

Variance 1381

Zoning Map & Site Photos



Subject property





North



South



East



West

CITY VARIANCE APPLICATION FORM

CITY VARIANCE : Billings Variance # 1381 - Project # PZX-25-00066

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 # A00537 & A00537A CITY ELECTION WARD # 1 - (BILLINGS)

Legal Description of Property: BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 81, Lots 1-24, & VAC ALLEY (21)

Address or General Location (If unknown, contact City Engineering): 1617 1st Ave N., Billings, MT 59101
GeoCode: 03-1033-33-4-14-01-0000 Vacant Lots - No Current Building

Zoning Classification: EB_CW-East Billings Central Works

Size of Parcel (Area & Dimensions): A00537 - Lots 13-24 (45,000 SF) | A00537A - Lots 1-12 (45,000 SF)

Variance(s) Requested: See attached City Variance Checklist response including a written statement to the

Board of Adjustment of Variance Request Items #1-4 for review and recommendation.

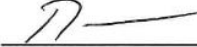
Facts of Hardship: (attach letter)

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

Owner(s): Ryan Anderson - Member
(Recorded Owner) (Property Under Contract - MT Tire, Ryan Anderson)
3365 La Paz. Dr, Billings, MT 59101
(Address)
406.425.3369 ryan.mttire@gmail.com
(Phone Number) (email)

Agent(s): Chuck Henrichs - EEC Inc., President
(Name)
6602 Wagon Trail, Billings, MT 59106
(Address)
406.839.9151 chuck@eecmt.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: 5/1/25
(Recorded Owner – digital signature allowed)

Montana Tire Service Center – City of Billings Planning Variance Request



May 1, 2025

City of Billings – Planning & Community Services Department
Attn: Board of Adjustment
P.O. Box 1178
Billings, MT 59103

RE: City of Billings Planning Variance Request: Items #1-4

To whom it may concern,

Enclosed you will find the complete Variance Checklist Items and all information required for the Montana Tire Service Center project City Variance Submittal to be considered for review and recommendation by the City of Billings Planning Board of Adjustment.

City Variance Checklist – Written Response:

1. Application completed, signed and uploaded.
2. Location/legal description included in application documents.
3. Written statement to the Board of Adjustment, with the following four proposed **Variance Request measures (1-4)**, we provide detailed justification for why the property would prevent conformance with the Zoning Regulation requirements set forth by the City of Billings Municipal Zoning Code Chapter 27 Zoning, under Article 27-900 EBURD and how granting the variance is in accordance with the Growth Policy. The overall project and the Variances Requested align nicely with the 2016 Billings Growth Policy Statement and Guidelines by encouraging development within the existing EBURD district downtown where infrastructure exists. The project will aid the City of Billings in revitalizing and help to develop “strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.” What better than a Tire Service Center as a catalyst of that revitalization and the requested variance would allow that to progress forward.



VR1) Variance Request #1

Reference Section 27-904 (D) – Frontage Type, Limited Bay on Table 27-900-5 (A), Street Frontage, which states “Front Lot Line Coverage – 95% minimum, parking exception [1]. [Note #1] lots wider than 140’ are permitted 1 double-loaded aisle of parking (maximum width of 65’), located perpendicular to street, which is exempt from front lot line coverage calculation.”

The material under review for this **Variance Request #1** is the requirement to provide a Front Lot Line Coverage of 95% minimum with parking exception [Note #1] referenced section above. Applying Note #1, the proposed project site is allowed a double-loaded aisle of parking for a maximum width of 65ft. The proposed approach is to provide a 61ft double-loaded aisle of parking along the street-side frontage on 1st Ave. North and additionally 7.5ft concrete sidewalk to the main entrance of the building for a total of 68.5ft with 45ft of building façade along the Front Lot Line on N. 17th Street. Thus, calculating the proposed approach is 45ft / (192ft – 68.5ft) equals approximately 36.4% and if we are limited to the 65ft double-loaded aisle of parking that number would be slightly less, but still below the 95% requirement. We would argue that the exterior concrete sidewalk should be allocated to the parking and driving aisle as it is an accessory for parking to building transition, so using the 68.5ft. The Intent of this requirement can be inferred in Section 27-1802 – Measurements and Associated Terms – (B) Building and Parking Siting Measurements and Terms – Figure 27-1800-3 Illustration of Build-to Zones as it shows clearly that the width of the building with the Build-to Zone divided by the Lot Line Parallel to the Frontage equals the Front Lot Line Coverage, at 95% excluding parking the code is looking to maximum the building façade along the Front Street.

We believe our approach, as seen in the attached plans, would meet the requirements set forth under the Zoning Code. It achieves the intent by providing the most building façade along the Front Street as functionally possible, while still providing a clear and safe project site. The uniqueness of the site and the proposed project being a Tire Service Center that will service not only cars and trucks but will also be servicing long haul trucks and trailers that need a substantial amount of room for turning radius and staging area. Hence, this is why there is approximately 68.5ft north of the building of concrete and asphalt paving that would allow a truck and trailer to pull into the property without interfering with the traffic flow of the neighborhood, which could cause more problems. This Frontage area utilized for traffic flow into the facility not only has an effect on the project with the final use of the building, but an immediate safety risk for the community as well. If for some reason we were required to take that north section of the building towards the Front Street (west), there is a real possibility that tractor-trailers would be temporarily blocking the street as they stage to be brought into the service bay. This would have the opposite effect of revitalizing properties within the EBURD. We believe the requested variance would be within the spirit, intent, purpose and general plan of the City of Billings Municipal Zoning Code title and would not affect adversely surrounding properties, neighborhoods, or the city as a whole.



