



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, September 3, 2025, 4:30 p.m.
City Council Chambers, 5th Floor
316 N 26th St, Billings MT

NOTICE TO THE PUBLIC

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 12:00 pm 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.

Call the meeting to order.

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

Public Comment

Approval of Minutes:

The minutes of the Board meeting of July 2, 2025

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

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 1384** -- 1816 Avenue C -- Maximum lot coverage - A variance from Section 27-305, Table 27-300.4.9 requiring a maximum building coverage of the lot of 40% to allow a maximum lot coverage of 44% in a Mid-Century Neighborhood Residential (N2) zone, on KOBER SUBD 3RD FILING, BLOCK 16, Lot 37 - 38, a 7,000 square foot parcel of land. The purpose of the variance is to allow 1,069 square foot patio/carport that would increase the lot coverage to 44%. Tax ID: A09902

Other Business/Announcements

Adjournment

Additional information on this application is available on-line at <https://www.billingsmt.gov/2361/Current-Zoning-Applications>

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 or 406-247-8610

Date: 09/03/2025
Title:
Presented by:
Department: Planning & Community Services
Presentation:

Information

RECOMMENDATION

The minutes of the Board meeting of July 2, 2025

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

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of July 2, 2025

City Board of Adjustment

WEDNESDAY, July 2, 2025 AT 4:30pm

Board members		01/08/2025	02/05/2025	03/05/2025	04/02/2025	05/07/2025	06/04/2025	07/02/2025	08/06/2025	09/03/2025	10/01/2025	11/05/2025	12/03/2025	
Josh Sayer	Chairman	1	1	-	-	1	1	1						
Oscar Heinrich	Member	1	1	-	-	A	V	1						
George Warmer	Member	1	1	-	-	1	A	1						
Michael Bruschwein	Vice Chair	1	A	-	-	1	1	1						
Chris Hayes	Member	1	1	-	-	1	1	1						
Dave Hagstrom	Member	1	1	-	-	1	1	1						
Brian Roush	Member	1	1	-	-	1	1	A						
TOTAL NUMBER OF APPLICATIONS 2024		01/08/2025	02/05/2025	03/05/2025	04/02/2025	05/07/2025	06/04/2025	07/02/2025	08/06/2025	09/03/2025	10/01/2025	11/05/2025	12/03/2025	TOTAL
Variance		1	1	-	-	1	1	2						6
Appeal		-	-	-	-									

Please note: "A" stands for excused absence, "1" stands for present, "V" stands for Zoom participation

Call the Meeting to Order: Chairman Sayer called the meeting to order at 4:30 PM.

Attending Staff:

Anna Vickers, Planning Division Manager; Karen Husman, Zoning Coordinator; Brenda Berns, Planning Clerk

Participants:

Devin Hartley 300 S 24th St W
 Jacob Butt, 4223 Arrowhead Dr
 Caleb Holden 646 North Grove St
 Brad Doll, Majestic Lane; Jill Reddick, Majestic Lane.

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 no members of the public.

Approval of Meeting Minutes - June 4, 2025

The board voted unanimously to approve the meeting minutes of June 4, 2025.

Disclosure of Ex Parte Communication – Board members and Staff

Disclosure of Ex Parte Communications – Board member Warmer stated that on Variance 1383, he represented the adjacent property owner and visited with him regarding the subject variance. The Board determined it was not a conflict.

Disclosure of Site Visits – Variance 1382; 4 visited, Variance 1383; 3 visited

Disclosure of Conflict of Interest – None

Public Hearing:

Chairman Sayer opened the Public Hearing.

City Variance 1382 – 300 S 24th St. W – Allow increase in maximum wall square footage. A variance from Section 27-1407.C.2(a) requiring a maximum of 250 square feet total wall sign area per frontage in a Corridor Mixed Use 2 (CMU 2), on Block 1, Lot 1, of JPM Subdivision, S12, T01, S, R25 E, a 9.018-acre parcel of land. The purpose of the variance is to allow a 441-square foot wall sign on a street facing building façade of 180 lineal feet. Tax ID: A30040

Karen Husman gave a brief overview of the subject property and variance request.

Recommendation

Planning Staff is recommending denial based on draft findings of the review criteria for variances:

1) **There is a hardship with the property** that is not applicable to other lands in the same district.

There are no special circumstances. The storefront faces a parking lot and thru drive lane connecting 26th St.

2) **Denying the variance might deprive this owner of similar rights** enjoyed by others in the area.

Proposed sign location is approximately 120 feet from the nearest drive lane with 15mph speed limit.

3) **Granting the variance will not confer a special privilege to this applicant.**

There are several other businesses that have signage that address traffic on higher speed ROW (24th St. W & Central @ more than 600 ft away) all were approved under previous code

4) Granting the variance will be in harmony with the purposes of zoning and growth policy.

Granting this variance will meet the general intent of the Growth Policy. (local economic prosperity should be supported). However, it does not meet the zoning regulation specification for granting a variance application, and is not in harmony with the intent of the Zoning Code for new signage in this district.

Section 27-1627.E

1. Whenever the City Board of Adjustment grants an application for a variance, the minutes shall specifically state the criteria upon which the variance is granted.

The above-referenced criteria from Section 27-1627.D. has been addressed in the staff report for the board to state.

Discussion

The board reviewed signage size allowances in comparison to the former Herberger's and current Dunham's signs. The Herberger's sign was estimated at 300–410 sq. ft., while Dunham's sign is approximately 31 sq. ft. larger. The current code allows a maximum of 250 sq. ft., though exceptions, variances, and administrative relief may apply. It was noted that if Herberger's were still operating, its signage would be considered prior nonconforming under updated code requirements.

Applicant's Agent:

Devin Hartley, Rimrock Mall General Manager 300 S. 24th St – It was noted that the Herberger's sign was of a larger size. Clarification was provided that the drive lane under consideration is located within the parking lot, with the only designated roadway being the exit from Stewart Park. The target audience for the proposed sign is primarily individuals visiting the concession stand at Stewart Park, located approximately 800 feet from the site. It was further observed that the existing trees near the concession stand will maintain year-round foliage, which will partially obscure the visibility of the sign from that location.

It was noted that there is some uncertainty as to whether the proposed sign would effectively reach the target audience toward Stewart Park. When asked which of the two remaining options was preferred, the response indicated a preference for the 335 square foot option.

A question was raised regarding whether the measurement referred to the overall sign size or the lettering specifically. It was clarified that the measurement reflects the letters themselves only.

Chairman Sayer closed the public hearing.

Board Discussion

It was noted that if the Herberger's sign had previously been granted, accommodating the current request for approximately a 400 square foot sign would appear reasonable, as it is only slightly larger than the former Herberger's sign.

It was further observed that the Herberger's sign has been down for more than a year. Had a request been made when the sign was still in place, the replacement could have been completed at the same size without the need for a variance. It was assumed that negotiations with the mall may have delayed the request.

Appreciation was expressed for the presentation provided by the mall; however, concern was raised as to whether the inability to target the intended audience constitutes a true hardship. It was noted that increasing the sign size may not resolve that concern, and that a target audience alone may not be sufficient to establish hardship.

It was suggested that the placement at the back of the building presents a hardship in and of itself. The board discussed the three proposed options and noted that only one option would not require a variance. A preference was expressed for a sign comparable to or smaller than the Herberger's sign, approximately 336 square feet.

Motion

A motion was made by Board Member Heinrich, seconded by Board Member Hayes, to approve Variance 1382 with the recommended conditions of approval outlined in the staff report. The motion included an amendment to Condition 1, establishing 336 square feet as the maximum sign size, and an amendment to the Findings of Fact based on the hardship created by the need to capture an audience from the back of the building. The motion carried with a vote of 5:1.

b. **City Variance 1383 – 1753 Majestic Lane** –Required side or rear yard parking – A variance from Section 27-409-Table 27-400-6. B.6 requiring a side or rear yard parking in a Heavy Commercial (CX) zone, on Broso Valley Park Sub., Block1, Lot 20, S23, T1S, R25E, a 1.9896-acre parcel of land. The purpose of this variance request is to allow parking in the front yard. Tax ID: A30697

Karen Husman provided an overview of the variance request and stated it is surrounded by Heavy Commercial zoned parcels.

Recommendation

Planning Staff is recommending denial based on draft findings of the review criteria for variances:

1) **There is a hardship with the property** that is not applicable to other lands in the same district.

