



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 on Non-Agenda Items: Any member of the Public may be heard on any subject that is not on the agenda. Comments are limited to 3 minutes. You may only speak once. The board will not take action on these items at this time.

Approval of Minutes:

Meeting Minutes: July 2, 2025 & September 3, 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 the rules and procedures by which the Public Hearings will be conducted. Members of the public may provide input on matters before the Board by addressing the Board directly, stating their name and address prior to commenting, and explaining how they will be affected by the decision and why that consequence is significant.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **City Variance 1385 -- 5502 Grand Ave-- Build to Zone** - A variance from 27-407 Table 27-400-4.A.1-- Build to corner required; 27-400-4.A.4--Front lot line coverage of 90%; 27-400-4.A.5 --Front build to zone of 5-20 feet; 27-400-4.A.6 --Street Side Build to zone 5-20 feet; In the Neighborhood Mixed Use (NMU) zone to allow relief from the build to corner requirement in it's entirety, allow relief from the 90% front lot line coverage to be within the requested 75 foot Front Build to zone, allow a front build-to zone of 75 feet from the property line adjacent to Chy Way frontage, and allow relief from the Street Side Build to zone to allow 35 feet from the existing easement along Grand Avenue, on MK SUB, BLOCK 1, Lot 3, 8), a 1.53 acre parcel of land. Tax ID: A31805B

- b. **City Variance 1386-- 3320 Poly Drive** -- Allow a detached accessory structure in the front yard - A variance from Section 27-305, Table 27-300.4 -- A.7 (Rear Yard Location for Accessory Building) in a Suburban Neighborhood (N3) zone, on C.O.S. 67, PARCEL 2B, & 2C 2ND AMD(AKA MONSMA ACRES), an 23,501square foot parcel of land. The purpose of the variance is to allow construction of a detached garage on the front of the lot. Tax ID: A11055

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: 10/01/2025
Title:
Presented by:
Department: Planning & Community Services
Presentation:

Information

RECOMMENDATION

The minutes of the Board meeting of July 2, 2025 & September 3, 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
Minutes of September 3, 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

City Board of Adjustment

WEDNESDAY, SEPTEMBER 3, 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	-	1				
Oscar Heinrich	Member	1	1	-	-	A	V	1	-	1				
George Warmer	Member	1	1	-	-	1	A	1	-	1				
Michael Bruschwein	Vice Chair	1	A	-	-	1	1	1	-	A				
Chris Hayes	Member	1	1	-	-	1	1	1	-	1				
Dave Hagstrom	Member	1	1	-	-	1	1	1	-	A				
Brian Roush	Member	1	1	-	-	1	1	A	-	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	-	1				7
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:

Karen Husman, Zoning Coordinator; Tate Johnson, Neighborhood Planner; Makayla Paul, Planner I; Brenda Berns, Planning Clerk

Participants: Roger Harding, Applicant; Nate Rodda, A-Team Roofing & Solar

Public Comment

Approval of Meeting Minutes - July 2, 2025

The Board delayed approval of the meeting minutes until the next meeting.

Disclosure of Ex Parte Communication – Board members and Staff

Disclosure of Ex Parte Communications – None

Disclosure of Site Visits – Board member Heinrich

Disclosure of Conflict of Interest – None

Public Hearing:

Chairman Sayer opened the Public Hearing.

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

Tate Johnson gave a brief overview of the subject property and variance request. Ms. Johnson stated the variance is solely for solar energy generation.

Planning Staff is recommending conditional approval 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.

Shading from trees and utility lines prevents/limits solar use on roofs, making a pergola necessary.

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

Without flexibility, the owners cannot generate solar power like others in the district

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

This only allows renewable energy generation comparable to what neighbors already enjoy

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

Will maintain compatibility with surrounding uses and development in the area.

5) In granting the variance the BOA may impose appropriate conditions. Planning staff recommends the following conditions:

1. The variance is to allow a maximum building coverage of 45%
2. The variance is limited to this legally described lot.
3. The applicant will obtain a building permit within 1 year, and complete project in 2 years.
4. Substantial conformance to the submitted site plans
5. Shall meet all other City code requirements
6. Construction or demo may only occur between 7 am and 8 pm
7. Failure to begin or complete within time periods will void the variance.
8. These conditions of variance approval shall run with the land

6) A time limit for action on the variance shall be prescribed.
See condition 3 above.

7) No variance may allow a use not otherwise allowed or be inconsistent with other limits on uses in the district.
The proposed use an accessory structure, which is an allowed use within the N2 zone.

Recommendation

Planning staff are recommending conditional approval based on draft findings of the review criteria for variances provided in the staff report.

Discussion

The Board held a general discussion regarding the proposed solar installation. Topics included roof compatibility, zoning requirements for setbacks and structure type, and clarification that the structure would not be used as a carport or gazebo. The discussion also addressed the feasibility of generating sufficient solar energy given site conditions.