VR2) Variance Request #2

Reference Section 27-904 (D) – Frontage Type, Limited Bay on Table 27-900-5 (A), Street Frontage, which states “Build to Corner – Required.”

The material under review for this Variance Request #2 is the requirement to provide a Build to the Corner, “where buildings are required to be located within the intersection of the front and street-side build-to zones at street corners.” The proposed approach meets the requirement along the Front Build-to Zone at 9ft, but we are not meeting the Street-side Build-to Zone, currently providing 66ft along 1st Ave. North. Applying Note #1, the proposed project site is allowed a double-loaded aisle of parking for a maximum width of 65ft. The proposed approach is to provide a 61ft double-loaded aisle of parking along the street-side frontage on 1st Ave. North. Hence, pushing our Build-to Zone away from the Street-side Frontage, associated lot corner, and outside the Build to Corner requirements. It is inferred that the Intent of this requirement of the zoning code is looking to maximum the building façade within the intersection of the front and street-side build-to zones at street corners, with the understanding that there may be varying parking requirements per the use of the property.

We believe our approach, as seen in the attached plans, would meet the requirements set forth under the Zoning Code and achieve its intent by providing the most building façade along the Front and Side-Street adjacent to the required parking for the development of this size, while still providing a clear and safe project site. The uniqueness of the site and the proposed project being a Tire Service Center that will service not only cars and trucks but will also be servicing long haul trucks and trailers that need a substantial amount of room for turning radius and staging area. The parking lot along the Street-Side Frontage allows customers and employees to park their vehicles in a safe and secure way. Throughout the schematic design phase, we looked at options for the parking lot to flip to the north side of the building, however, in doing so we quickly learned with the additional required turning radius and staging area of the tractor-trailers to be serviced the parking lot needed to be located on the south or Steet-Side Frontage and separated from the tractor-trailer traffic. It was clear that the staging area north of the building of concrete and asphalt would allow the truck and trailers to pull into the property without interfering with the traffic flow of the neighborhood, which could cause more problems and community safety issues and separating the larger equipment from the day-to-day customers was essential. Variance Request Items 1-3 very much go hand in hand as each affects the other in ways that could pose safety risks to the community and surrounding neighborhood. This would have the opposite effect of revitalizing properties within the EBURD. We believe the requested variance would be within the spirit, intent, purpose and general plan of the City of Billing Municipal Zoning Code title and would not affect adversely surrounding properties, neighborhoods, or the city as a whole.



VR3) Variance Request #3

Reference Section 27-904 (D) – Frontage Type, Limited Bay on Table 27-900-5 (A), Street Frontage, which states “Street-Side Build-To zone – 0’ to 10’.”

The material under review for this **Variance Request #3** is the requirement to provide Street-Side Build-to Zone between 0ft and 10ft. The proposed approach is to provide a 61ft double-loaded aisle of parking along the street-side frontage on 1st Ave. North and additionally 7.5ft concrete sidewalk to the main entrance of the building with a Build-to Zone of 66’. Applying Note #1, the proposed project site is allowed a double-loaded aisle of parking for a maximum width of 65ft. The proposed approach is to provide a 61ft double-loaded aisle of parking along the street-side frontage on 1st Ave. North and additionally 7.5ft concrete sidewalk to the main entrance of the building for a total of 68.5ft with 45ft of building façade along the Front Lont Line on N. 17th Street. It could be inferred that the Intent of this requirement of the zoning code is looking to maximum the building façade along the Side-Street with the required Build-to Zone area, with the understand that there may be varying parking requirements per the use of the property.

We believe our approach, as seen in the attached plans, would meet the requirements set forth under the Zoning Code and achieve its intent by providing the most building façade along the Side-Street adjacent to the required parking for a development of this size, while still providing a clear and safe project site. The uniqueness of the site and the proposed project being a Tire Service Center that will service not only cars and trucks but will also be servicing long haul trucks and trailers that need a substantial amount of room for turning radius and staging area. The parking lot along the Street-Side Frontage allows customers and employees to park their vehicles in a safe and secure way. Throughout the schematic design phase, we looked at options for the parking lot to flip to the north side of the building, however, in doing so we quickly learned with the added required turning radius and staging area of the tractor-trailers to be serviced the parking lot needs to be located on the south or Steet-Side Frontage. It was clear that the staging area north of the building of concrete and asphalt would allow for tractor-trailers to pull into the property without interfering with the traffic flow of the neighborhood, which would help prevent public safety concerns and separating the larger equipment from the day-to-day customers. Variance Request Items 1-3 very much go hand in hand as each affects the other in ways that could pose safety risks to the community and surrounding neighborhood. This would have the opposite effect of revitalizing properties within the EBURD. We believe the requested variance would be within the spirit, intent, purpose and general plan of the City of Billing Municipal Zoning Code title and would not affect adversely surrounding properties, neighborhoods, or the city as a whole.