Previous variance approvals applied to developments with specific, well-defined uses; in contrast, this proposal calls for two multi-tenant buildings whose future occupants are still unknown and it is unclear whether parking placed in the front yard would be appropriate. Alternative site designs could position parking along the sides or rear of the parcel.

2) **Denying the variance might deprive this owner of similar rights** enjoyed by others in the area.

Properties to the north, south, and west have been developed with front yard parking, adhering to previous zoning regulations.

3) **Granting the variance will not confer a special privilege to this applicant.**

Existing developments in the area were constructed in accordance with the previous code, parcel is currently undeveloped

4) **Granting the variance will be in harmony with the purposes of zoning and growth policy.**

Growth Policy, and Zoning Code were developed to move away from traditional development patterns. (a sea of parking in front of commercial uses)

Board Discussion

A board member inquired about potential approaches to address the issue. Discussion followed regarding parking layout and its relationship to pedestrian access. It was suggested that encouraging side parking would better promote walkability and create a more pedestrian-friendly environment. The possibility of allowing a limited number of parking spaces at the front of the building, while placing the majority of spaces on the side, was identified as a balanced solution.

Applicant's Agent

Brad Dahl Principal and owner AE Design; Mr. Dahl stated they are asking for the variance as it is consistent with neighboring properties. Understands the code and the reason behind them. If this is not a walkable area and doesn't warrant sidewalks. If we turn the building, more of the truck activity would be seen from the street and we believe we're better neighbors to screen that.

Questions

Discussion focused on the vision for Phase 2. It was indicated that the plan would generally continue in the same style, with potential emphasis on more industrial uses. Alternatives proposed by staff were reviewed, and it was noted that multiple design options had been considered. Ultimately, the goal is to create a layout that is attractive to potential tenants. Some designs were found to be functionally challenging, and the intent is to maximize the site's potential for actual development. The topic of walkability was raised, with the observation that there are multiple ways to measure and assess walkability within the proposed plan.

Jacob Butt, owner of the property, provided an overview of the project. It was noted that Pioneer Oil, a marketing and logistics company, would serve as the anchor business. The development is intended to attract additional tenants, including those in the construction, medical, and sporting goods warehouse sectors, among others.

Board Discussion

The board inquired about alternatives being offered for the project. It was noted that the proposed plan maintains the same square footage as previous options. A rendition of the design was presented, reflecting that the side of a building can function as the front, providing flexibility in layout.

A comparison was made to a prior discussion regarding Costco, noting that challenges such as site constraints (e.g., a ditch along one side of the property) can impact parking placement. It was clarified that the ditch appears along the south side of the property and must be accounted for in terms of setbacks. Stormwater runoff requirements and landscaping obligations were also discussed. The variance under consideration pertains specifically to allowing parking at the front of the building, as the remaining three sides of the property cannot be used for vehicle entry or exit.

Previously reviewed variances on other properties were presented as a comparison to the subject property. It was noted that, although the project aligns with the character of the neighborhood and surrounding developments, granting the variance would not negatively impact the intent of creating a walkable area.

Chairman Sayer closed the public hearing.

Motion

Motion made by Board member Hagstrom, seconded by Board member Warmer to conditionally approve Variance 1383 based on the conditions of approval outlined in the staff report. The motion included an amendment to the Findings of Facts based on the hardship of the lot shape and access to the property. The motion carried with a vote of 5:1.

Other Business

Ms. Husman announced that no variance applications were submitted by the July 1, 2025, deadline. As a result, the Board will not hold a meeting in August.

ADJOURNMENT: The meeting adjourned at 5:32PM.

Brenda J Berns, Planning Clerk

Board of Adjustment

Date: 09/03/2025
Title: City Variance 1384 - 1816 Avenue C - Maximum Lot Coverage
Presented by: Tate Johnson, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends conditional approval of Variance 1384. A variance from Section 27-305, Table 27-300.4.9 requiring a maximum building coverage of the lot of 40% to allow a maximum lot coverage of 45% in a Mid-Century Neighborhood Residential (N2) zone.

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

This is a variance request from Section 27-305, Table 27-300.4.9 requiring a maximum building coverage of the lot of 40% to allow a maximum lot coverage of 45% in a Mid-Century Neighborhood Residential (N2) zone. The property is located at 1816 Avenue C and is developed with a single-family dwelling and detached garage on a 7,000 square foot lot. The applicants, Roger Harding and Amanda Schank Newman, are proposing to install a pergola-mounted photovoltaic (PV) solar array in the rear yard between the dwelling and the detached garage. The proposed structure would increase total building coverage above the maximum allowed.

The property currently contains a dwelling with a gross first floor area of 1,540 square feet. There is also a detached garage with a gross floor area of 576 square feet, for a combined existing lot coverage of 2,116 square feet (30.2%). The applicants are proposing a 1,069 square foot solar pergola, which would bring the total lot coverage to 3,185 square feet, or approximately 45.5% of the lot. This exceeds the zoning limitation of 40% (2,800 square feet) by 385 square feet, or about 5.5%.

The variance is requested due to site specific conditions that limit traditional solar installation options. The existing south facing roof of the house has been maximized with ten panels, but shading from mature trees on adjacent properties, utility poles, and overhead lines render the detached garage roof ineffective for additional panels. Without another viable surface for solar, the property cannot accommodate a system of sufficient size to meet household and electric vehicle energy demand. Similar lot coverage variances have been requested in other neighborhoods, usually for small additions or accessory structures. This request is unique due to the integration of renewable energy infrastructure and the shading conditions that limit effective use of existing roof surfaces.

APPLICATION DATA

OWNER: Roger Harding and Amanda Newman
PURPOSE: A variance from Section 27-305, Table 27-300.4.9 requiring a maximum building coverage of the lot of 40% to allow a maximum lot coverage of 45% in a Mid-Century Neighborhood Residential (N2) zone
LEGAL DESCRIPTION: Lots 37-38, Block 16 of KOBER SUBD 3RD FILING, S36, T01 N, R25 E
ADDRESS: 1816 Avenue C
SIZE OF PARCEL: 7,000 Sq. Ft
ZONING: N2 - Mid-Century Neighborhood
EXISTING LAND USE: Residential
PROPOSED LAND USE: Residential

SURROUNDING ZONING AND LAND USE

NORTH: Zoning: N2 - Mid-Century Neighborhood
Land Use: Residential
SOUTH: Zoning: N2 - Mid-Century Neighborhood
Land Use: Residential
EAST: Zoning: N2 - Mid-Century Neighborhood
Land Use: Residential
WEST: Zoning: N2 - Mid-Century Neighborhood
Land Use: Residential

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;
- Approve the requested variance with different or added conditions, or no conditions;
- Deny the requested variance and amend the findings of fact for the criteria;
- Allow the applicant to withdraw the variance request; or
- Delay action on the variance to a future BOA meeting.

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.

The subject property is a standard residential lot developed with a single-family dwelling and detached garage. While the lot itself is similar in size and shape to others in the district, site-specific conditions limit its ability to accommodate a functional solar energy system. The detached garage roof, which would otherwise provide an ideal south-facing surface for solar, is heavily shaded by large mature trees located on adjacent properties as well as by utility poles and overhead lines. This shading significantly reduces solar access, making panels placed on the garage roof ineffective.

The existing south-facing roof of the dwelling has already been maximized with a small array of panels, but the available surface is insufficient to meet the property's total energy needs. Unlike many other residential lots in the district that can utilize garage or house roofs for adequate solar installations, this property's solar potential is uniquely constrained by neighboring vegetation and utility infrastructure. The proposed pergola mounted array is intended to overcome these shading limitations and provide a viable location for renewable energy generation.

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.

If the zoning code is applied strictly, the applicant would be unable to construct the proposed solar pergola. The intent of the structure is to support a renewable energy system, not to create additional living space or parking area. Many other properties in the district are able to place solar arrays on unshaded house or garage roofs and remain within the forty percent lot coverage standard. The subject property is different in that shading from neighboring trees and overhead utility lines prevents effective use of the garage roof, and the house roof is already maximized with a small solar array.

Currently, the property owners cannot generate solar energy at a level comparable to other lots in the district that have suitable roof space. Granting the request would allow this property to achieve a similar use of renewable energy while maintaining the residential character and appearance of the 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.

Approving this variance would not provide the applicant with a special privilege. The request is limited to allowing a pergola that supports a solar array in order to achieve renewable energy generation. Similar variances for lot coverage have been granted in other neighborhoods where property owners slightly exceeded the maximum to accommodate additions or accessory structures. In this case, the structure is designed for energy production rather than to expand living space, and it will remain consistent with the residential use of the lot.