Applicant: Roger Harding 1816 Avenue C; Mr. Harding shared information about site constraints, energy needs, and the intended use of the structure. Overall, the discussion focused on technical, zoning, and practical considerations related to the project.

Nate Rodda, A-Team Roofing & Solar 2671 Gabel Road; Mr. Rodda stated that the size of the structure would not provide adequate space to park a vehicle, nor was that its intent or purpose. The variance is required due to shading on the property that necessitates a separate solar structure. He noted that the structure would not be visible from the street and that its crest would remain below the second-story windows of the residence. The installation will generate a maximum of 25 kw, which is sufficient for residential use. No opposing ex parte communications were reported, and the information presented supported approval of the variance.

Chairman Sayer closed the public hearing.

Motion

Motion made by Board member Warmer, seconded by Board member Hayes to approve Variance 1384 with staff recommendations and findings of fact. The vote was unanimous; Variance 1384 is approved.

Other Business

No other business items were presented.

ADJOURNMENT: The meeting adjourned at 4:58PM.

Brenda J Berns, Planning Clerk

Board of Adjustment

Date: 10/01/2025
Title: City Variance 1385 " 5502 Grand Ave " Build to Zone
Presented by: Tate Johnson, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends conditional approval of the variance from 27-407 Table 27-400-4.A.1-- Build to corner required; 27-400-4.A.4 --Front lot line coverage of 90%; 27-400-4.A.5 --Front build to zone of 5-20 feet; 27-400-4.A.6 -- Street Side Build to zone 5-20 feet; In the Neighborhood Mixed Use (NMU) zone to allow relief from the build to corner requirement in it's entirety, allow relief from the 90% front lot line coverage to be within the requested 75 foot Front Build to zone, allow a front build-to zone of 75 feet from the property line adjacent to Chy Way frontage, and allow relief from the Street Side Build to zone to allow 35 feet from the existing easement along Grand Avenue.

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

This is a variance request from Section 27-407, Table 27-400.3 of the Billings Zoning Code for a parcel zoned Neighborhood Mixed Use (NMU), located at 5502 Grand Avenue (Lot 3, Block 1, MK Subdivision). The applicant, Western Security Bank, proposes to construct a new bank branch with drive-through services on the 1.53-acre parcel.

The requested variance is to allow relief from the NMU requirements for minimum front lot line coverage, the front build-to zone, the street-side build-to zone, and the build-to corner requirement. The applicant has stated that these standards cannot be met due to the operational needs of a financial institution with drive-through services and the site's circulation and frontage configuration. To function safely and effectively, the building must be set back farther than the required build-to zones, and it cannot achieve the ninety percent front lot line coverage without significantly increasing the size of the structure.

The subject property is currently vacant but is surrounded by a mix of commercial and undeveloped parcels. To the east is the Den Sports Bar, while land to the north and west remains undeveloped. The parcel has approximately 219 feet of frontage along Grand Avenue and 306 feet of depth. This location on the growing west end of Billings provides visibility and access to a developing residential and commercial area.

Nearby properties along Grand Avenue include a mix of restaurants, small-scale retail, and professional offices, many of which have site and circulation layouts that differ from the NMU pedestrian-oriented design standards. Several other variances in the City have been granted for similar circumstances where site conditions or operational needs limited compliance with the strict build-to and frontage requirements.

This variance request seeks flexibility in building placement while still achieving the intent of the NMU district through pedestrian connections, landscaping, and quality building design.

APPLICATION DATA

OWNERS: Western Security Bank
PURPOSE: New Bank
LEGAL DESCRIPTION: MK SUB, S31, T01 N, R25 E, BLOCK 1, Lot 3, (08) ANNEX - 07-18533 (08)
ADDRESS: 5502 Grand Ave
EXISTING LAND USE: Vacant
PROPOSED LAND USE: Bank with Drive Through Services
EXISTING ZONING: NMU - Neighborhood Mixed Use

CONCURRENT APPLICATIONS

None

SURROUNDING ZONING & LAND USE

NORTH: Zoning: PUD - Planned Unit Development
Land Use: Vacant
SOUTH: Zoning: N3 - Suburban Neighborhood
Land Use: Residential

EAST: Zoning: CMU2 - Corridor Mixed Use 2

Land Use: Commercial

WEST: Zoning: A - Agriculture

Land Use: Agriculture

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 at 5502 Grand Avenue is zoned Neighborhood Mixed-Use (NMU) and is proposed for development as a new bank with drive-through services. The NMU standards for front lot line coverage and build-to zones are intended for pedestrian-oriented retail or office uses. Applying them literally on this parcel would prevent safe vehicle queuing and circulation, reduce the functionality of the pedestrian entry plaza, and restrict space for required landscaping.

