is still a substantial living space with three (3) bedrooms, two (2) full bathrooms, kitchen, dining, living room, etc. Aside from this issue, the proposed site plan complies fully with all other zoning requirements for the N3 district, including lot coverage, setbacks, and façade standards.

The Board of Adjustment (Board) has previously granted variances for oversized, detached garages; however, the Board has not reviewed a variance for an oversized, attached garage. The previous approved variances allowed for the total accessory structure square footage on the lot to exceed the principal structure. However, staff is aware of various properties both in the city and within the Lake Hills Subdivision where the garage square footage exceeds the first floor GFA. Five (5) homes were identified in Lake Hills Subdivision (2241 Clubhouse Way, 2228 Gleneagles Blvd, 587 Winged Foot Dr, 100 Lakewood Cir, and 1619 Broadmoor Dr) and three (3) homes were identified in neighboring High Sierra Subdivision (2463 Bonito Loop, 2425 Cielo Cir, and 2478 Greenbriar Rd.). Please see attached location map.

STAKEHOLDERS

Planning staff notified the surrounding property owners by mail, placed a legal advertisement in the Yellowstone County News, and posted the property with the required sign. The application was also posted on our web page for current zoning applications. No comments from any surrounding owners were received by staff prior to the completion of this report.

ALTERNATIVES

The Board of Adjustment may:

- Conditionally approve the requested variance and adopt the proposed findings of fact for the review criteria as recommended by the Planning staff; or
- Approve the requested variance with different or added conditions, or no conditions; or
- Deny the requested variance and amend the findings of fact for the criteria; or
- Allow the applicant to withdraw the variance request; or
- Delay action on the variance to a future BOA meeting.

Under local regulations and state law, four votes in favor of a variance request are needed for approval. The applicant has not requested a delay of the hearing or a withdrawal of the application.

FISCAL EFFECTS

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

SUMMARY

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances (Sec. 27-1627.D and E.), as outlined below, have been satisfied:

Section 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.

In this case, there are no inherent land characteristics that would result in hardship. However, a building permit for the structure was in non-compliance with the zoning regulations when it was submitted by the builder and was mistakenly approved by planning staff, leading the property owner to proceed with the assumption that the plans met zoning requirements. The non-compliant plans submittal and the administrative error has caused hardship for the owner, as redesigning or altering the structure at this stage would lead to significant delays. The situation is unique to this lot due to the specific incorrect plans submitted and the administrative oversight. These circumstances do not generally apply to other properties within the same zoning district, making this request an exceptional and isolated case. The conditions unique to this parcel create a difficulty that justifies the need for a variance, allowing the property owner to complete the project as originally submitted and approved.

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.

The applicant relied in good faith on the incorrect building permit submittal from the builder and the erroneous approval of the building permit by planning staff, leading the builder to commence construction without verifying the requirements and under the assumption of compliance. Enforcing a literal interpretation of the zoning provisions at this stage would impose a significant and inequitable burden on the applicant who acted based on builder plans and official approval. Planning Staff identified other properties, both within the city and specifically in the Lake Hills Subdivision, that have been developed with homes where the garage exceeds the size of the living space. These identified properties demonstrate that such configurations are not unprecedented and are able to exist within the district's character. The applicant should not be penalized for a builder and administrative error beyond their control, particularly when the development generally aligns with the established patterns and character of the surrounding neighborhood.

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.

Granting the requested variance will not confer on the applicant any special privilege that is denied by the zoning code to other properties in the same district.

There are at least 10 other identified properties within the city, including some in the Lake Hills Subdivision, where garages exceed the size of the living space. These examples demonstrate that such configurations are not unique or uncommon in the district but they are still not compliant with current regulations.

Additionally, the applicant relied in good faith on the submittal of the builder and the erroneous approval of the building permit by planning staff, which led to the start of construction. Approving this variance simply ensures equitable treatment of the applicant, aligning their property with others that have been allowed to proceed with comparable developments. Staff is recommending conditions of approval to ensure the home is also aesthetically pleasing to the neighboring properties. The variance upholds fairness without granting any undue privilege, as the proposed development is consistent with the district's residential character and use.

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 Policy.

Granting the variance will fit with the overall purpose of the 2021 Zoning Code and the 2016 Growth Policy. The 2021 Zoning Code states the N3 District is intended for residential neighborhoods primarily with single-family homes. Characteristics include wide lots and attached garages typically located on the front building façade, often greater than thirty-five (35) percent of the façade. Approval of this variance is in line with the general purpose of the N3 district, by

allowing the construction of a single-family home with an attached garage. The 2016 Growth Policy focuses on making strong neighborhoods, keeping use of land and neighborhoods intact. This project achieves consistency with the neighborhood by aligning with other homes in the area, some of which already feature garages larger than their living spaces.

Section 27-1627.E

2) In granting any variance, the Board 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;

Staff is recommending the following conditions for the approval of this variance request.

1. The variance is to allow an accessory use (private garage area) to not be subordinate to a principal use (a dwelling) in terms of gross floor area to allow a new building with 2,697 sf GFA of garage space and 1,805 sf GFA of dwelling space in a Suburban Neighborhood Residential (N3) zone. No other variance is intended or implied.
2. This variance is limited to Lot 6, Block 16 of Lake Hills Subdivision 16th Filing, known as 2151 Lake Hills Dr.
3. To maintain the residential character of the district, the building plans shall be amended to include the addition of no less than three (3) windows along the east elevation of the garage.
4. The applicant shall complete the building permit process to amend the existing permit within one year of Board approval and complete the project within two years of Board approval.
5. Any structures not shown on this approved site plan will comply with all zoning regulations and other city regulations in place at the time of development.
6. All other zoning regulations, except for this specific variance, and any other applicable city regulations apply to the development of the site.
7. Failure to begin or complete actions required by this approval within the time limits set forth shall void 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, lease-holders, heirs and assigns.

3) The Board 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 conditions of approval that include time limits to begin the amendment to the existing permit and complete the project.

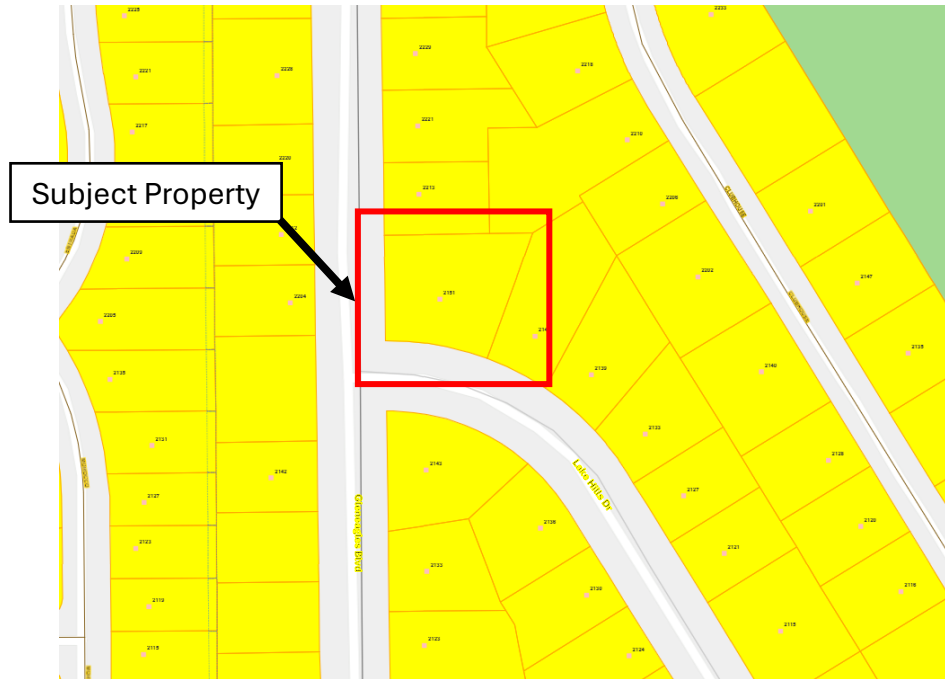
4) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this zoning code in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district.

Granting this variance would not allow a use that is not allowed in the district. Residential single family homes with attached garages are allowed in the N3 district.