Other property owners in the district with unshaded roofs are able to install solar systems of similar or greater capacity without the need for a variance. Granting this request simply provides the applicant a comparable opportunity to use renewable energy on their property despite shading conditions that limit roof installations. The approval would not create a special privilege but would maintain consistency with what is commonly available to other lots in the district.

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.

The general purpose of the zoning code is to promote the health, safety, and welfare of the community while ensuring compatible development within residential neighborhoods. The proposed solar pergola maintains the existing residential use of the property and will not alter the character of the neighborhood. The structure is designed for renewable energy generation and outdoor shading, not to create additional living units or intensify use of the lot. Granting this variance will support the applicant's ability to invest in their property while remaining consistent with the surrounding development pattern.

The request is also in harmony with the City of Billings 2016 Growth Policy. The project aligns with essential investments by incorporating sustainable energy infrastructure, reducing reliance on the power grid, and providing resilience during outages. It supports strong neighborhoods by allowing a property improvement that is beneficial to the residents without negatively impacting adjacent properties. It advances prosperity by promoting long-term investment in renewable energy, which can help stabilize household energy costs and support a more sustainable community.

Overall, the variance furthers the intent of the zoning code and Growth Policy by enabling renewable energy development in a manner that complements neighborhood character and community goals.

Section 27-1627.E

1) 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 approval of this variance request.

1. This variance is to allow a maximum building coverage of the lot of 40% to allow a maximum lot coverage of 45% in a Mid-Century Neighborhood Residential (N2) zone. No other variance is intended or implied.
2. This variance is limited to Lot 37-38, Block 16 of Kober Subdivision 3rd Filing, known as 1816 Avenue C.
3. The applicant shall complete the building permit process within one year of Board approval and complete the project within two years of Board approval.
4. The applicant will construct the solar pergola in substantial conformance to the drawings submitted with this variance request.
5. The applicant shall meet all other city code requirements for the proposed addition with the exception of this variance.
6. Construction or demolition activity will not occur prior to 7 am or after 8 pm daily.
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.

2) 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.

If the variance is approved; the property owner shall apply for a building permit to construct the solar pergola within 12 months and complete construction within 24 months.

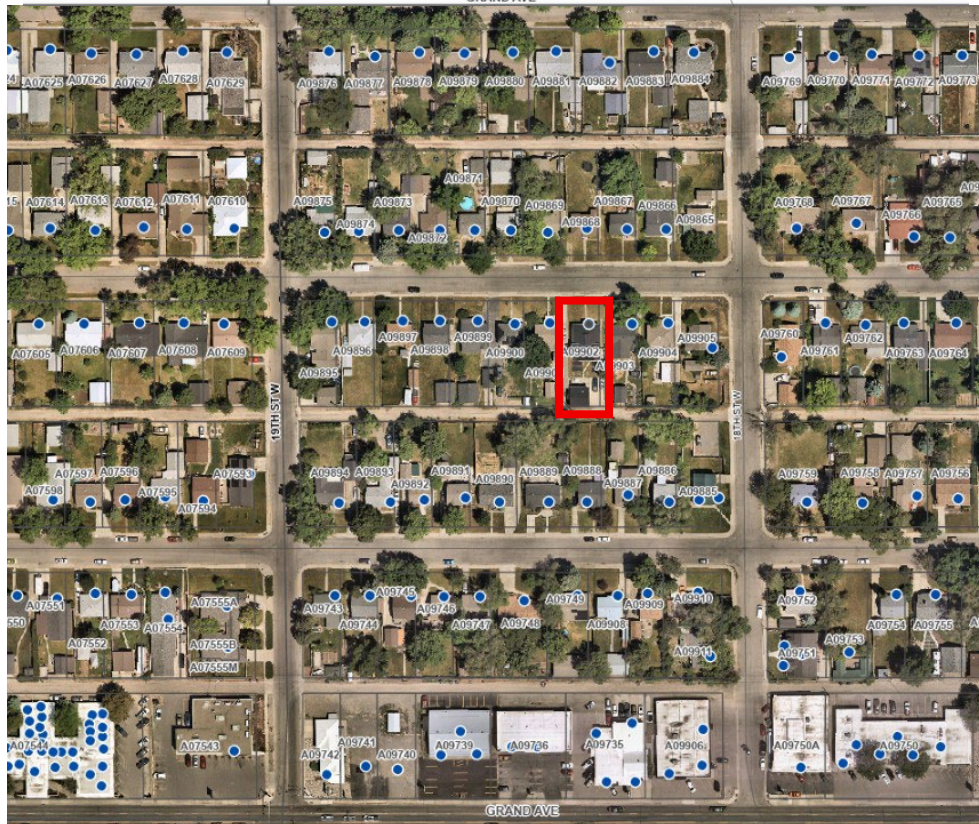
3) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this zoning code in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district.

The granting of this variance would not allow a use that is not already allowed in the zoning district; the N2 district allows for accessory structures.

Attachments

Zoning Map & Site Photos
Chart of Zoning History
Site Plans
Application & Applicant Letter
Photos from Planning Site Visits

Zoning Map and Site Photos





Subject Property



Looking west on Avenue C



Looking east on Avenue C



Looking northwest across Avenue C



Looking northeast on Avenue C

APPLICABLE ZONING HISTORY – 1816 Avenue C

SUBJECT PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
5821 Shooting Star Trail	1354	12/8/2022	Lot coverage variance to allow 41.5% in N3 zone	Y	
1836 Yellowstone Ave	1311	5/7/2020	Lot coverage variance to allow 31% in R-70 zone	Y	
High Sierra Sub	1314	7/30/2020	Lot coverage variance to allow 50% in R-50 zone	Y	
2226 Virginia Ln	1316	7/6/2020	Lot coverage variance to allow 41% in R-96 zone	N	
4749 Gold Creek Trail	1319	10/8/2020	Lot coverage variance to allow 38% in R-96 zone	N	
4302 Ryan Ave	1293	6/9/2019	Lot coverage variance to allow 36% in R-70 zone	Y	
3046 Rosebud Dr	1296	7/3/2019	Lot coverage variance to allow 40% in R-70 zone	Y	
1121 N 32 nd St	1298	8/8/2019	Lot coverage variance to allow 40% in R-70 zone	Y	
5205 Cabernet Ln	1275	3/8/2018	Lot coverage variance to allow 31% in R-96 zone	Y	
1134 Jordan Cir	1278	4/5/2018	Lot coverage variance to allow 31% in R-70 zone	Y	
41 Sunset	1289	11/19/2018	Lot coverage variance to allow 33% in R-96 zone	N	