Because of the site's size, frontage configuration, and the operational needs of a bank branch, the building cannot reasonably meet all of the placement standards without creating safety or design conflicts. These conditions are peculiar to this property and use and are not generally experienced by other NMU parcels that do not require drive-through access. The hardship is not self-imposed but results from the combination of the zoning standards and the unique circulation requirements of the proposed use.

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.

A strict application of the NMU standards would require the building to meet 90 percent front lot line coverage and remain within the 5 to 20 foot build to zones. For a bank use, this would eliminate adequate drive through queuing and circulation space and create conflicts with pedestrian access and landscaping areas.

Other properties in the district are able to develop in ways that fit their use types, many of which do not require drive throughs. Denying flexibility here would deprive the applicant of the ability to reasonably operate a bank at this location, an allowed use in the district, while other tracts are able to accommodate their uses without facing the same conflict between building placement and operational safety.

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 would not create a special privilege for the applicant. Other properties in the district have received variances when unique site or use conditions limited their ability to meet all placement standards. In this case, the variance allows the bank to function safely and effectively while still meeting the broader goals of the NMU district, such as providing pedestrian access and quality site design.

The request does not allow a use that is otherwise prohibited, but only provides flexibility in building placement to accommodate circulation needs. This ensures the applicant is treated comparably to other landowners in the district who have faced similar hardships.

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.

Essential Investments

- Infill development and development near existing City infrastructure may be the most cost effective.

The proposed bank represents infill development within city limits on a parcel already served by infrastructure. This makes efficient use of public investment and supports cost-effective growth.

Strong Neighborhoods

- Neighborhoods that are safe and attractive and provide essential services are much desired.

The bank branch will provide financial services to a growing neighborhood on the west end, reducing travel distances for residents and businesses and contributing to the stability and convenience of the area.

Prosperity

- Successful businesses that provide local jobs benefit the community.

The new branch will create jobs, strengthen the local economy, and support surrounding small businesses by expanding access to financial services.

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 several conditions for the variance request:

1. This approval is limited to the requested variance from NMU zoning requirements for minimum front lot line coverage, front build-to zone, street-side build-to zone, and build-to corner requirements as depicted on the submitted site plan. No other variance is intended or implied.
2. The variance is limited to Lot 3, Block 1, MK Subdivision, generally located at 5502 Grand Avenue.
3. The applicant shall apply for and receive approval of a building permit within 1 year of Board approval and complete construction within 2 years of Board approval. Failure to meet these deadlines will void the variance.
4. Construction activity shall not occur before 7 a.m. or after 8 p.m. daily.
5. The structure will be built in substantial conformance to the drawings submitted with this variance request. Minor modifications to the location of the proposed structures and other site improvements as shown on the submitted site plans are allowed.
6. The applicant shall meet all other city code requirements in place at the time of construction except for the variance granted herein.
7. 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, leaseholders, 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. The applicant will submit and obtain a building permit within 1 year and have it completed within 2 years of BOA approval.

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 requested variance does not involve a use variance and does not propose a use that is prohibited in the NMU - Neighborhood Mixed Use zoning district. The proposed financial institution is a permitted use in this district.

Attachments

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

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 # A31805B CITY ELECTION WARD # 4

Legal Description of Property: MK SUB, S31, T01 N, R25 E, BLOCK 1, Lot 3, (08) ANNEX - 07-18533 (08)

Address or General Location (If unknown, contact City Engineering): _____
5502 Grand Avenue, Billings, Mt. 59106

Zoning Classification: NMU Neighborhood Mixed Use

Size of Parcel (Area & Dimensions): 1.53 Acres (219' x 306')

Variance(s) Requested: Minimum Front Lot Line Coverage, Front Build-To Zone, Street-Side Build-To Zone, Build-To Corner Requirements

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): Western Security Bank
(Recorded Owner)
2812 1st Avenue North, Billings, Mt 59101
(Address)
406-371-8200 Mjdevener@westernsecuritybank.com
(Phone Number) (email)

Agent(s): Stephanie Donovan, A&E Design
(Name)
124 N. 29th Street, Billings, Mt 59101
(Address)
248-2633 sdonovan@ae.design
(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: Mary Jo Devener Date: 8/1/2025
(Recorded Owner – digital signature allowed)



What can we
help you create?

A&E Design

124 N 29th ST, Suite 100

Billings, MT 59101

406.248.2633

sdonovan@ae.design

August 1, 2025

Daniel Brooks

Chairperson, City Zoning Commission

City Hall, 5th Floor

316 N. 26th St.

Billings, MT 59101

Subject: Variance Application for Proposed Bank Branch

Dear Daniel Brooks,

I am writing on behalf of Western Security Bank in support of our variance application for the development of a new bank branch at 5502 Grand Avenue in Billings, Montana. The property is currently zoned Neighborhood Mixed Use (NMU). In order to accommodate standard bank operations—particularly building orientation and vehicle queuing for drive-through services—we respectfully request a variance from several NMU zoning requirements related to building placement.