Attachments

Zoning Map & Site Photos
Application
Zoning History
Site Plans
Homes with Garages Larger than the Primary Living Space List and Map
Var 1377 Opposition

Zoning Map and Site Photos





Subject Property



Subject Property looking north on Lake Hills Dr



View to the west of subject property



View to the southwest of subject property



View south down Lake Hills Dr



Close up of oversized shop

CITY VARIANCE APPLICATION FORM

CITY VARIANCE : Billings Variance # 1377 - Project # 24-00285

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 # _____ CITY ELECTION WARD # _____

Legal Description of Property: _____

Address or General Location (If unknown, contact City Engineering): _____

Zoning Classification: _____

Size of Parcel (Area & Dimensions): _____

Variance(s) Requested: _____

Facts of Hardship: (attach letter) Building Permit approved by staff.

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

Owner(s): _____

(Recorded Owner)

(Address)

(Phone Number)

(email)

Agent(s): _____

(Name)

(Address)

(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.

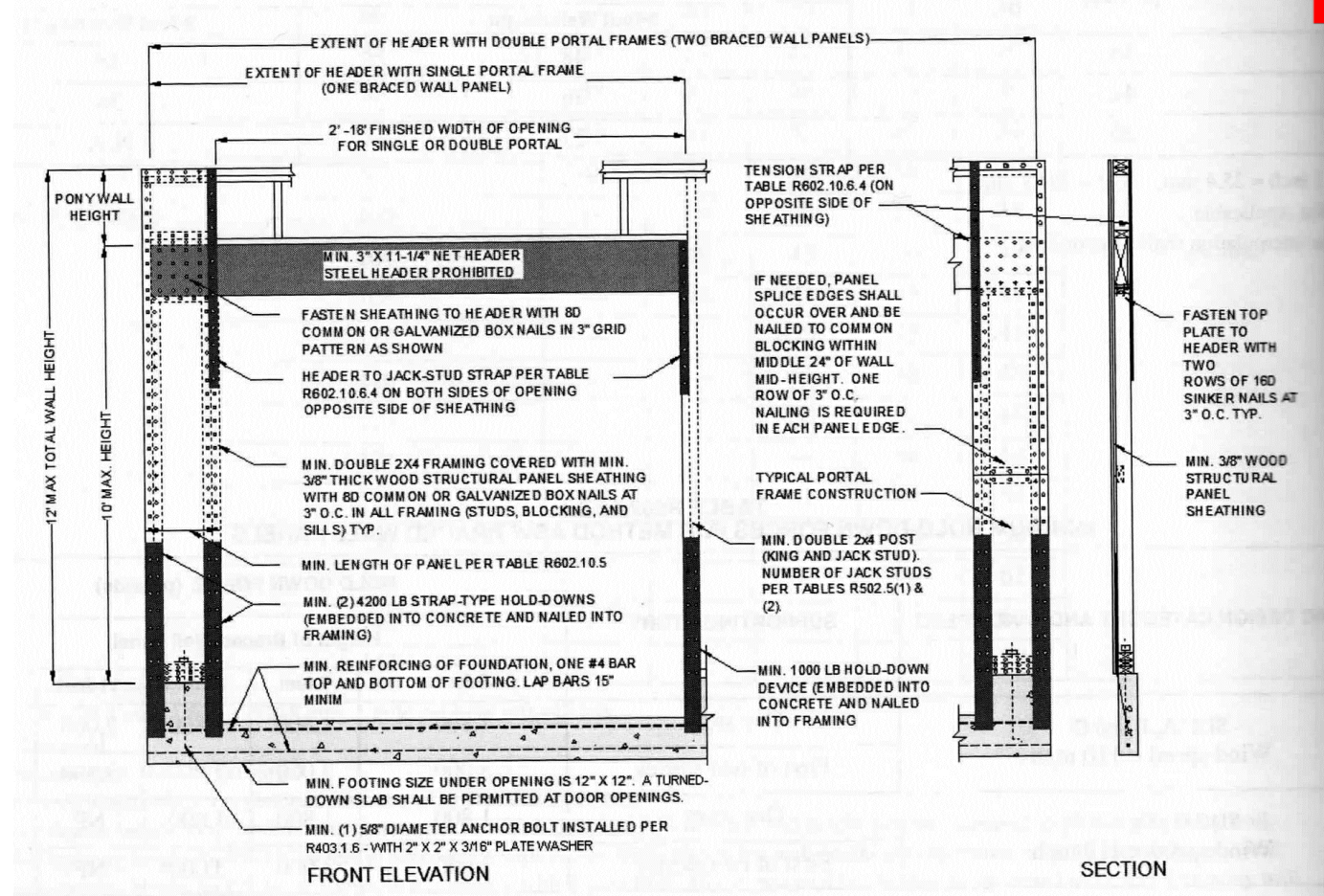
Signature: _____ Date: _____

(Recorded Owner – digital signature allowed)

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SIMILAR REQUESTS	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Glynn Abby	1336	8/5/21	Detached Garage Size	Y	A 1,654 detached garage (max 1,500)
521 Judith Ln	1313	8/10/20	Detached Garage Size	Y	A 1,575 detached garage (max 1,386) Principal Structure is 1,457 sq ft.
1119 Pepper Ln	1320	10/8/20	Detached Garage Size	Y	1,008 sq ft detached garage (max 1,000) Total acc structures on lot = 1,296 Principal Structure = 1,092
1503 12 th St W	1321	11/5/20	Detached Garage Size	Y	1,080 sq ft detached garage (max 1,000) Total acc structures on lot = 1,508 Principal Structure = 1,128
210 Clark Ave	1178	4/10/14	Detached Garage Size	Y	Allowing 38% lot coverage (instead of 30%) for detached garage
1147 O'Malley Dr	1250	4/2/17	Detached Garage Size	N	1,250 sq ft detached garage (max 1,013)
2222 ½ Main St	1241	9/8/16	Detached Garage Size	Y	2,240 detached structure (max 2,000) principal structure = 1,610 sq ft
2730 41 st St W	1246	12/8/16	Detached Accessory Structures	N	3,000 sq ft total on accessory structures (2,000 total acc structure max) 2,200 single detached structure (1,500 per structure max)

2021 IRC



1 GARAGE PORTAL WALL DETAIL
N.T.S.

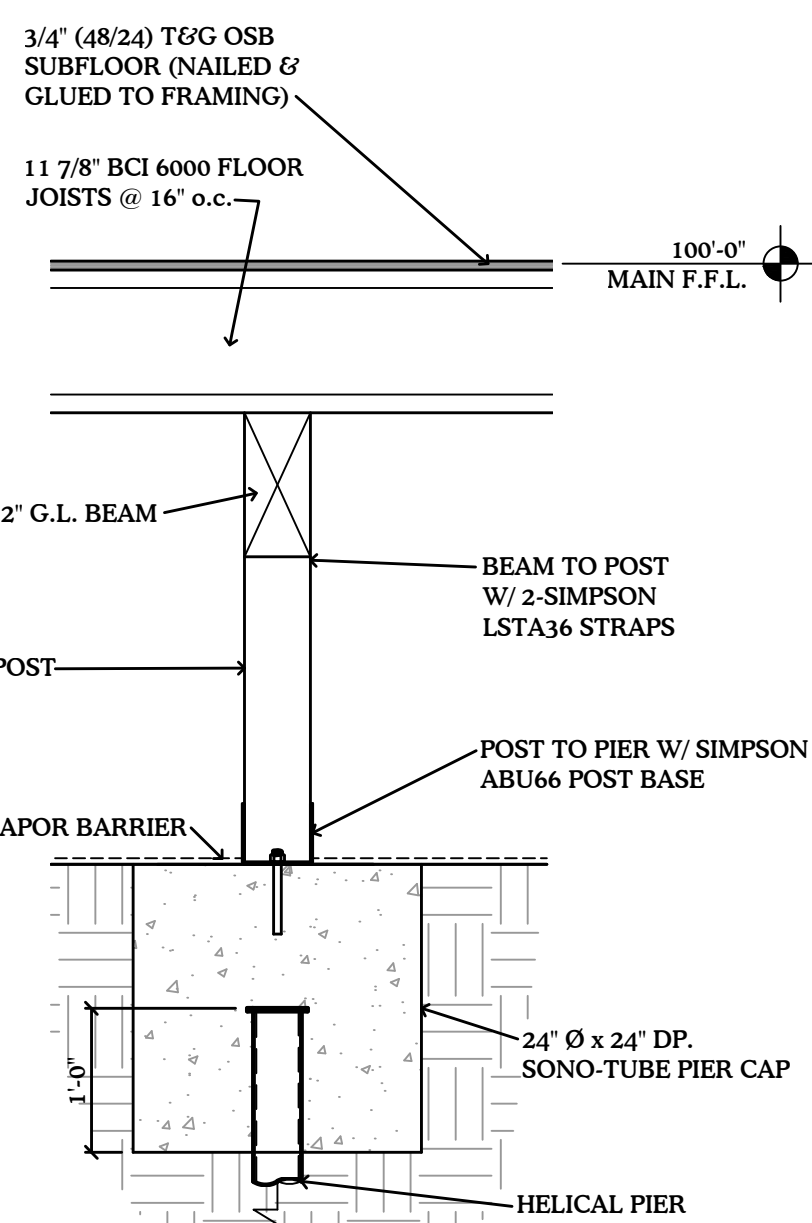
STREET TREES REQUIRED Per BMCC Sec. 27-1203. Street frontage trees are required in all zoning districts. The area along any property line that abuts a public or private street right-of-way shall be provided a street frontage landscaped area planted with street trees. For all zone districts, 1 street tree required per 40 feet of street frontage. Exceptions: CBD zone, 1 street tree required per 25 linear feet of street frontage; EBURD, 1 tree per 50 feet of linear street frontage.