0 ft 



1816

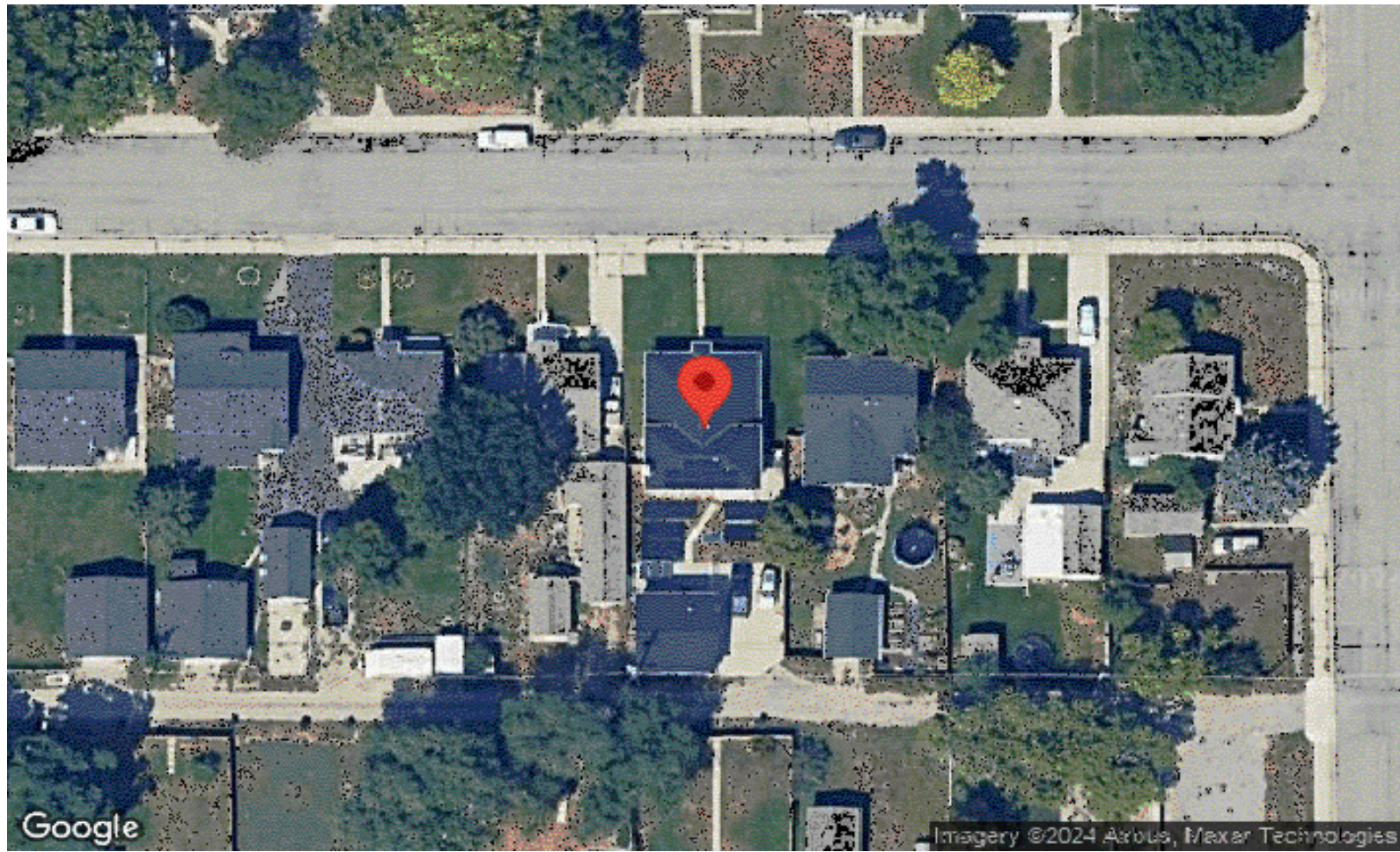
1810







AERIAL IMAGE



SCOPE OF WORK

INSTALLATION OF PERGOLA-MOUNTED UTILITY INTERACTIVE PV SYSTEM
 INSTALLATION OF ENERGY STORAGE SYSTEM

19.68 KW DC & 24.0 KW AC PV SOLAR ARRAY

- PV MODULES - 48 HYPERION SOLAR HY-DH108P8-410(B)
- INVERTER(S) - 2 EG4 18KPV
- BATTERY(IES) - 4 EG4 POWERPRO WALLMOUNT ALLWEATHER LITHIUM BATTERY
- RACKING - CHIKO USA PREMIER STEEL CARPORT/GAZEBO
- ATTACHMENT - METAL BEAMS



A-TEAM ROOFING & SOLAR
 354 SOUTH BILLINGS BLVD,
 BILLINGS, MT 59101

APPLICABLE CODES & STANDARDS

GOVERNING CODES

1. ALL WORK SHALL COMPLY WITH:
 - 1.1. 2020 NATIONAL ELECTRICAL CODE
 - 1.2. 2021 INTERNATIONAL BUILDING CODE
 - 1.3. 2012 INTERNATIONAL FIRE CODE
 - 1.4. 2021 INTERNATIONAL RESIDENTIAL CODE
 - 1.5. 2021 INTERNATIONAL EXISTING BUILDING CODE
 - 1.6. AND ALL OTHER STATE AND LOCAL AMENDMENTS TO BUILDING AND ELECTRICAL CODES

STRUCTURAL CRITERIA

1. WIND EXPOSURE CATEGORY: C
2. WIND SPEED: 110.0 MPH
3. GROUND SNOW LOAD: 30.0 PSF

ELECTRICAL NOTES

1. ALL EQUIPMENT TO BE LISTED BY UL OR OTHER NRTL, AND LABELED FOR ITS APPLICATION
2. ALL RACEWAYS ON ROOFTOPS SHALL BE PLACED MORE THAN 7/8" ABOVE THE ROOFTOP. ALL CONDUCTORS SHALL BE COPPER, RATED FOR 600V AND 90°C WET ENVIRONMENT
3. WIRING, CONDUIT, AND RACEWAYS MOUNTED ON ROOFTOPS SHALL BE ROUTED DIRECTLY TO, AND LOCATED AS CLOSE AS POSSIBLE TO THE NEAREST RIDGE, HIP, OR VALLEY
4. WORKING CLEARANCES AROUND ALL NEW AND EXISTING ELECTRICAL EQUIPMENT SHALL COMPLY WITH NEC 110.26
5. DRAWINGS INDICATE THE GENERAL ARRANGEMENT OF SYSTEMS
6. CONTRACTOR SHALL FURNISH ALL NECESSARY OUTLETS, SUPPORTS, FITTINGS, AND ACCESSORIES TO FULFILL APPLICABLE CODES AND STANDARDS
7. WHERE SIZES OF JUNCTION BOXES, RACEWAYS, AND CONDUCTORS ARE NOT SPECIFIED, THE CONTRACTOR SHALL SIZE THEM ACCORDINGLY
8. ARRAY GROUNDING TO BE INSTALLED PER RACKING MANUFACTURER'S INSTRUCTION
9. ARRAY RACKING TO BE BONDED WITH CONTINUOUS COPPER E.G.C. VIA WEEB LUG OR ILSCO GBL-4DBT LAY-IN LUG
10. THE POLARITY OF THE GROUNDED CONDUCTORS IS NEGATIVE.
11. SURGE PROTECTION REQUIRED PER NEC 230.67

GENERAL NOTES

1. THIS PROJECT INVOLVES THE INSTALLATION OF A GRID-INTERACTIVE PV SYSTEM. PV MODULES WILL BE MOUNTED USING A PRE-ENGINEERED MOUNTING SYSTEM. THE MODULES WILL BE ELECTRICALLY CONNECTED TO THE LOCAL UTILITY USING MEANS AND METHODS CONSISTENT WITH THE RULES ENFORCED BY THE LOCAL UTILITY AND AUTHORITY HAVING JURISDICTION.
2. THIS DOCUMENT HAS BEEN PREPARED TO DESCRIBE THE DESIGN OF A PROPOSED PV SYSTEM WITH ENOUGH DETAIL TO DEMONSTRATE COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS. THE DOCUMENT SHALL NOT BE RELIED UPON AS A SUBSTITUTE FOR FOLLOWING MANUFACTURER INSTALLATION INSTRUCTIONS. THE SYSTEM SHALL COMPLY WITH ALL MANUFACTURER INSTALLATION INSTRUCTIONS, AS WELL AS ALL APPLICABLE CODES. NOTHING IN THIS DOCUMENT SHALL BE INTERPRETED IN A WAY THAT OVERRIDES THEM. THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL DETAILS IN THIS DOCUMENT.
3. THIS DOCUMENT IS BASED ON FIELD INSPECTIONS AND OTHER INFORMATION AVAILABLE AT THE TIME. ACTUAL FIELD CONDITIONS MAY VARY AND REQUIRE MODIFICATIONS IN CONSTRUCTION DETAILS.
4. THE DIMENSIONS AND MEASUREMENTS SHOWN IN THIS DOCUMENT ARE BASED ON AERIAL IMAGERY AND OTHER AVAILABLE INFORMATION, AND ARE TO BE TREATED AS APPROXIMATED TO SHOW A GENERAL IDEA OF EQUIPMENT LOCATION AND PROPERTY SIZE.
5. ANY CHANGES TO THIS DESIGN AT THE TIME OF INSTALLATION DUE TO FIELD CONDITIONS MUST BE REPORTED TO THE DESIGNER AND AHJ.