Existing Conditions and Context

The subject property is a vacant parcel located on the west end of Billings, in an area that is experiencing significant residential and commercial growth. Immediately east of the proposed bank is the Den Sports Bar, while the properties to the north and west are currently undeveloped. Other nearby properties include a mix of residential, professional offices, and small-scale commercial uses, all consistent with the intent of the NMU district. As Billings continues to expand westward, there is a growing need for essential services to support new development. This property offers a logical and timely opportunity to serve the community by enhancing access to financial services in a location where they are currently limited.

Need for the Bank Branch

Western Security Bank is committed to maintaining a citywide presence to ensure convenient access to financial services across Billings. Establishing a branch at this location allows us to serve a growing customer base on the west end that currently travels substantial distances to reach in-person banking. Our market analysis confirms that the area is underserved, and this site is ideally situated for visibility, accessibility, and proximity to our target clientele. In addition to supporting personal banking needs, this location will serve small businesses and professional clients, further contributing to the neighborhood's economic strength and vitality.

Why the Variance is Required

The requested variance is necessary because the proposed site layout does not comply with four specific requirements of the NMU zoning code (Sec. 27-407, NMU District):



What can we
help you create?

1. *Minimum Front Lot Line Coverage (90%)* – The proposed building does not meet the required 90% front lot line coverage. Achieving this would require a significantly larger structure, which is not feasible for the bank’s operations and programming. Instead, the building is positioned to ensure safe vehicle circulation and adequate queuing space—core functions of a drive-through banking facility.
2. *Front Build-To Zone (5–20 feet)* – Due to necessary circulation and site constraints, the building sits outside of the required front build-to zone. Even with single-loaded parking and an expanded build-to zone of 5 to 45 feet, the requirement still cannot be met. Placing the building just 5 feet from the parking lot would reduce the comfort of the pedestrian entry plaza, and placing parking against an easement would allow for no root space for street trees.
3. *Street-Side Build-To Zone (5–20 feet)* – The building also falls outside this required zone along the street-side frontage due to queuing needs, drive-through access, and internal site traffic flow.
4. *Build-To Corner Requirement* – Because the building does not meet the front or street-side build-to zones, it cannot meet the build-to corner requirement.

These conditions create a practical hardship when applying the code as written. Full compliance would compromise customer safety, comfort, accessibility, and the essential operational layout of the bank. The NMU zoning is generally intended for pedestrian-oriented commercial uses without drive-throughs, which do not align with the operational needs of financial institutions. We are not seeking a special privilege, but rather a reasonable and minimal variance that will allow the site to function comparably to other bank locations across Billings. The project will still meet the broader goals of the NMU district by incorporating pedestrian access, high-quality landscaping, and an attractive, context-sensitive building design.

Compliance with the Growth Policy

The proposed bank branch supports the 2016 Billings Growth Policy by promoting infill development within city limits in an area with existing infrastructure. This makes it a fiscally responsible and strategic investment. The project contributes to strong neighborhoods by providing essential financial services where demand is growing. It also supports the policy’s mobility and access goals through a safe, accessible site layout and supports local economic growth by creating jobs and helping businesses. Thoughtful landscaping and building placement enhance the area’s visual appeal, aligning with the City’s long-term vision for livable and well-designed neighborhoods.