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BP-24-03610
Tate Johnson

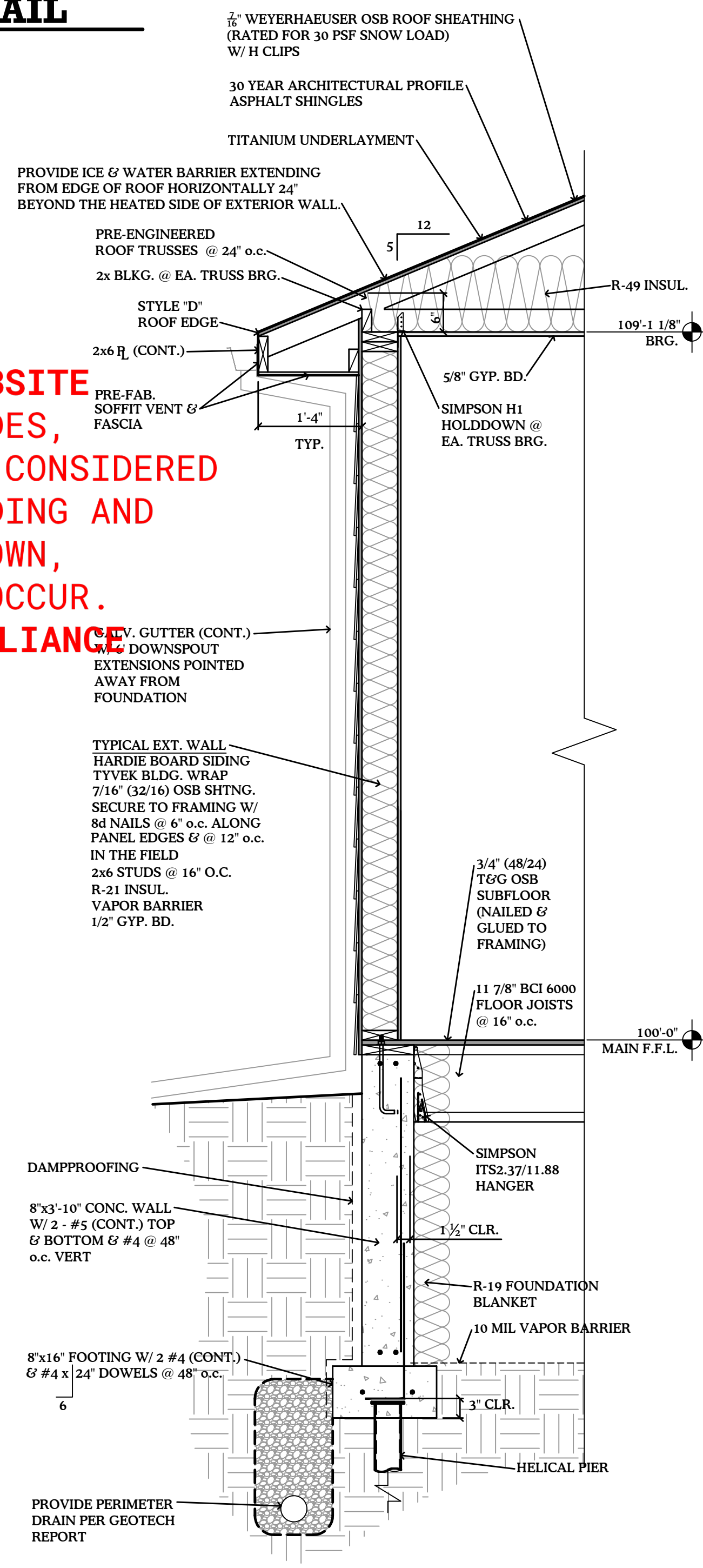
CITY STAMPED PLANS ARE TO BE ON THE JOBSITE
NOTE: ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS, ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATION FOR THIS BUILDING AND SHALL TAKE PREFERENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE VARIANCES OCCUR.

REVIEWED FOR CODE COMPLIANCE

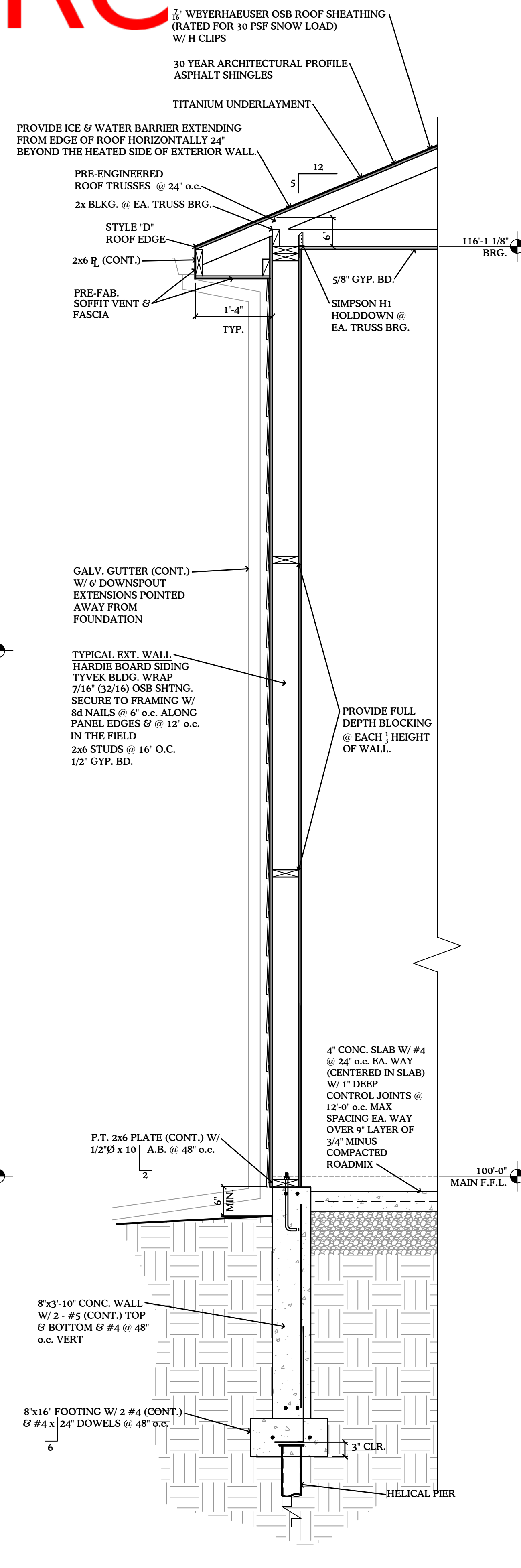
9/12/2024, 3:12:50 PM
BP-24-03610
Steve Haak