UTIL - NORTHWESTERN ENERGY
 AHJ - BILLINGS (CITY)
 OCCUPANCY - II
 CONSTRUCTION - SFR
 ZONING - RESIDENTIAL

SHEET INDEX

- PV-1 COVER PAGE
- PV-2 SITE PLAN
- PV-3 ATTACHMENT DETAILS
- PV-4 THREE LINE DIAGRAM
- PV-4B ELECTRICAL PHOTOS
- PV-5 ELECTRICAL LABELS
- PV-5A SITE PHOTOS
- PV-6+ SPEC SHEETS

SCALE NTS	DATE 11.21.2024
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PROJECT INFO
 ROGER HARDING
 1816 AVENUE C
 BILLINGS, MT 59102

SHEET NAME COVER PAGE	SHEET NUMBER PV-1
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SYSTEM RATING

19.68 DC KW

24.0 AC KW

ARRAY INFORMATION

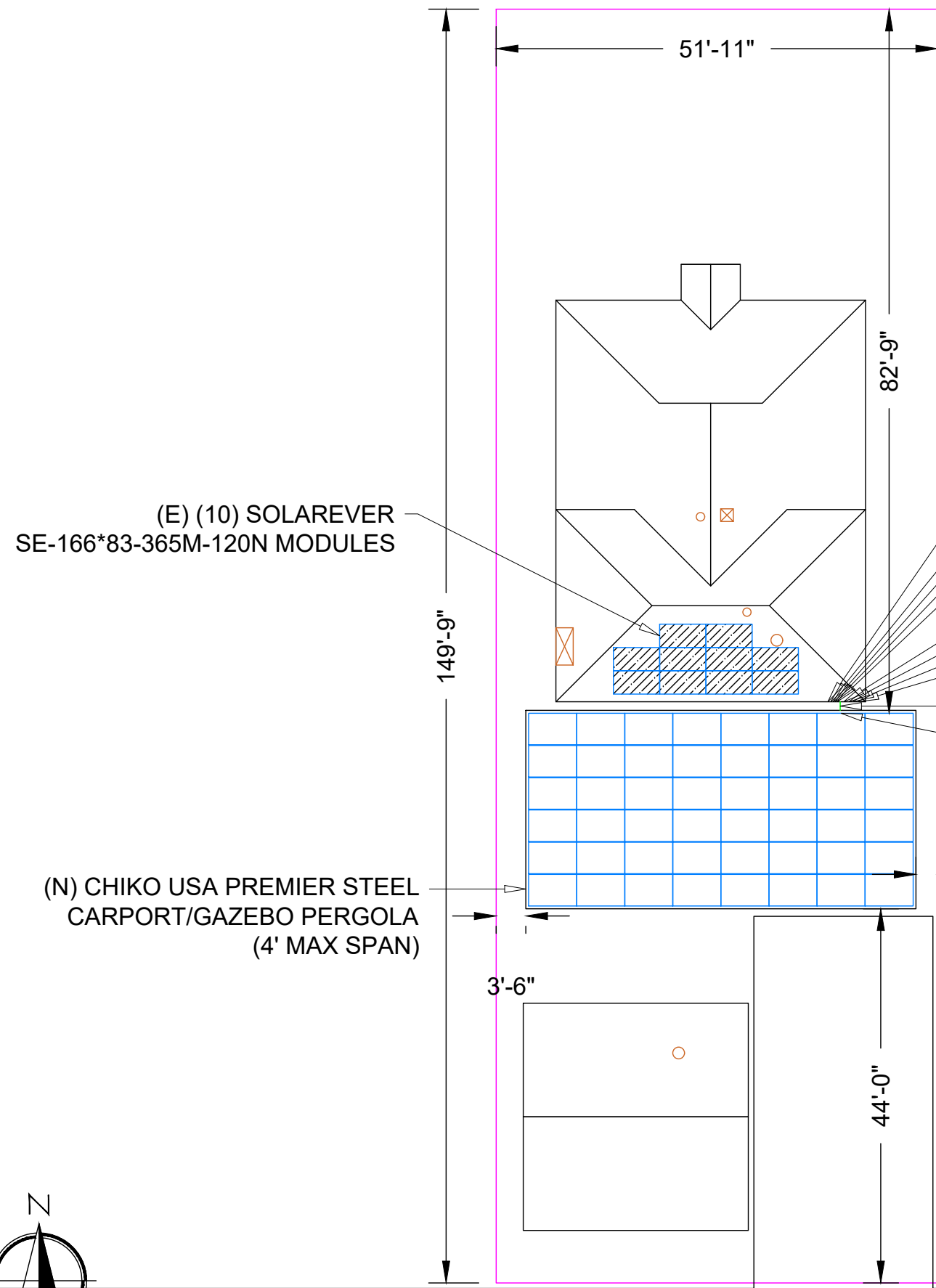
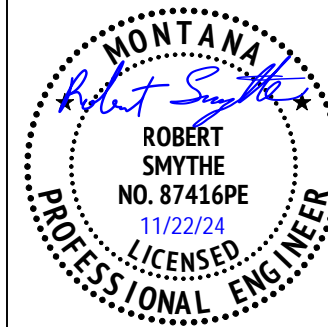
ARRAY SECTION	PANEL COUNT	TILT	AZIMUTH
1	48	5	180

AVENUE C



A-TEAM ROOFING & SOLAR
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BILLINGS, MT 59101

Seal applies exclusively to structural items and excludes all else, including civil and survey information.



(E) (10) SOLAREVER SE-166*83-365M-120N MODULES

(N) CHIKO USA PREMIER STEEL CARPORT/GAZEBO PERGOLA (4' MAX SPAN)

- (N) (4) EG4 POWERPRO WALLMOUNT ALLWEATHER LITHIUM BATTERY ESS
- (N) (2) EG4 18KPV INVERTER
- (N) (2) PV AC COMBINER PANEL
- (N) AUTOMATIC TRANSFER SWITCH
- (N) AC DISCONNECT (EXTERNAL, VISIBLE AND LOCKABLE DISCONNECT WITHIN 10 FEET OF THE UTILITY METER.)
- (E) SOLAREEDGE SE5000H-US INVERTER
- (E) AC DISCONNECT
- (E) MAIN SERVICE PANEL
- (E) UTILITY METER
- (N) ~2' TRENCH | 18" MIN. DEPTH PER NEC TABLE 300.5(A)
- (N) (4) DC DISCONNECT

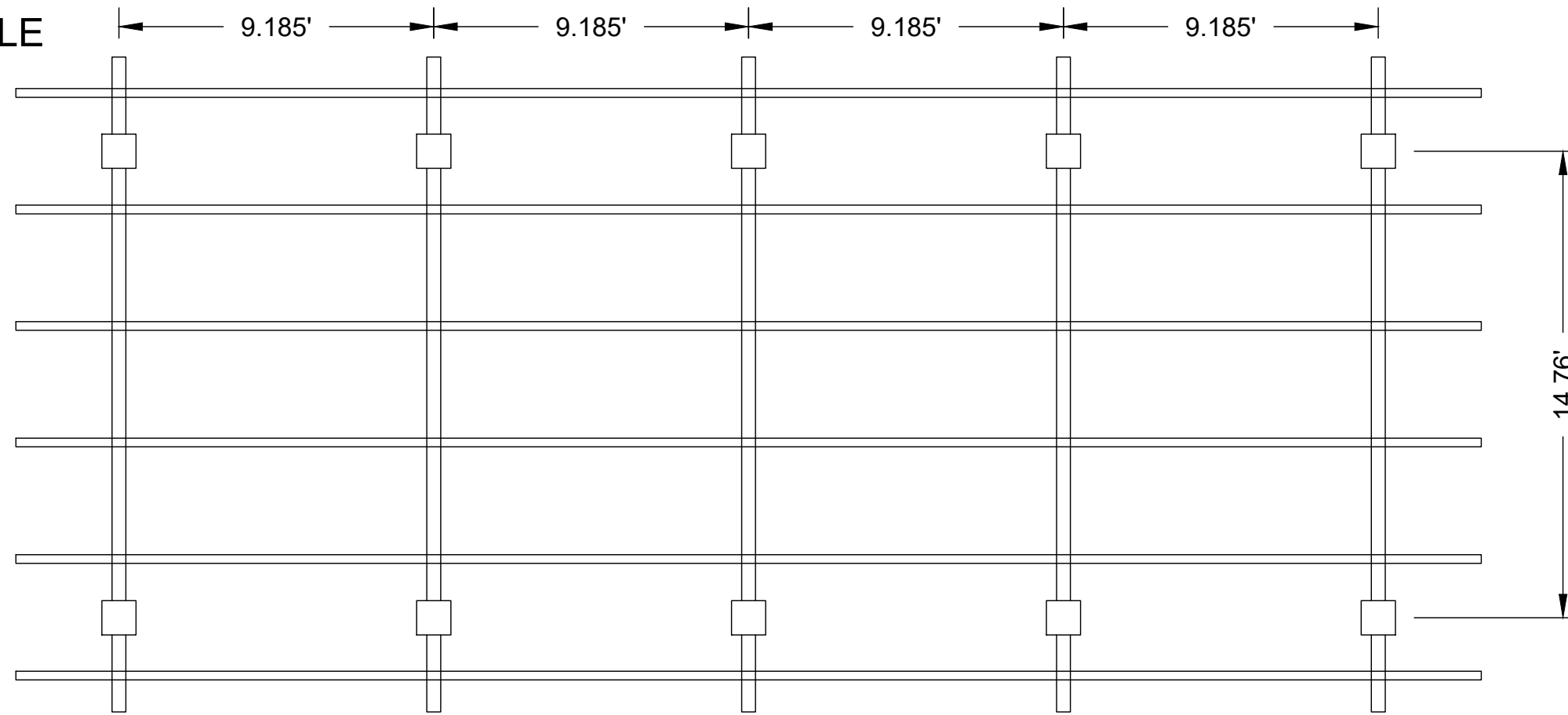
SCALE 1" = 16.39'	DATE 11.21.2024
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PROJECT INFO
ROGER HARDING
1816 AVENUE C
BILLINGS, MT 59102