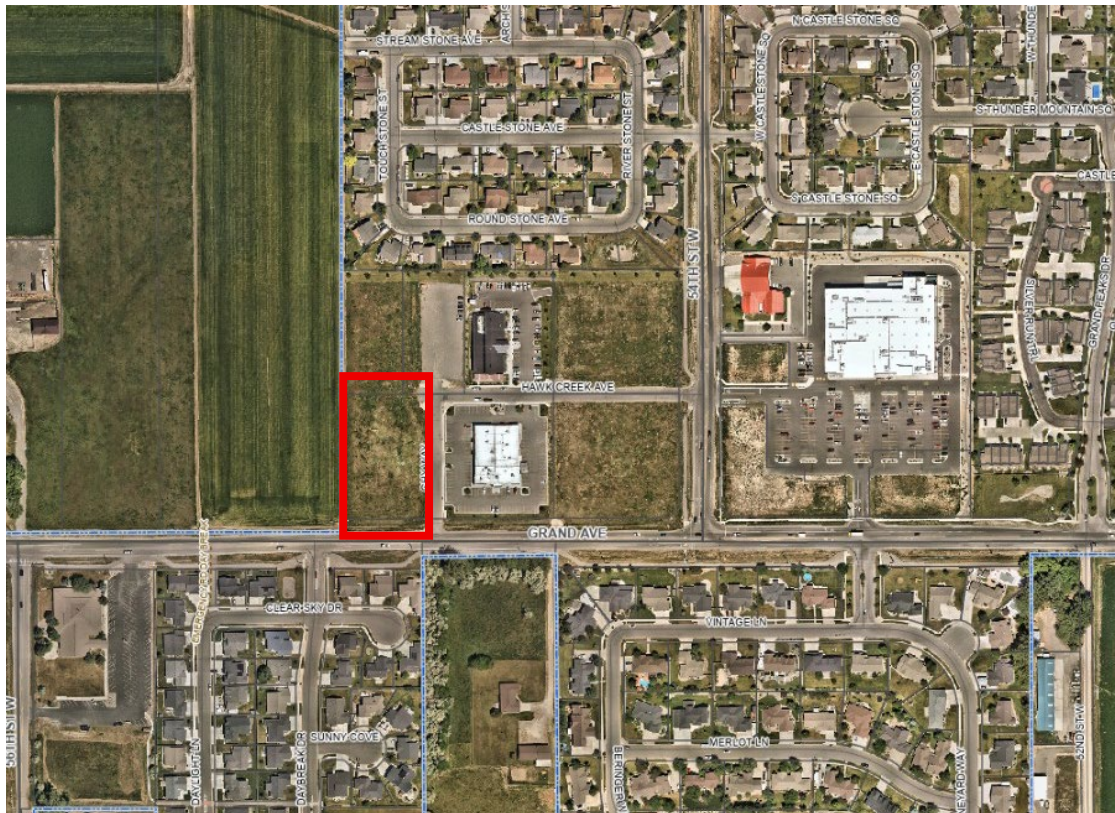
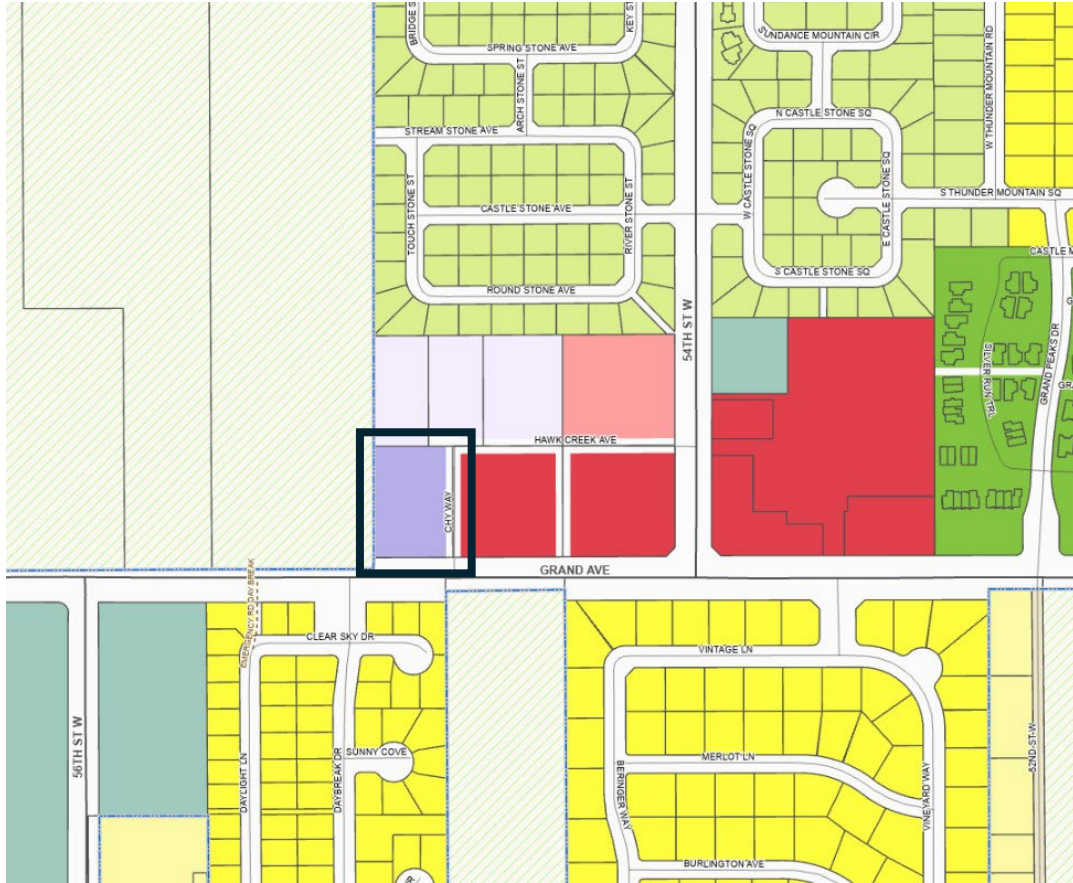
We respectfully request your consideration and approval of this application. Western Security Bank looks forward to supporting the growth and evolving service needs of the west end community.