2 WALL SECTION
3/4" = 1'-0"



3 WALL SECTION
3/4" = 1'-0"



4 WALL SECTION
3/4" = 1'-0"

LOT COVERAGE

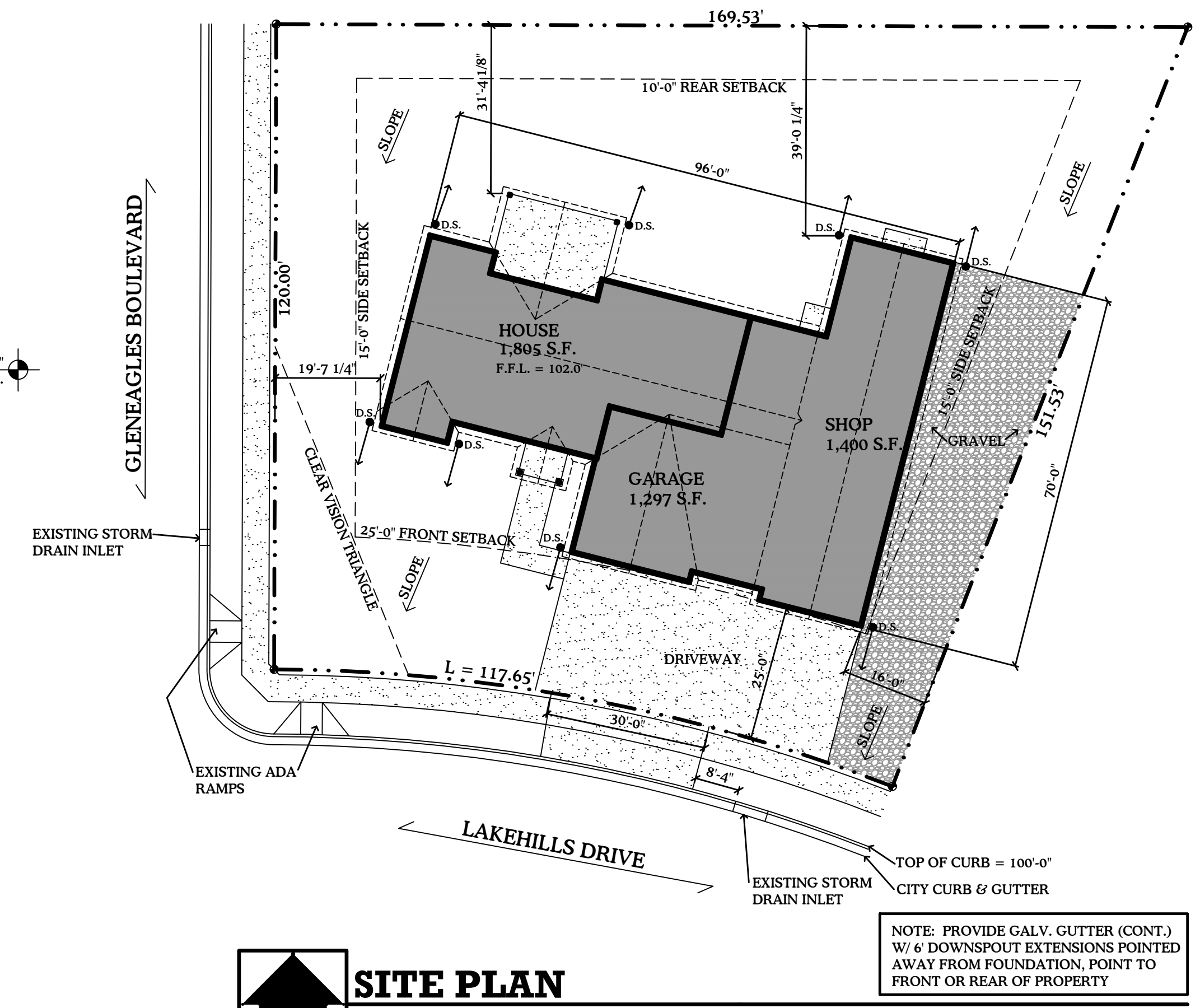
MAX COVERAGE	18,463 x .40 = 7,385 s.f.
ACTUAL COVERAGE	
HOUSE =	1,805 S.F.
GARAGE =	1,297 S.F.
SHOP =	1,400 S.F.
COV. PATIO =	311 S.F.
COV. PORCH =	80 S.F.
TOTAL =	4,893 S.F.

- GENERAL NOTES**
- EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF CONCRETE OR OUTSIDE FACE OF SHEATHING.
 - INTERIOR DIMENSIONS ARE TO THE FACE OF STUDS, UNLESS A CLEAR DIMENSION IS NOTED.
 - ALL BEARING HEADERS NOT SPECIFIED ON PLAN TO BE 2-2x10 S.P.F. OR BETTER.
 - WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF OPENING.
 - THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS ARE RESPONSIBLE FOR FIELD VERIFYING THE SITE CONDITIONS AND DIMENSIONS SHOWN ON THESE DRAWINGS PRIOR TO STARTING CONSTRUCTION. ANY DISCREPANCIES FOUND ON THESE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER IMMEDIATELY.
 - GENERAL CONTRACTOR IS TO COORDINATE WITH ALL SUBCONTRACTORS TO ACCOMPLISH THE OUTCOME AS PRESENTED IN THESE DOCUMENTS. IF PROBLEMS OCCUR THAT MAKE IT IMPOSSIBLE TO ACCOMPLISH THIS AS INDICATED, THE DESIGNER IS TO BE NOTIFIED IMMEDIATELY.
 - PRE-ENGINEERED TRUSS MANUFACTURER TO PROVIDE ALL TRUSS-TO-TRUSS CONNECTIONS.
 - SMOKE ALARMS ARE REQUIRED IN EACH SLEEPING ROOM.
 - PROVIDE SOLID BEARING FOR ALL GIRDER TRUSSES & BEAMS.
 - EACH SLEEPING ROOM SHALL HAVE A MEANS FOR EMERGENCY ESCAPE AND RESCUE. WINDOWS SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR TO THE FINISHED SILL AND SHALL HAVE A MINIMUM CLEAR OPENING OF 5.7 SF. (NET) MIN CLEAR HEIGHT OF 24" & MIN CLEAR WIDTH OF 20"
 - GENERAL CONTRACTOR AND WINDOW MANUFACTURER ARE RESPONSIBLE FOR WINDOWS MEETING ALL CODES & EGRESS REQUIREMENTS.
 - PROVIDE TEMPERED SAFETY GLAZING AS REQUIRED BY IRC 308.4.
 - PROVIDE CARBON MONOXIDE ALARMS IN IMMEDIATE VICINITY OF BEDROOM AS REQUIRED BY IRC 315.
 - PROVIDE WHOLE HOUSE VENTILATION SYSTEM AS REQUIRED BY SECTION R303.4.
 - FINISHED FLOOR OF HOUSE TO BE A MINIMUM OF 18" ABOVE STREET CURB.
 - ALL MULTIPLE BEARING STUDS TO BE FASTENED TOGETHER W/ 16d NAILS @ 12" o.c.
- INSULATION REQUIREMENTS**
- CONTRACTOR SHALL BE RESPONSIBLE FOR INSULATING IN ACCORDANCE WITH THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE & MONTANA AMENDMENTS.
- APPLICABLE PRESCRIPTIVE PATH REQUIREMENTS:
CEILING: R-49 (UNCOMPRESSED R-38 ALLOWED AT EAVES)
EXTERIOR WALL: R-21 (OR R-13 + R-5 CONTINUOUS INSULATION)
BASEMENT WALL: R-19 (OR R-15 CONTINUOUS INSULATION)
SLAB PERIMETER: R-10 (OR R-15 IF HEATED SLAB)
CRAWLSPACE WALL: R-19 (OR R-10 IF RIGID INSULATION)
WINDOW / DOOR: U-0.30 (R-3)

ADOPTED CODES

INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION
INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION
INTERNATIONAL MECHANICAL CODE, 2021 EDITION
NATIONAL ELECTRICAL CODE, 2020 EDITION
UNIFORM PLUMBING CODE, 2021 EDITION

LEGAL DESCRIPTION
LOT 6, BLOCK 16 - 18,463 s.f.
LAKE HILLS SUBDIVISION, 16TH FILING
2151 LAKEHILLS DRIVE



SITE PLAN
1" = 20'-0"

NOTE: PROVIDE GALV. GUTTER (CONT.) W/ 6" DOWNSPOUT EXTENSIONS POINTED AWAY FROM FOUNDATION, POINT TO FRONT OR REAR OF PROPERTY

INFINITY HOMES - 2151 LAKE HILLS DRIVE



406 - 697- 2173
travis@bluewaterdesignmt.com

DATE: **AUG. 29, 2024**

DRAWN BY: **TMM**

SHEET # **A-O**

BEDROOM ESCAPE WINDOW
 Net openable area 5.7 sq. ft. clear
 in open position (or per Sec. R310.1)
 Min. Width 20"
 Min. Height 24"
 Fin. Sill to fin. Floor 44" max.