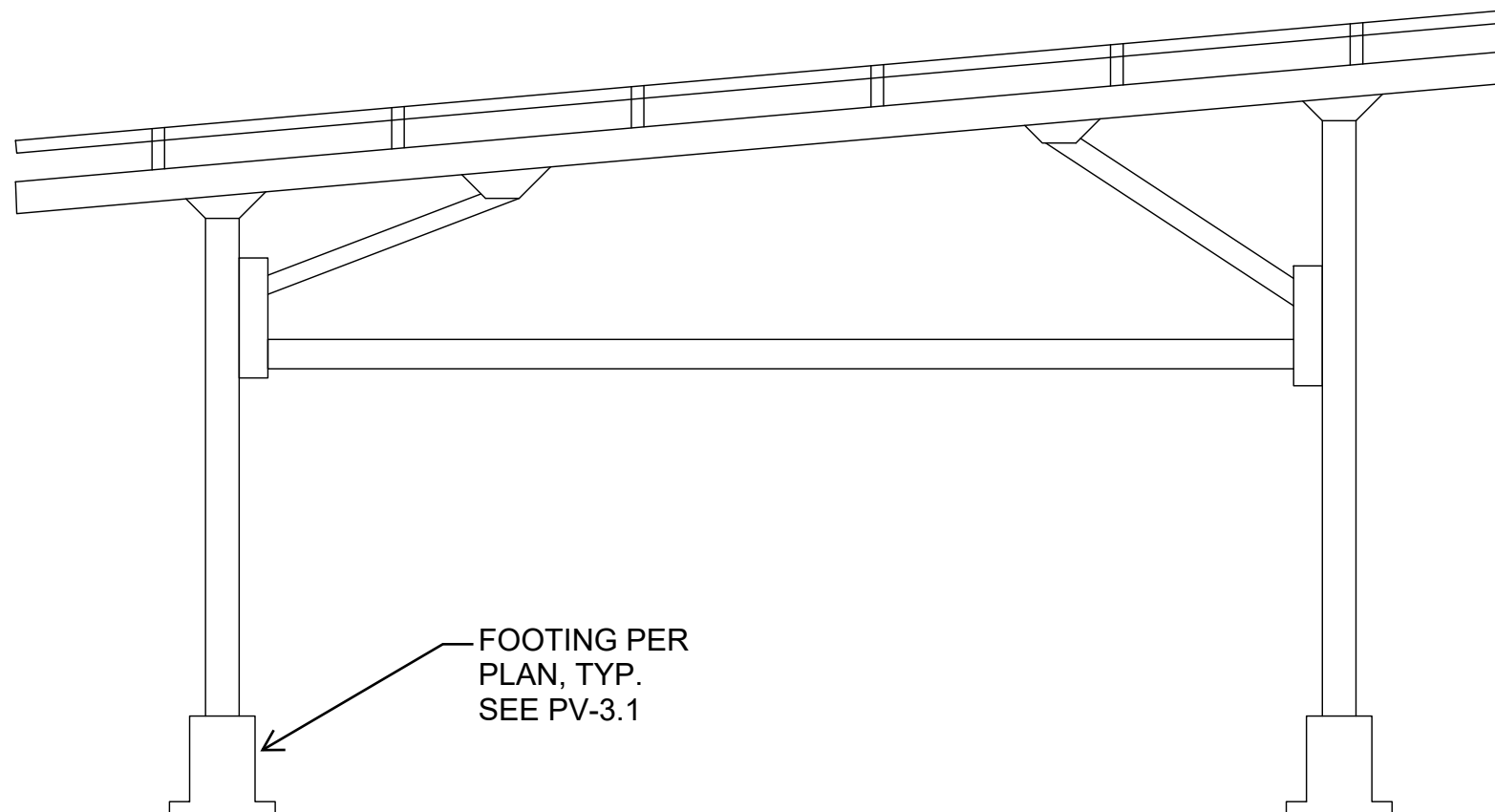
SHEET NAME SITE PLAN	SHEET NUMBER PV-2
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TOP PROFILE



SIDE PROFILE

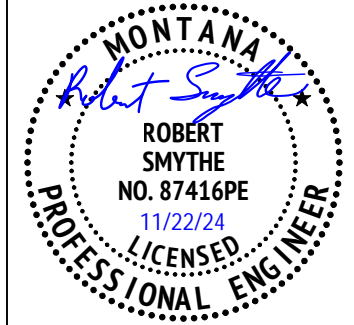


S350 STEEL ZINC ALUMINIUM MAGNESIUM COATED
 TILT ANGLE: 5 DEGREES
 WIND VELOCITY: UP TO 185 MPH
 SNOW LOAD: UP TO 60 PSF



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RACKING & STRUCTURAL INFORMATION