Sincerely,

Stephanie Donovan
Landscape Architect
A&E Design

Enclosure: Variance Application

Variance 1385
Zoning Map & Site Photos



Variance 1385
Zoning Map & Site Photos



Subject Property looking south



Looking north

Variance 1385
Zoning Map & Site Photos



Looking east

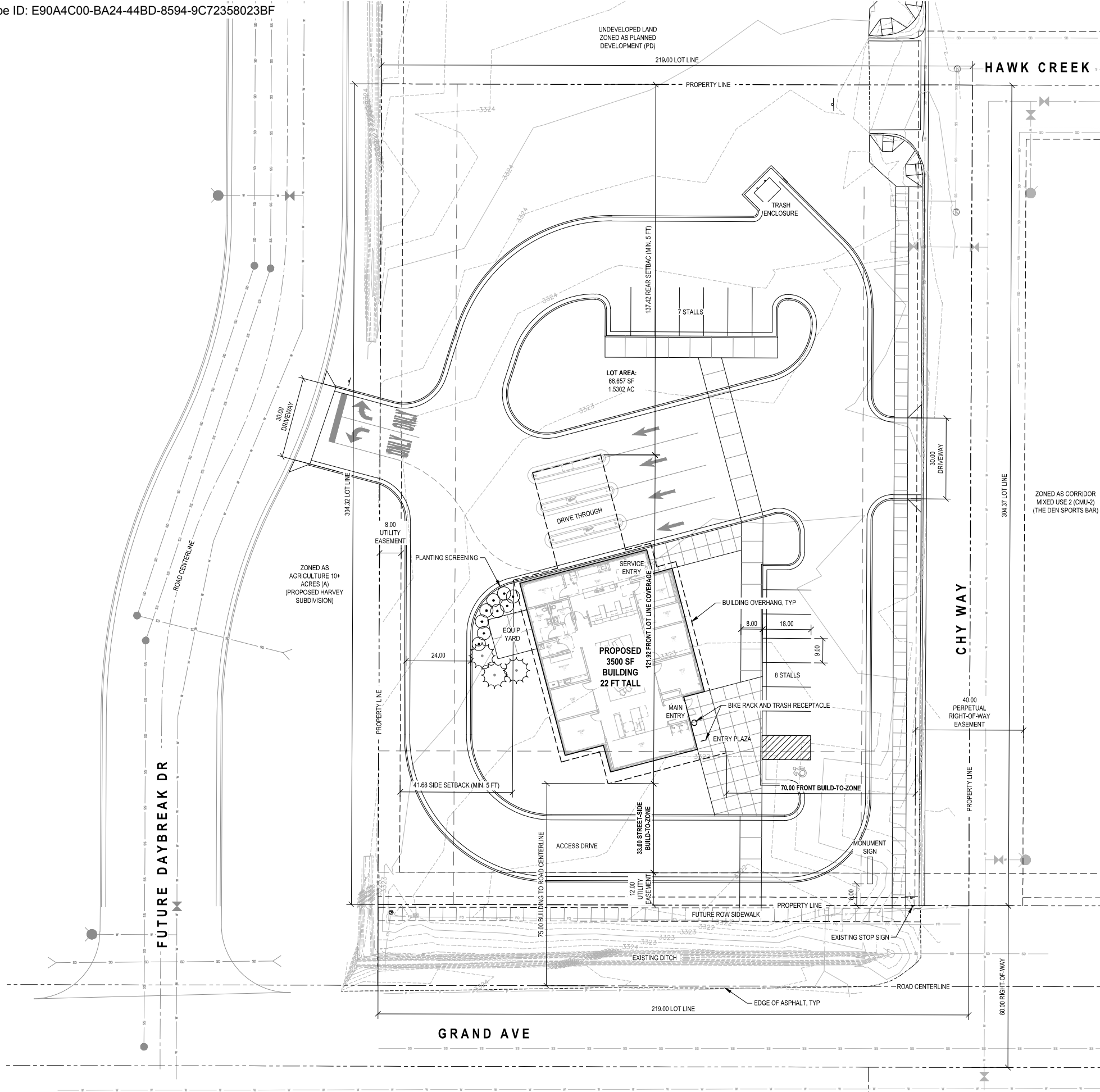


Looking south

Variance 1385
Zoning Map & Site Photos



Looking west



HARDSCAPE LEGEND

- CONCRETE CONTRACTION JOINTS
- SFURN-1: BIKE RACK
- SFURN-2: TRASH RECEPTACLE

SITE PLAN
 sheet
GRAND AVENUE BRANCH
 project
 owner WESTERN SECURITY BANK

project # **25113**
 revision _____ date _____

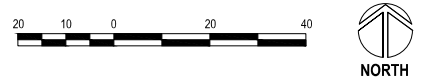
phase
VARIANCE APPLICATION



issue date
08.01.2025

L1.1

1 SITE PLAN
 1" = 20'-0"



P:\25113\01\Drawings & Models\AutoCAD\Land\Arch\25113_Prelim.dwg Jul 29, 2025 - 3:41 pm