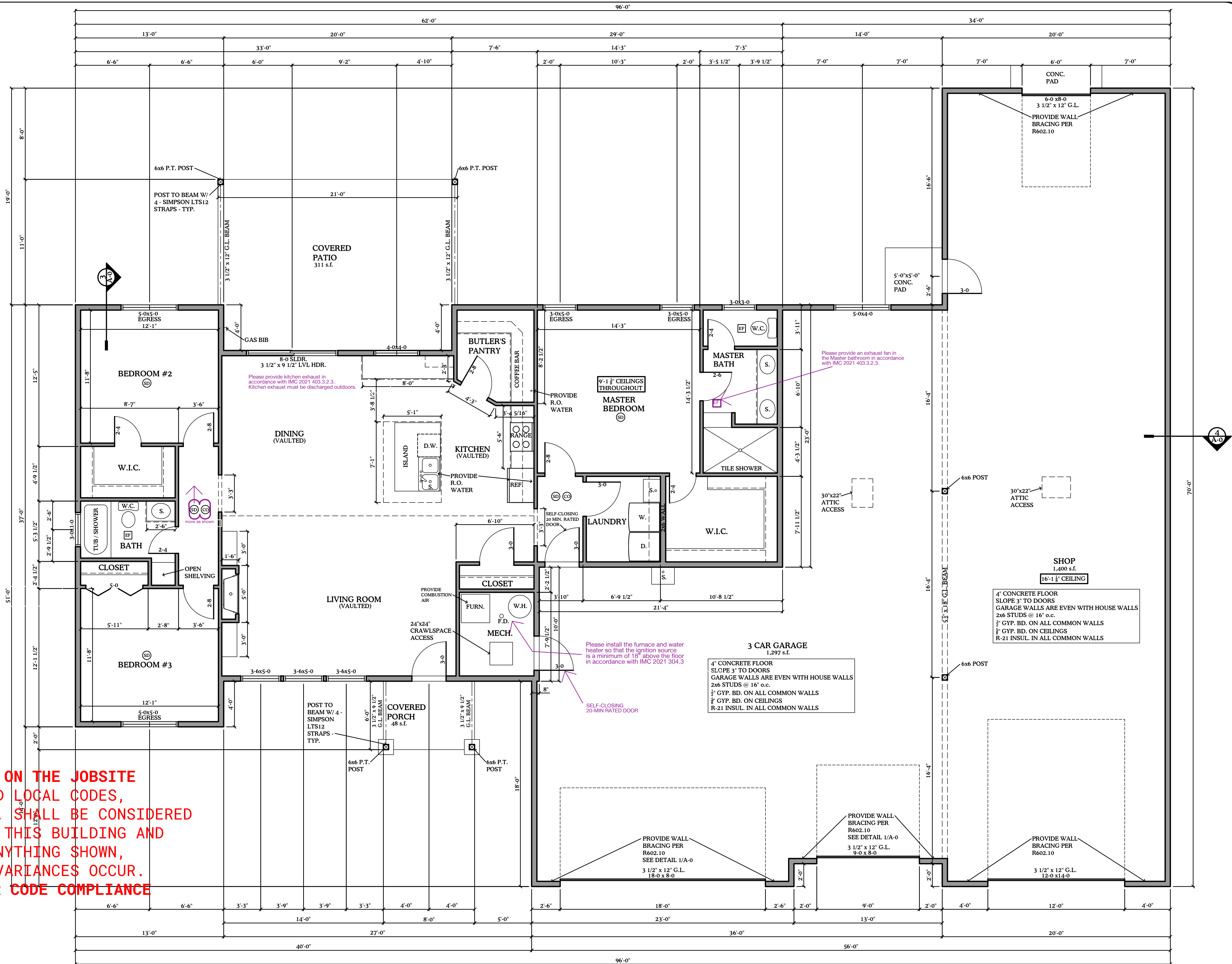
8/26/2024, 8:38:11 AM
 BP-24-03610
 Steve Haak

Please place smoke alarm 3' from
 the bathroom opening or door, in
 accordance with R314.3.4.
 Distance measured from the
 bathroom door or opening to the
 nearest edge of the smoke alarm.

Please provide a whole house mechanical exhaust fan at a
 minimum of 49 cfm in accordance with IMC 2021 R403.3.2.1.

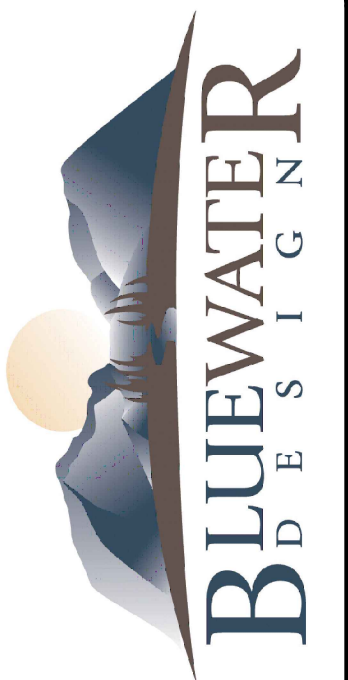
CITY STAMPED PLANS ARE TO BE ON THE JOBSITE
 NOTE: ALL FEDERAL, STATE, AND LOCAL CODES,
 ORDINANCES, REGULATIONS, ETC. SHALL BE CONSIDERED
 AS PART OF SPECIFICATION FOR THIS BUILDING AND
 SHALL TAKE PREFERENCE OVER ANYTHING SHOWN,
 DESCRIBED, OR IMPLIED WHERE VARIANCES OCCUR.
REVIEWED FOR CODE COMPLIANCE

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 BP-24-03610
 Steve Haak



MAIN FLOOR PLAN 1,805 s.f.
 1/4" = 1'-0"

INFINITY HOMES - 2151 LAKE HILLS
 2151 LAKEHILLS DRIVE



406 - 697- 2173
 travis@bluewaterdesignmt.com

DATE: **AUG. 29, 2024**

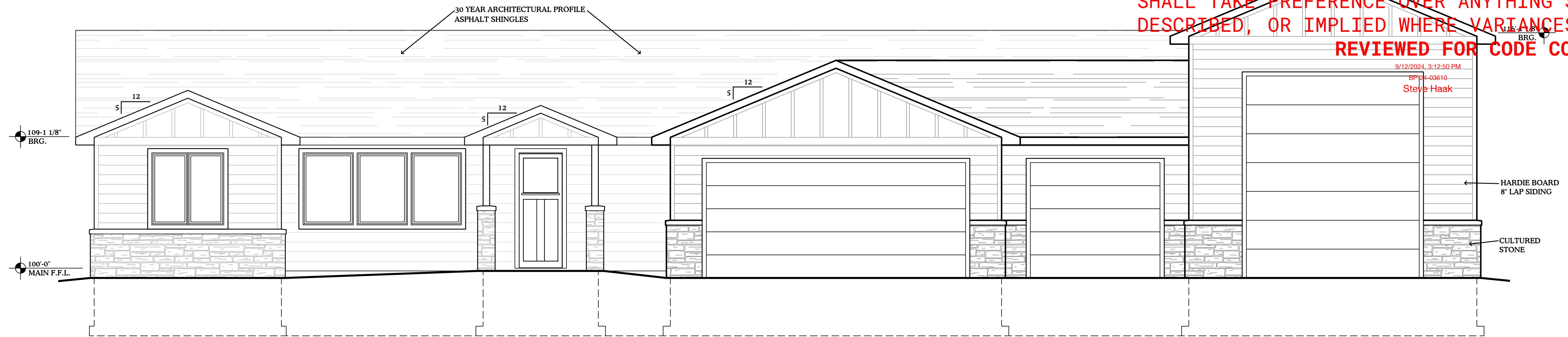
DRAWN BY: **TMM**

SHEET # **A-1**

CITY STAMPED PLANS ARE TO BE ON THE JOBSITE
NOTE: ALL FEDERAL, STATE, AND LOCAL CODES,
ORDINANCES, REGULATIONS, ETC. SHALL BE CONSIDERED
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REVIEWED FOR CODE COMPLIANCE