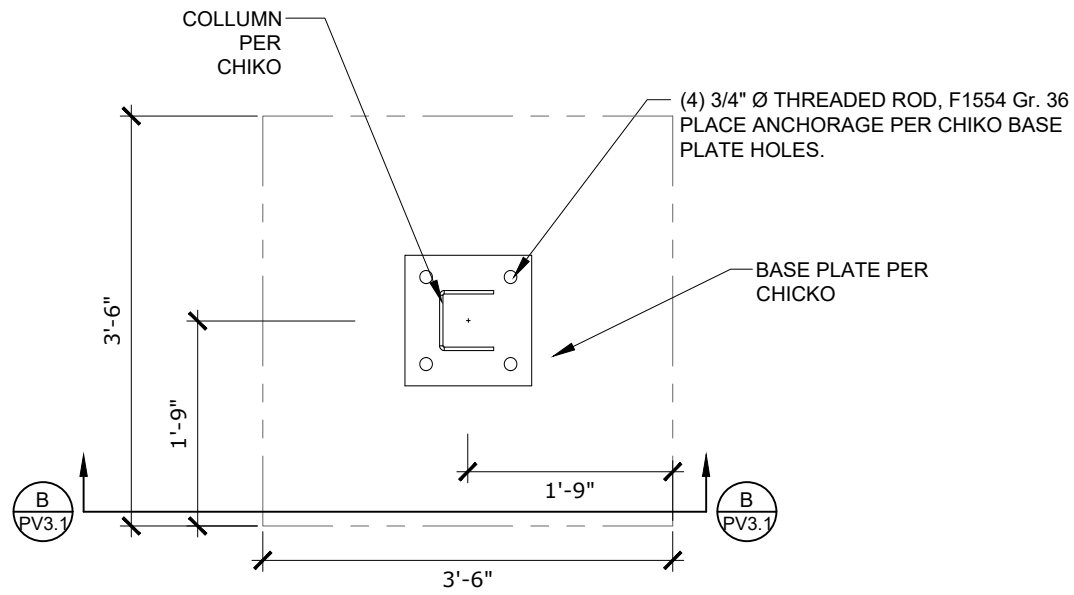
RACKING - CHIKO USA PREMIER STEEL CARPORT/GAZEBO
 ATTACHMENT - METAL BEAMS

SCALE NTS	DATE 11.21.2024
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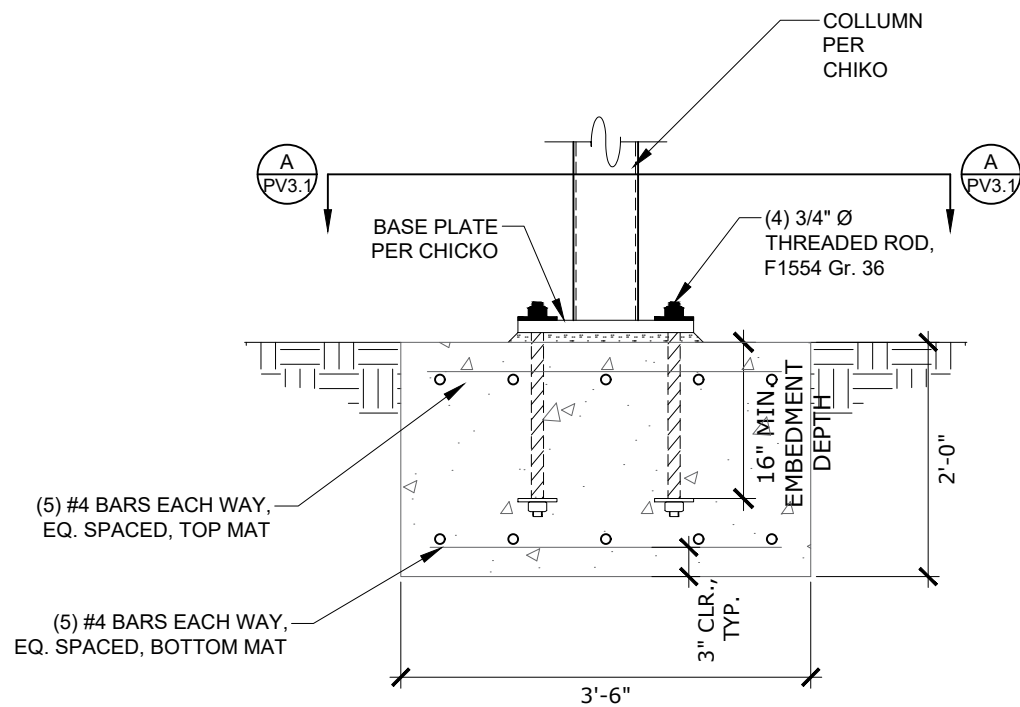
PROJECT INFO	
ROGER HARDING	
1816 AVENUE C BILLINGS, MT 59102	

SHEET NAME ATTACHMENT DETAILS	SHEET NUMBER PV-3
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FOOTING OPTION 1

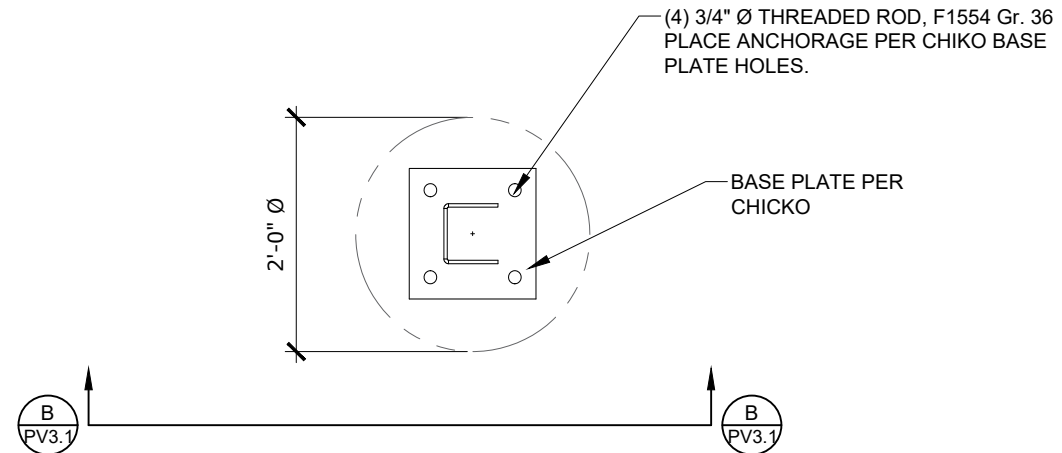


A
PV3.1 **BASE PLATE AND FOOTING PLAN**

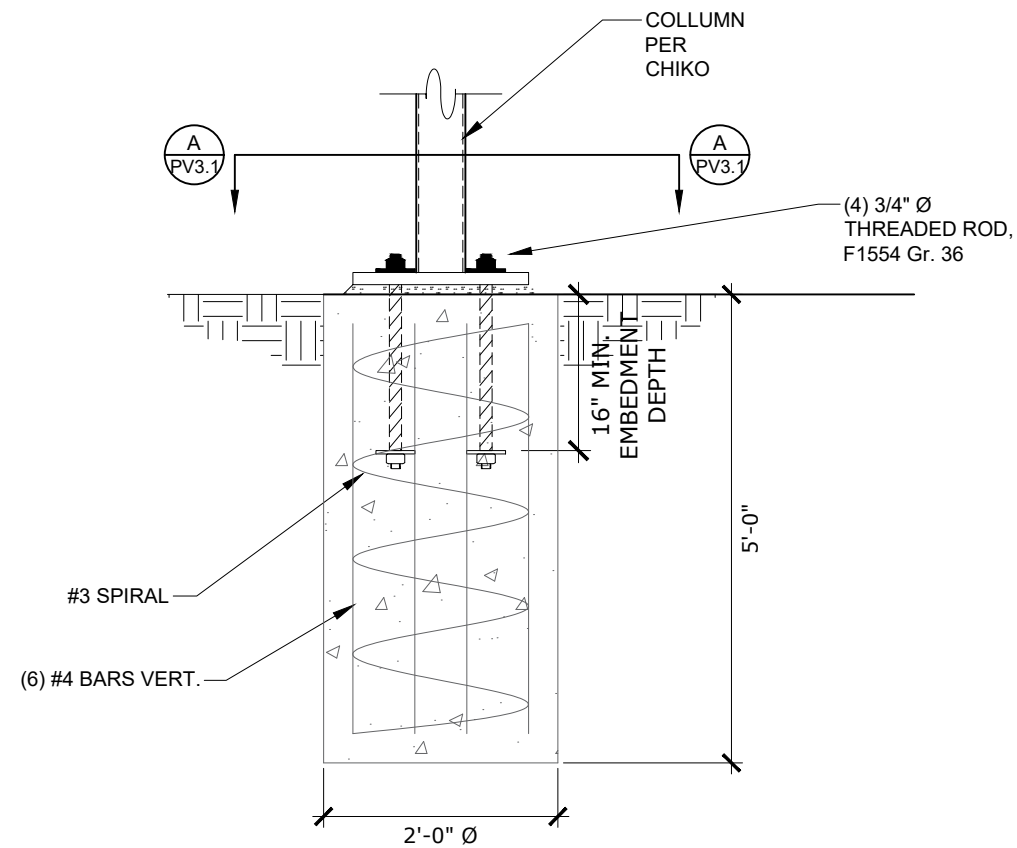


B
PV3.1 **BASE PLATE AND FOOTING SECTION**

FOOTING OPTION 2



A
PV3.1 **BASE PLATE AND FOOTING PLAN**

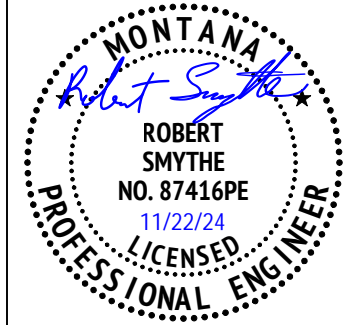


B
PV3.1 **BASE PLATE AND FOOTING SECTION**



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RACKING & STRUCTURAL INFORMATION

RACKING - CHIKO USA PREMIER STEEL CARPORT/GAZEBO ATTACHMENT - METAL BEAMS

SCALE NTS	DATE 11.21.2024
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PROJECT INFO	
ROGER HARDING	
1816 AVENUE C BILLINGS, MT 59102	