APPLICABLE ZONING HISTORY – 5502 Grand Ave

SUBJECT PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Intersection of Santiago Blvd and Blue Creek Rd	1331	4/28/2021	Front Build-To zone of 5 to 20 feet to allow an 80-foot setback from the front property line	Y	
3032 King Ave W	1350	10/7/2022	requiring a minimum of 50% of the front lot line to be covered by a building façade to allow 30% front lot line coverage	Y	
4825 Midland Rd	1360	3/2/2023	Maximum Build-to Range, Minimum Front Lot Line Coverage, Location of Surface Parking, Window and Door Coverage on the Ground Story Front Façade	Y	
807 Bench Blvd	1362	3/2/2023	Maximum Build-to Range, Minimum Front Lot Line Coverage (a greater setback than the maximum allowed and less than the minimum front lot line Coverage)	Y	
3042 King Ave W	1370	10/4/2023	to allow a front build-to zone of 44.2 feet from the back of easements on the King Ave W frontage, allow a 19.33 foot ground floor height, allow 50.5% window coverage on the ground floor, allow the front door to face east instead of north, allow a barrel roof type, and allow one service bay overhead door to face the front property line	Y	
4221 Kari Lane	1376	12/5/2024	Build-to Corner, A.3 – Minimum Front Lot Line Coverage, A.5 – Street-side Build-to Zone, and D.16 and 17 – Minimum Front Façade Door & Window coverage	Y	

Shiloh Crossing Blvd	SR 993 with variance	3/29/2022	the front lot line building coverage of at least 50%	Y	
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Board of Adjustment

Date: 10/01/2025
Title: City Variance 1386 - 3320 Poly Drive - Allow a detached accessory structure in the front yard
Presented by: Tate Johnson, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends conditional approval of the variance from Section 27-305, Table 27-300.4-- A.7 (Rear Yard Location for Accessory Building) in a Suburban Neighborhood (N3) zone.

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

This is a variance from Section 27-305, Table 27-300.4-- A.7 (Rear Yard Location for Accessory Building) in a Suburban Neighborhood (N3) zone. The 23,501 square foot parcel of land is located within C.O.S. 67, Parcels 2B and 2C 2nd Amended (Monsma Acres). The applicant is requesting approval to construct a detached garage in the front yard of the lot, rather than the required rear or street-side yard location.

The property is constrained by the placement of the existing dwelling and the topography of the rear yard. The dwelling is centered on the lot, leaving only narrow side yards and a rear yard that slopes downward to the south. Under N3 zoning standards, accessory buildings must be located in the rear or street-side yard and maintain a minimum 5-foot setback from property lines and a 10-foot separation from the principal dwelling. Due to the home's location, the rear yard does not provide enough depth to accommodate these requirements, and the side yards are only about the minimum width of the setback itself, leaving no buildable space.

The only area of the lot that can accommodate a detached structure while still meeting setbacks from property lines is to the north of the home, which is considered the front yard under the zoning code. Without a variance, no compliant location exists for a detached garage. The City has previously approved similar variances for front yard accessory buildings in cases where dwelling placement or lot conditions prevented use of the rear yard.

APPLICATION DATA

OWNERS: Crystal Gale Demis
PURPOSE: Detached garage in front yard
LEGAL DESCRIPTION: Parcel 2B & 2C of C.O.S 67
ADDRESS: 3320 Poly Drive
EXISTING LAND USE: Residential
PROPOSED LAND USE: Same with detached garage
EXISTING ZONING: N3 - Suburban Neighborhood

CONCURRENT APPLICATIONS

None

SURROUNDING ZONING & LAND USE

NORTH: Zoning: N3 - Suburban Neighborhood
Land Use: Residential
SOUTH: Zoning: N3 - Suburban Neighborhood
Land Use: Residential
EAST: Zoning: N3 - Suburban Neighborhood
Land Use: Residential
WEST: Zoning: N3 - Suburban Neighborhood
Land Use: Residential

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 property is narrow with the dwelling centered on the lot, leaving limited space in the side and rear yards. A detached garage in the rear would not meet the required 10-foot separation and would also be difficult to access due to the slope of the yard. These site conditions create a hardship not generally present on other lots in the district.

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.

Without flexibility in applying the code, the applicant would be unable to place a garage in a safe and functional location. While neighboring properties can typically meet setback and separation standards, the layout of this lot prevents the same outcome under a strict interpretation of the code.