VR4) Variance Request #4

Reference Section 27-905 – Landscaping Standards, Section D, which states “*Frontage buffer requirements (Refer to figure 27-905(1)). Figure 27-905 (1), states, “Minimum and Maximum of 3’-4’ height fence located 2’ from curb of vehicular area.”*

The material under review for this Variance Request #4 is the requirement to provide a 3’-4’ high fence located 2’ from the curb of vehicular area. Applying to the Frontage Buffer, where a vehicular area is located adjacent to a Right-of-Way, thus required along the Street Side and Rear Yard for the proposed project (South and East Buffer Frontage). The Intent of this requirement as stated on Table 27-900-10 – Frontage Buffer is to, “lessen the visual impact of vehicular areas and outdoor storage visible from the street.”

We believe our approach, as seen on the attached plans, would meet the requirements set forth under the Zoning Code and achieve its intent by providing the appropriate allotment of shrubs, grasses, perennials, and deciduous trees to create the same lessening the visual impact of the vehicular parking area. Our design strategy with this facility and overall site use is to keep areas open and clear, to help deter areas for wanderers/ vagrants to collect. Requiring a 4’ fence along the south and east of the property would provide a location for not only blown debris to collect but also a surface that would aid in providing a surface for folks to build a shaded shelter. This would have the opposite effect of revitalizing properties within the EBURD. We believe the requested variance would be within the spirit, intent, purpose and general plan of the City of Billings Municipal Zoning Code title and would not affect adversely surrounding properties, neighborhoods, or the city as a whole.

4. The project at 1617 1st Ave. North, Billings, Montana 59101 (Lots 1-24, Block 81, Billings Original Township) is designed to demo/remove and relocate the existing overhead power and communication lines and associated existing power poles on the property. The utility work proposed will take place as an initial phase for the construction of a new Montana Tire Service Center on the south of the property bordering 1st Ave. North from N. 17th Street to N. 16th Street. The current site is vacant with no built structure, the previous building structure has been demoed and removed leaving an empty parking lot with above ground electrical utilities running the length of the site.

Montana Tire Distributors has been in business for over 20 years and proudly provides the most reliable and high-quality tire and auto repair services in the Billings, Montana area. From tire installation to inspection and brake service, they handle it all. Montana Tire Distributors is locally owned and operated and their expert team performs tire and auto repair services on a variety of makes and models, which allows them to have a car or truck repaired and back on the road in no time. Since opening their doors, they have focused on excellence, quality and customer satisfaction.

The project entails demo and relocating existing site utilities from Northwest Energy, Lumens, and Charter/Spectrum, and tying into existing city utilities in the area. The proposed utility service work will provide a catalyst for Montana Tire to finalize design and begin construction and site upgrades



for the new Service Center. Please see attached plans for more details on the site and utility improvements for proposed new construction of a Montana Tire Service Center facility at 1617 1st Ave. North. The intent of the proposed project is to provide Montana Tire with a main public entrance to the Showroom/Service Counter/Office space off N. 17th Street, associated second floor office space, a 7-Bay light-vehicle tire and mechanical/alignment services along the parking/drive aisle along 1st Ave. North, a 2-Bay Truck & Trailer servicing with exterior staging on each side, a storage mezzanine, and a tire dumpster enclosure. Additional site items include rain/gray water collection under the island on the southeast corner of the building to be utilized for irrigation and the lots north of the Montana Tire Service Center will be left undeveloped with the design anticipation to upgrade all city sidewalk/service improvements around all the associated lots, so they are ready for development infill. The project will aid the City of Billings in revitalizing the EBURD and help to develop a strong and safe neighborhood.

5. See attached 11x17 (Half-Scale) drawings, which include all existing infrastructure, proposed modifications, new Service Center Facility Site Plans, Floor Plans, Elevations and proposed variance measurements. 8 sheets: C100, C101, L1.0, L1.1, A101, A102, A201, A202, A301, and conceptual project renderings.
6. See attached 8 digital photographs showing the existing nature of the property under review, please notice that the file name for each is in the general direction the picture was taken.
7. See the scanned radius map provided by the Planning Department showing all property required to be notified by mail outside of the boundary of the subject property.
8. See the scanned certified list of names and mailing addresses of the owners of all property shown within the radius on the map provided by the Planning Department. The list of certified names and mailing addresses placed on the label template provided and uploaded with the on-line application. We have included labels for all the properties owners, but since there are duplicate property owners we have the requested labels that limit one label per unique property owner.
9. See attached completed City of Billings Variance Request Application, associated filing fee of \$920.00 for a commercial property, and postage fee as required (.40 cents per piece for 9 pieces).

Sincerely,

A handwritten signature in black ink, appearing to read 'CHSAS', written over a light blue background.

Chuck Henrichs, P.E.
President, EEC, Inc.
Owners Representative