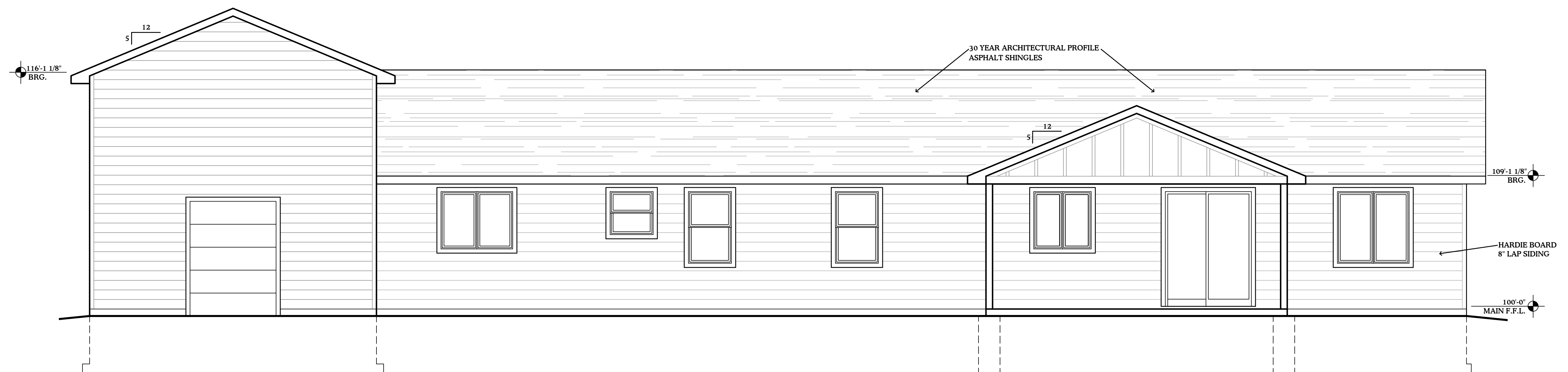
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BP-24-03610
Steve Haak



1 SOUTH ELEVATION
1/4" = 1'-0"

R609.4.1 Garage door labeling. Garage doors shall be labeled with a permanent label provided by the garage door manufacturer. The label shall identify the garage door manufacturer, the garage door model/series number, the positive and negative design wind pressure rating, the installation instruction drawing reference number, and the applicable test standard.

9/12/2024, 3:12:23 PM
BP-24-03610
Steve Haak



2 NORTH ELEVATION
1/4" = 1'-0"

INFINITY HOMES - 2151 LAKEHILLS DRIVE



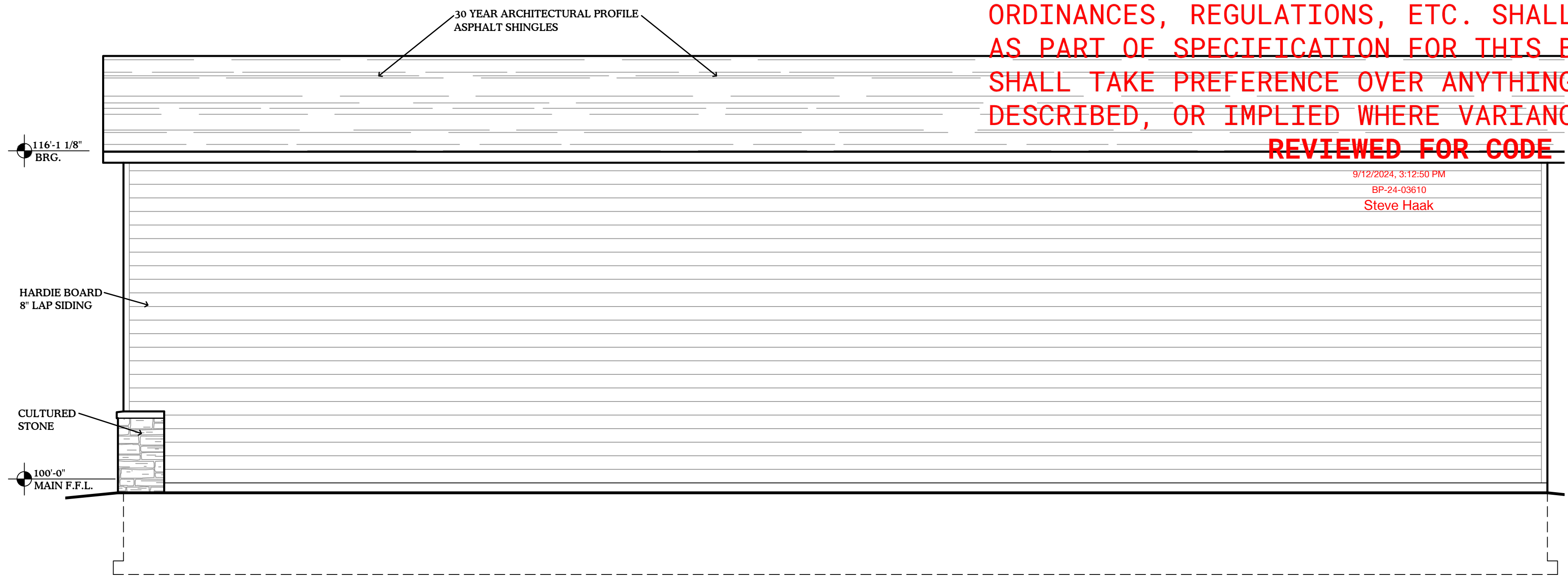
406 - 697 - 2173
travis@bluewaterdesignmt.com