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 variance would not provide the applicant with a special privilege. It only allows the property owner to build a garage similar to what others in the district already have.

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.

Strong Neighborhoods

- Neighborhoods that are safe and attractive and provide essential services are much desired.

Allowing the garage improves the functionality and safety of the home by providing secure storage and easier winter access. This helps the property remain attractive and livable, supporting neighborhood stability.

Home Base

- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.
- Homes that are safe and sound support a healthy community

The garage allows the owner to improve their home environment by reducing exposure to weather and providing safe, direct access to their residence, in line with the policy emphasis on safe and healthy housing. This improvement maintains the property as a functional, safe single-family home, ensuring the long-term viability of the residence in the neighborhood.

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 several conditions for the variance request:

1. This approval is to allow the placement of a detached garage in a front yard. No other variance is intended or implied.
2. The variance is limited to Parcel 2B and 2C of C.O.S 67, generally located at 3320 Poly Dr.
3. The applicant will apply for and receive approval for a building permit within 1 year and complete construction within 2 years of BOA approval. Failure to meet the time limits of this condition will void the variance.
4. There will be no construction activities before 7 a.m. or after 8 p.m. daily.

5. The applicant shall meet all other city code requirements in place at the time of construction except for the variance granted herein.
6. 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, leaseholders, 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. Staff is recommending the applicant have 1 year to receive approval of a building permit and 2 years to complete the project.

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 allowed in the zoning district. Detached garages are allowed uses in this zone district.

Attachments

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

CITY VARIANCE APPLICATION FORM

CITY VARIANCE : Billings Variance # _____ **- Project #** BP-25-03149

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 # A11055 CITY ELECTION WARD # 4

Legal Description of Property: S34, T01N, R25E, C.O.S. 67, Parcel 2B, & 2C 2nd AMD (AKA Monson Acres)

Address or General Location (If unknown, contact City Engineering):
3320 Poly Drive Billings, MT 59102

Zoning Classification: R-96

Size of Parcel (Area & Dimensions): 23,501 Sq. ft. / 271 ft. x 87 ft.

Variance(s) Requested: Garage on the front side of house.
+ concrete 28 wide x 24 deep

Facts of Hardship: (attach letter) Not so much a hardship but I can't put a garage on the sides. The backyard wouldn't be to code.
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Crystal Gale Demis
(Recorded Owner)
3320 Poly Drive
(Address)
406-876-4808 (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: Crystal Demis Date: 8-25-2025
(Recorded Owner - digital signature allowed)

Crystal Demis
3320 Poly Drive
Billings, MT 59102
(406)-876-4808

August 29, 2025

Written Statement to the Board of Adjustment

To: Board of Adjustment,

- A. Reason(s) that prevent me from using the property in conformance with the Zoning Regulations Requirements.

Both sides of the 3320 Poly Drive home are too small to add a building. The backyard would not allow a garage to be (10) feet from the house. The back and sides of the yard would be too close to the property line and the neighbors. The property does slope south, leveling would a hardship. In the winter it would also be a hardship to bring items from the garage to the house.

Also, the pavement would be a burden to have installed in the back rather than the front. Please refer to the pictures to see for reference.

- B. Why is there a need for the intended use of the property at this location.

I intend to use the garage for my vehicles as well as storage. I am limited to space and don't want a shed (too small). It is close to my front door and I wouldn't have to walk through my yard to get there. It will be paved. I also will be able to remove the snow.

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

The construction will include preparing the ground to lay a monolithic slab of concrete and installing a garage.

Granting this variance is not a special privilege but a request to have life made easier for me and my family. I understand that it is not to code but ask that it is allowed because the house is set so far back on the property and this limits what can be built.

I appreciate you taking your time to review my variance.

Please contact me if you have any questions.

Thank you,
Crystal Demis

Variance 1386 Zoning Map & Site Photos



Variance 1386
Zoning Map & Site Photos



Subject Property looking south



Looking west

Variance 1386
Zoning Map & Site Photos



Looking east



Looking north

3329

1:24

34m

81



Search here

North



Set home



Restaurants



Coffee



84°



78 AQI



East

West



20 ft

10 m

Latest in the area

South



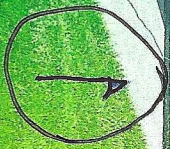
Explore



You



Contribute



28 ft.



24 ft.



APPLICABLE ZONING HISTORY – 3320 Poly Drive

SUBJECT PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	VARIANCE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2280 Richards Rd	1366	6/7/2023	Front Yard location for Detached Garage	Y	
198 Mountain View Blvd	1352	12/7/22	Detached Garage Location	Y	Topography and site dimension limits
426 Indian Trail	1353	12/7/22	Detached garage location	Y	Lot prevented rear location
315 Cody Circle	1364	4/5/23	Garage location & setbacks & height	N	Garage was constructed without a permit