SHEET NAME FOUNDATION DETAILS	SHEET NUMBER PV-3.1
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WIRE LEGEND

- PV ARRAY -VE CONDUCTOR AND L1
- PV ARRAY +VE CONDUCTOR AND L2
- NEUTRAL CONDUCTOR
- EGC & GEC

SYSTEM RATING

19.68 DC KW

24.0 AC KW

INVERTER SPECIFICATIONS

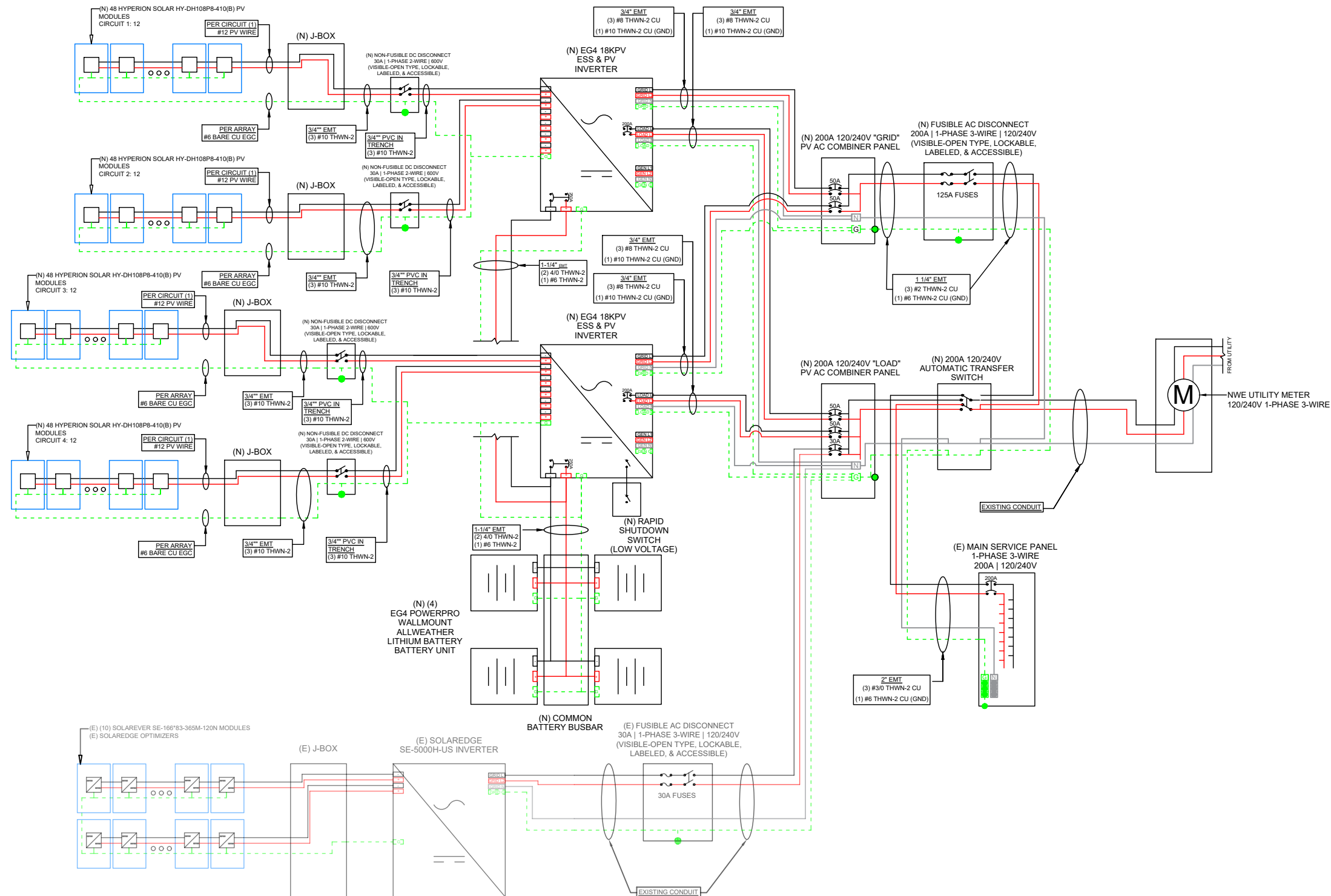
MANUFACTURER/MODEL	EG4 18KPV
MAX INPUT DC POWER	18000 WDC
MAX OUTPUT AC POWER	12000 WAC
NOMINAL OUTPUT VOLTAGE	240.0 VAC
MAX INPUT VOLTAGE	600.0 VDC
MAX OUTPUT CURRENT	50.0 AAC
MAX INPUT CURRENT	25.0 ADC
OUTPUT COMPATIBILITY	1-PHASE 3-WIRE

BILL OF MATERIALS

QTY	EQUIPMENT
48	HYPERION SOLAR HY-DH108P8-410(B) MODULES
2	EG4 18KPV INVERTER(S)
1	200A FUSED AC DISCONNECT
2	AC COMBINER BOX, 240V, NEMA 3R
4	JUNCTION BOX
1	CHIKO USA PREMIER STEEL CARPORT/GAZEBO



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BILLINGS, MT 59101



SCALE NTS	DATE 11.21.2024
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PROJECT INFO	
ROGER HARDING	
1816 AVENUE C BILLINGS, MT 59102	

SHEET NAME LINE DIAGRAM	SHEET NUMBER PV-4
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CITY VARIANCE APPLICATION FORM

CITY VARIANCE : Billings Variance # _____ - Project # _____

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) _____

*** 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)

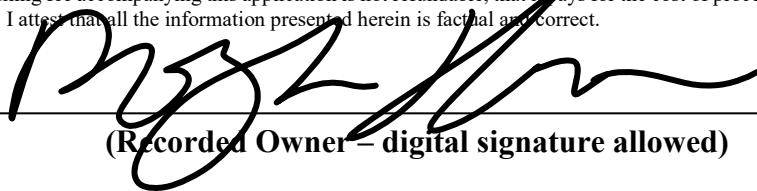
(Phone Number)

(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)



In 2013 when my girlfriend (Amanda Mae Schank Newman) and I were searching for a house, one of our important criteria was a large south facing roof so that we could eventually install solar panels, which had long been one of my goals in home ownership. We found 1816 Avenue C, which has a South facing section of roof on the house, as well as a south facing section on the detached garage that we thought would be perfect for installing solar down the road, so we purchased the property. In 2019 we were finally able to talk to a solar contractor (Big Sky Solar and Wind) who informed me that my garage received too much shade from the utility pole, utility lines, as well as neighboring trees to be a viable installation location for the panels (The shadows are clearly visible in the project file from A Team Solar) so we settled for putting panels only on the south facing roof of the house. These 10 panels reduced our grid power consumption by a significant amount, but they still did not provide enough power to ever zero out our power bill for more than 1 month.

In 2020 we bought our first electric car, a Tesla Model Y, which we loved so much that a year later we bought another one. This naturally raised our energy consumption significantly. Since then I have tried using several temporary solar power systems and portable power stations to try to produce enough power to offset our bill. It has not made a significant dent, with yet again only one month having a surplus of power production.

Our property is laid out with a detached two-car garage in the rear, parallel to the alley; between that garage and the house is a perfect piece of land to install a detached solar array, so I went on the hunt for the perfect ground mounted system to fit our needs. What I found is that most are not suitable, as they sit too low or are at such an angle that our back yard would no longer be of any use to us, and going between the garage and house would be impeded by their design. After A Team Solar and Roofing replaced my roof and siding in 2022, Nate Rodda and I began talking about my solar dilemma, and he recommended the Chiko solar pergola that was also designed to be used as a car port, giving us the elevation we would need to still enjoy our back yard. In September of 2024 we finalized my design requests that would provide a large shaded area to my back yard, as well as enough inverter and battery storage to provide power for our cars as well as our entire home, year-round and in the event of power outages. I wrote them a \$65,000 deposit check to order the equipment, and then started seeking concrete bids for the project. In October Yellowstone Concrete was able to tackle the project and filled our back yard with a 4,000 PSI rebar reinforced concrete slab, leaving 2½ feet on the East and West sides for drainage from the rain and snow melt the pergola would need. A local tree company removed the Juniper tree in my neighbors back yard, at my expense, as the neighbor was very supportive of our project.

Things were going great. Then the bad news came. The city denied our permit, saying that the solar pergola would exceed the 40% roof coverage that I am allowed for my property. That was something I couldn't even wrap my head around, that my pergola was being considered a roof. In my further communication with the city planning department I was told that the pergola also being able to be used as a car port was an issue, and that they believed the pergola could be enclosed to create more indoor area for my property. That is not our intention. Our property has sufficient parking, with a 2 car garage and an additional 2 cars being able to park next to the

garage. What we want is to create our own energy independence, to not be a burden on an increasingly taxed power grid, and to create a shaded area in which our family can enjoy fresh air, have cookouts and entertain family and friends.

We ask that you approve our request for the variance based on the uniqueness of our property, and how unobtrusive the pergola will be to our neighbors. It will hardly be visible from the street, and will be lower than the house and garage, as well as being of all black construction with black on black bu-facial solar panels. It will be attractive to look at.

Please help us to fulfill our dream of personal energy independence.

Signed,
Amanda Mae Schank Newman

Amanda Mae Schank Newman

and,
Roger Wayne Harding

Roger Harding

On July 30th 3025.

PHOTOS TAKEN AT NOON BY THE PLANNING DIVISION



PHOTOS TAKEN AT NOON BY THE PLANNING DIVISION



PHOTOS TAKEN AT 5PM
BY THE PLANNING DIVISION