DATE: AUG. 29, 2024
DRAWN BY: TMM

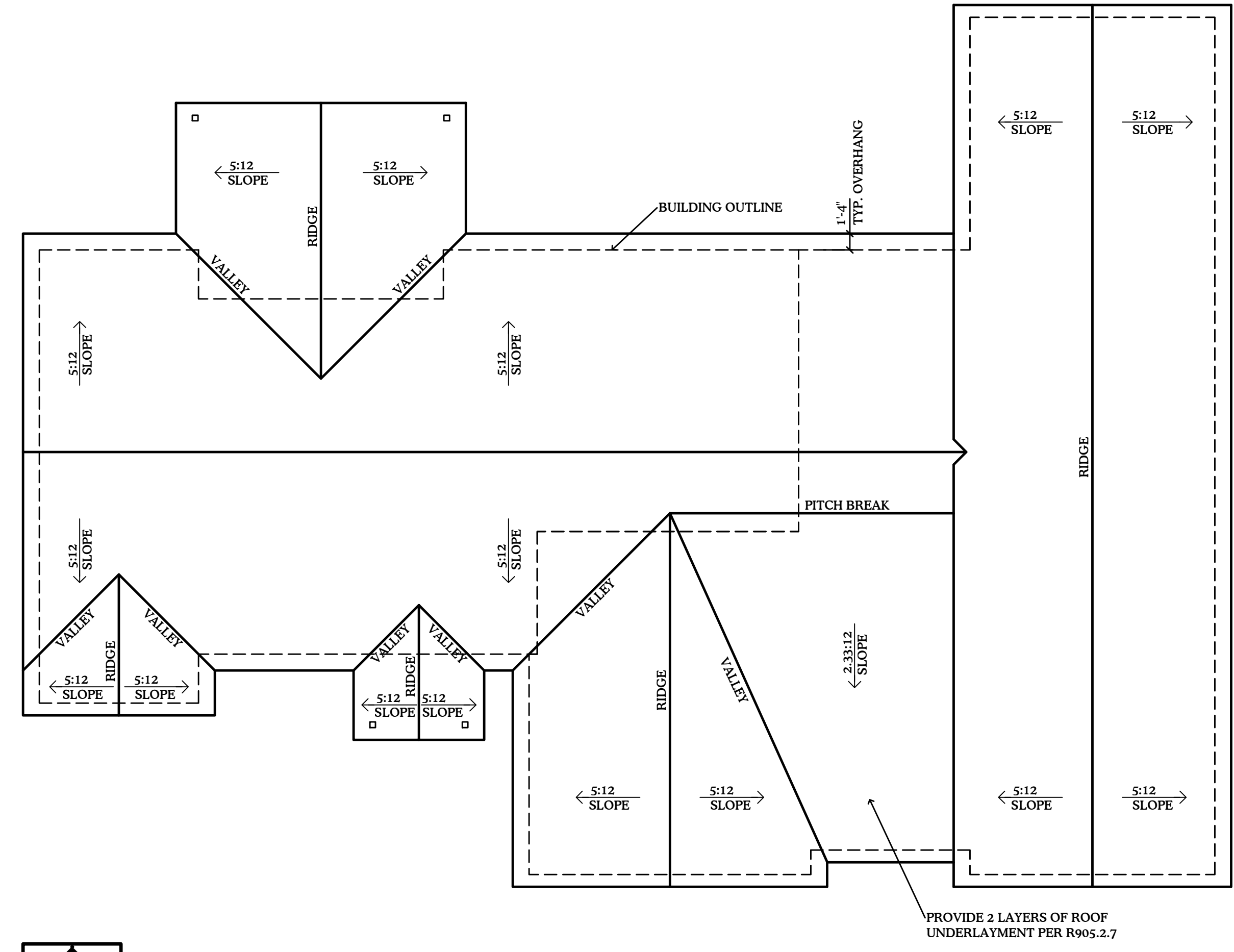
SHEET # A-3

CITY STAMPED PLANS ARE TO BE ON THE JOBSITE
NOTE: ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS, ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATION FOR THIS BUILDING AND SHALL TAKE PREFERENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE VARIANCES OCCUR.
REVIEWED FOR CODE COMPLIANCE

9/12/2024, 3:12:50 PM
 BP-24-03610
 Steve Haak

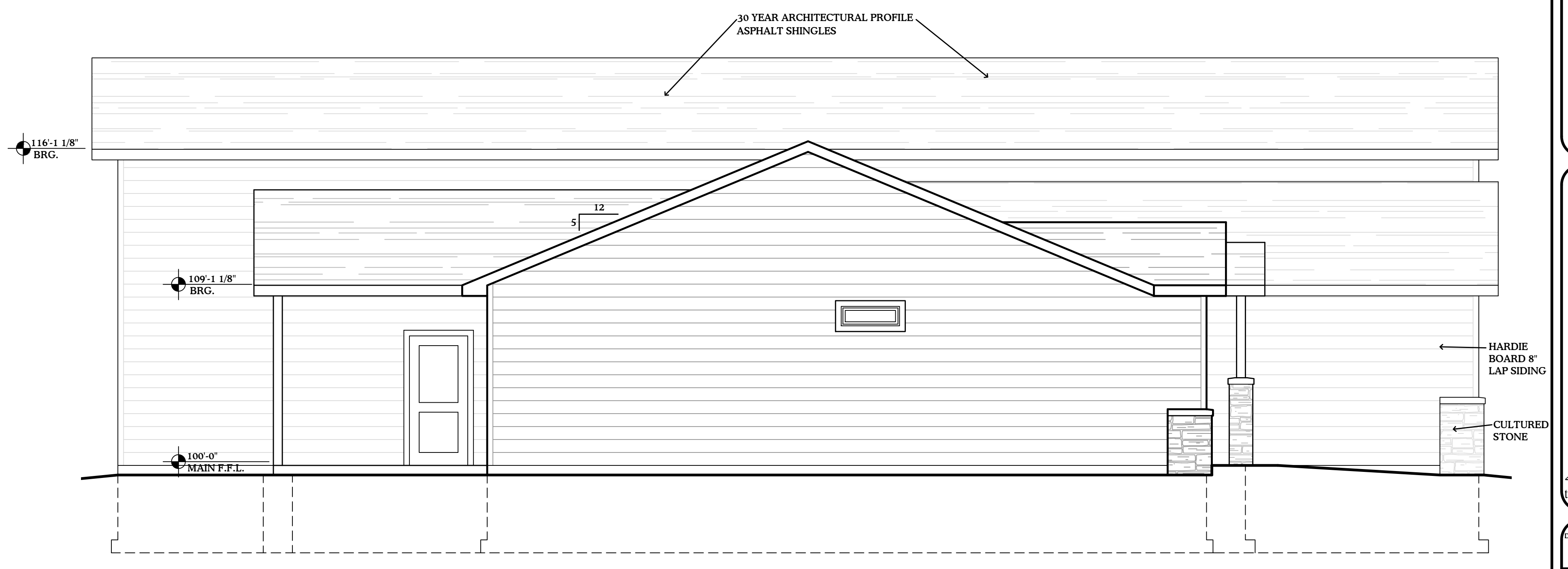


EAST ELEVATION
 1/4" = 1'-0"



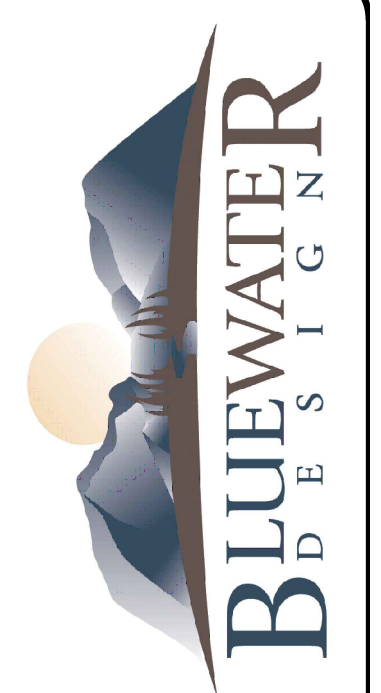
ROOF PLAN
 1/8" = 1'-0"

NOTE: PROVIDE ATTIC VENTILATION EQUAL TO 1/150 OF ATTIC AREA



WEST ELEVATION
 1/4" = 1'-0"

INFINITY HOMES - 2151 LAKEHILLS DRIVE
 2151 LAKEHILLS DRIVE

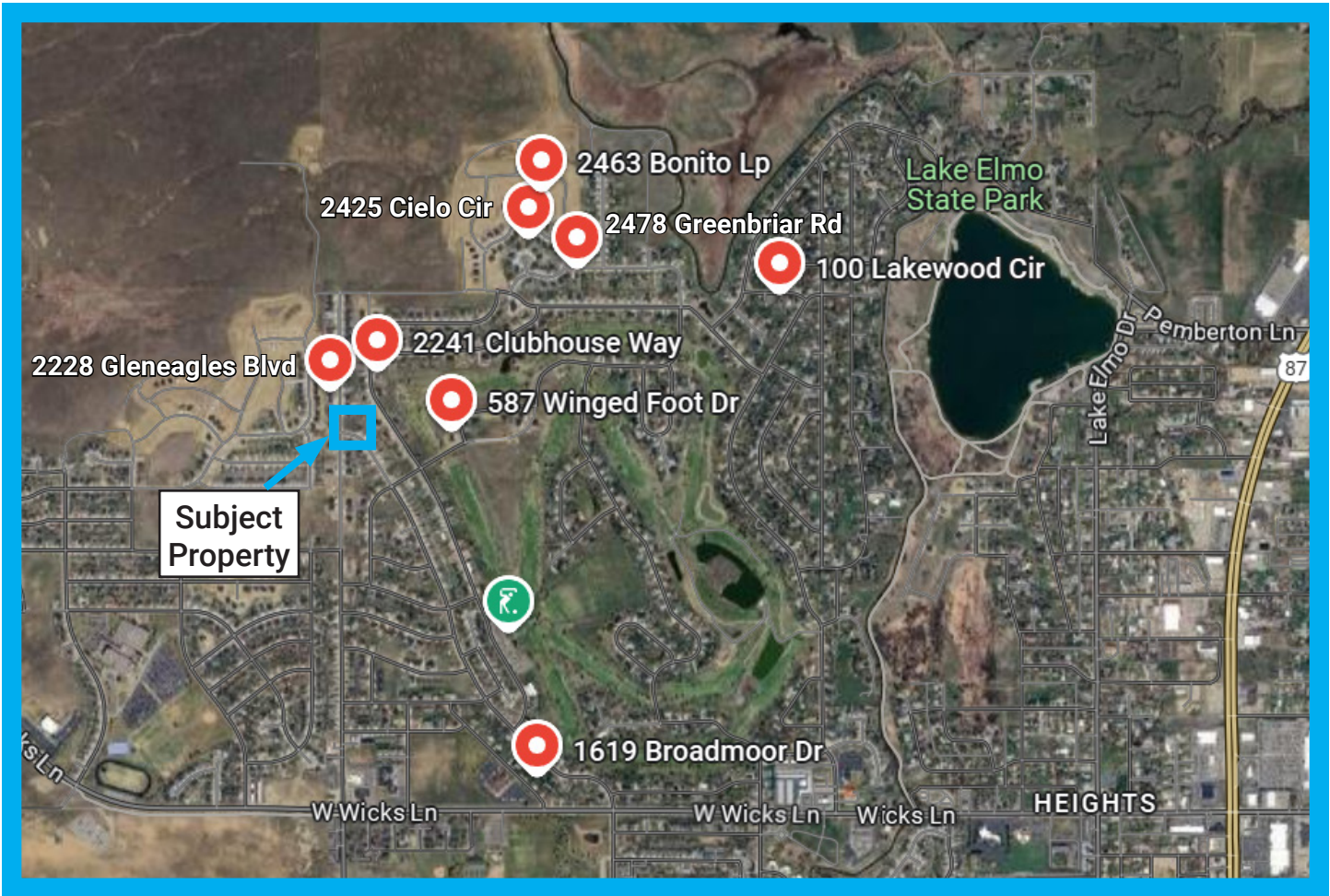
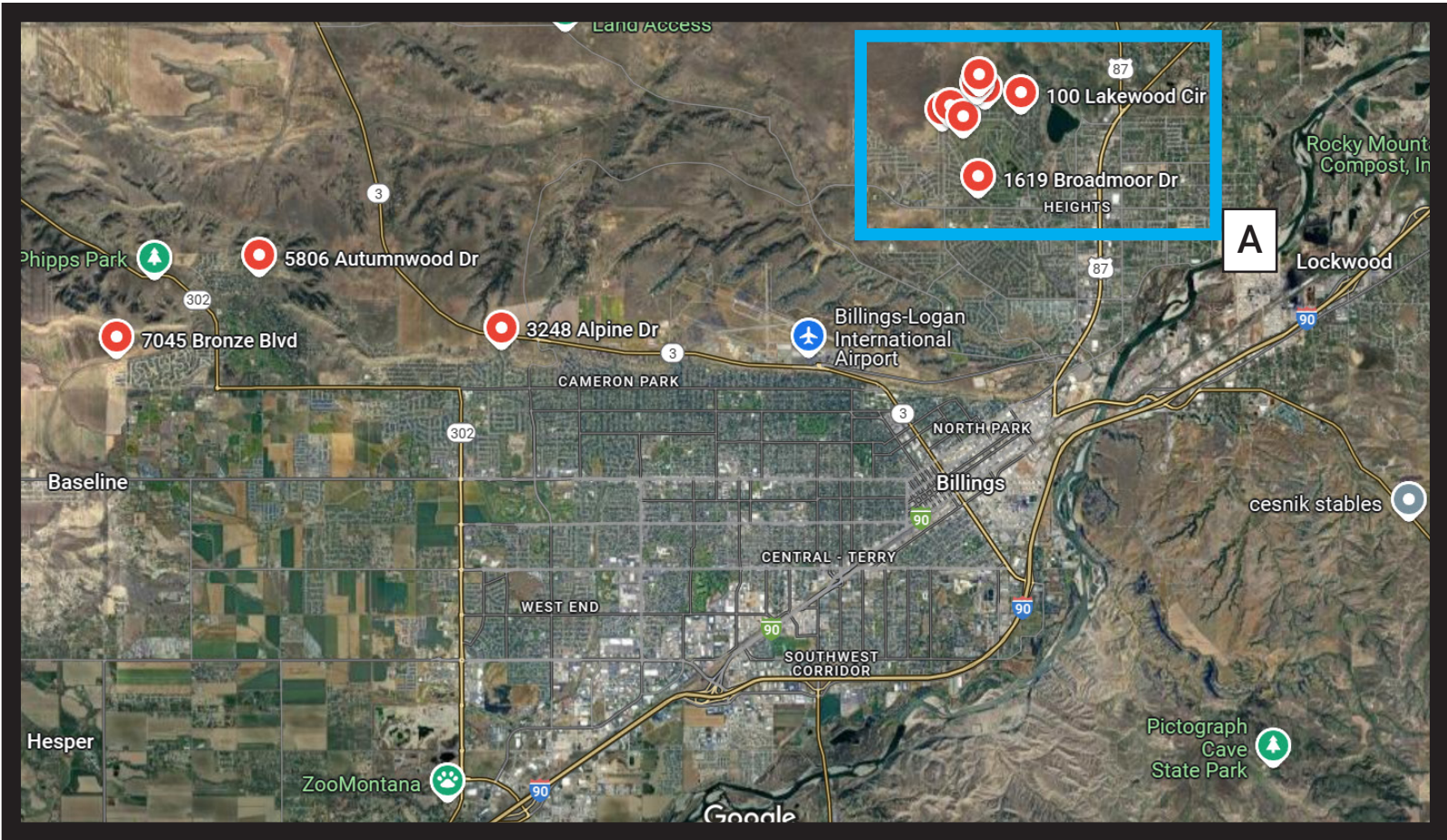


406 - 697- 2173
 travis@bluewaterdesignmt.com

DATE: **AUG. 29, 2024**
 DRAWN BY: **TMM**

SHEET # **A-4**

Location Map of Garages Larger than Primary Residence Living Space



Homes in the City with Garages Larger than the Primary Living Space

All square footage was sourced from the Yellowstone County Treasurer Tax and Assessment Data

1. 3248 Alpine Dr – Reimers Park Sub
 - a. 2432 sq ft 1st Floor GFA
 - b. 2452 sq ft Garage GFA



2. 2241 Clubhouse Way – Lake Hills Sub
 - a. 1492 sq ft 1st Floor GFA
 - b. 1492 sq ft Garage GFA



- 3. 2228 Gleneagles Blvd – Lake Hills Sub
 - a. 1630 sq ft 1st Floor GFA
 - b. 1784 sq ft Garage GFA



- 4. 587 Winged Foot Dr – Lake Hills Sub
 - a. 990 sq ft 1st Floor GFA
 - b. 1044 sq ft Garage GFA



- 5. 100 Lakewood Cir – Lake Hills Sub
 - a. 176 sq ft 1st Floor GFA
 - b. 2296 sq ft Garage GFA



- 6. 2478 Greenbriar Rd – High Sierra Sub
 - a. 1310 sq ft 1st Floor GFA
 - b. 1500 sq ft Garage GFA



- 7. 7045 Bronze Blvd – Copper Ridge Sub
 - a. 1444 sq ft 1st Floor GFA
 - b. 1693 sq ft Garage GFA



- 8. 5806 Autumnwood Dr – Ironwood Estates Sub
 - a. 1885 sq ft 1st Floor GFA
 - b. 1944 sq ft Garage GFA



- 9. 1619 Broadmoor Dr – Lake Hills Sub
 - a. 1304 sq ft 1st Floor GFA
 - b. 1418 sq ft Garage GFA



- 10. 2463 Bonito Loop – High Sierra Sub
 - a. 1572 sq ft 1st Floor GFA
 - b. 1775 sq ft Garage GFA

- 11. 2425 Cielo Cir – High Sierra Sub
 - a. 1492 sq ft 1st Floor GFA
 - b. 1512 sq ft Garage GFA

December 30, 2024

Randy Redfern

2143 Gleneagles Blvd

Billings, MT 59105

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.

Randy Redfern

2143 Gleneagles Blvd

Billings, MT 59105

406-672-6305

December 30, 2024

Deanna Redfern

2143 Gleneagles Blvd

Billings, MT 59105

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.

Deanna Redfern

2143 Gleneagles Blvd

Billings, MT 59105