



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>
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 Meeting Minutes of January 7, 2026

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 1390 - 802 S 26th St** - a requested variance from Section 27-405, Table 27-400.2.A.5 requiring a Side Street Build To Zone of 5-10 feet to allow a zero (0) foot setback to the property line, and from Section 27-1503.A.2 to allow an increase in the size of the building that currently does not meet the front build to zone or build to corner requirements in a Downtown Support (DX) zone, on Lots 1 - 12, Block 230, Billings Original Townsite, (LESS FRAC 184 SQ FT LT 1) & (LESS ROW) S03, T01 S, R26 E, an approximately 41,682 sq. ft. parcel of land. The purpose of the variance is to allow an addition to their existing facility of 2,910 sq. ft. and would allow a zero (0) foot side street build-to setback where a 5-10 foot Side Street Build-To Zone is required.

- b. **City Variance 1391 - Generally located on the corner of N 14th St & 2nd Ave N** - a zoning variance request from Section 27-904, Table 27-900-5.1.a - Build-to Corner, and Street Side Build-To Zone requiring 0' to 10' on a side street to allow the building location along the alley approximately 70' from the side adjacent to street property line, Table 27-900-5.1.c requiring surface Parking and Loading Facility location to be in the rear yard, to allow Loading Facility on the alley side, and to allow a portion of the parking to be located in the side adjacent to street location in the East Billings Urban Revitalization District- Central Works (EBURD-CW) on Lots 13-16, Block 78, Billings Original Townsite, S33, T01 N, R26 E, a parcel of land approximately 14,000 sq. ft. The purpose of the variance is to allow the site to be developed with the structure adjacent to the alley. Tax ID: A00524

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

□
City Board of Adjustment

Meeting Date: 02/04/2026

SUBJECT:

PRESENTED BY: Brenda Berns

Information

REQUEST

The Meeting Minutes of January 7, 2026

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:

Land Use:

SOUTH:

Zoning:

Land Use:

EAST:

Zoning:

Land Use:

WEST:

Zoning:

Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Minutes of January 7, 2026

Wednesday, January 7, 2026 at 4:30 PM

Board members		01/07/2026	02/04/2026	03/04/2026	04/01/2026	05/06/2026	06/03/2026	07/01/2026	08/05/2026	09/02/2026	10/07/2026	11/04/2026	12/02/2026	
Josh Sayer	Chairman	1												
Michael Bruschwein	Vice Chair	A												
George Warmer	Member	V												
Chris Hayes	Member	1												
Elizabeth Shumaker	Member	1												
Vacant	Member	-												
Vacant	Member	-												
TOTAL NUMBER OF APPLICATIONS 2026		01/07/2026	02/04/2026	03/04/2026	04/01/2026	05/06/2026	06/03/2026	07/01/2026	08/05/2026	09/02/2026	10/07/2026	11/04/2026	12/02/2026	TOTAL
Variance		1												1
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; Brenda Berns, Planning Clerk

Public Attendance: Applicant's Levi Newman and Blake Newman

Public Comment: There were no speakers.

Approval of Meeting Minutes – December 3, 2025

Motion

Motion made by Board member Warmer to approve the meeting minutes of December 3, 2025 as submitted, second by Board member Sayer. Motion carried unanimously.

Conflicts of Interest Disclosure for Members and Staff

Disclosure of Ex Parte Communications – There were none

Disclosure of Site Visits – There were none

Disclosure of Conflict of Interest – There were none

Regular Business

Karen Husman, Zoning Coordinator, read the rules and procedures for conducting a public hearing.

Public Hearing

Chairman Sayer opened the Public Hearing.

- a. **City Variance – 1389 – 724 N 17th St.** – Variance from Section 27-307, Table 27-300.6 requiring a maximum front building width in the build-to zone for a side-by-side attached dwelling units of 100 feet to allow a maximum of 120 feet on a side-by-side duplex dwelling in a Mixed Residential 1 (NX1) zone.

Karen Husman, Zoning Coordinator, gave an overview of the variance request and the applicant's request to allow greater width at the front of the building.

Recommendation

Planning Staff are recommending Denial of Variance 1389 and adoption of the findings of the four (4) review criteria:

- 1) There are not any special features in this situation other than the applicant's preference to construct a duplex with a front facade of more than 100 feet.
- 2) Denying the variance to allow a building width of 120 feet would not constitute a deprivation of rights. Development on other infill lots within this subdivision has proceeded in accordance with zoning requirements. The surrounding area is a long-established neighborhood in which most single-family homes include basements and most multi-family homes are two stories.
- 3) Consistent with the analysis in Criteria 2, denial of the requested variance for a 120' front facade width in the build-to zone would confer a special privilege. Several existing structures in the subdivision do not meet current build-to requirements, but the majority of structures are within the maximum building width for the district. No variances for building width standards have been granted in this subdivision or in surrounding neighborhoods.

- 4) The requested variance is not consistent with the general purpose and intent of the zoning regulations or the Growth Policy. This variance would not support the intended development pattern of the NX1 zoning district, which aims to preserve the character of the city's established neighborhoods. The proposed structure is inconsistent with the surrounding development pattern.

The board may find one of the following Alternatives to Staff's recommendation:

Alternatives

- Approve the requested Variance 1389 and amend the findings of fact for the criteria with conditions;
- Approve the requested Variance 1389 and amend the findings of fact for the criteria with no conditions;
- Deny the requested Variance 1389 and adopt the staff recommended findings of fact of the criteria;
- Allow the applicant to withdraw the variance request; or
- Delay action on the variance application to a future Board of Adjustment meeting.

Staff presented the request and reviewed applicable code criteria, site conditions, and staff analysis.

Applicants

Levi Newman and Blake Newman, Billings, Montana- the applicants described the proposal, noted compliance with applicable standards, and explained the reason for the request.

Public Comment

No public comments were received.

Board Questions and Discussion:

Board members asked questions regarding building orientation, frontage, setbacks, build-to-zone requirements, lot coverage, façade standards, garage door width, and neighborhood compatibility. Staff and the applicant responded, clarifying that the proposal remains within maximum lot coverage, could be modified to comply without a variance, and that alternative designs may impact cost, height, or neighborhood character. Zoning distinctions and the presence of nonconforming properties in the area were also discussed.

Findings

The Board discussed whether the request met the approval criteria, including neighborhood compatibility, hardship, and consistency with established zoning standards.

Chairman Sayer closed the Public Hearing.

Motion

Motion by Board member Hayes to accept Staff’s recommendation of Denial, second by Board member Sayer.

Variance 1389 is Denied. Vote: 4:0

Other Business

Staff stated that two variances are scheduled to come before the board in February.

A question was raised regarding when the board would be combined into the new master board. Staff responded that finalization is expected in May 2026, at which time the board will transition to a Planning Commission and will serve as the governing entity, with decisions no longer forwarded to City Council.

ADJOURNMENT: The meeting adjourned at 5:16PM

Brenda J Berns, Planning Clerk

City Board of Adjustment

Meeting Date: 02/04/2026

SUBJECT: City Variance 1390-802 S 26th St. â€œ Building expansion and Side Street Build to Zone

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

City Variance 1390 - 802 S 26th St - a requested variance from Section 27-405, Table 27-400.2.A.5 requiring a Side Street Build To Zone of 5-10 feet to allow a zero (0) foot setback to the property line, and from Section 27-1503.A.2 to allow an increase in the size of the building that currently does not meet the front build to zone or build to corner requirements in a Downtown Support (DX) zone, on Lots 1 - 12, Block 230, Billings Original Townsite, (LESS FRAC 184 SQ FT LT 1) & (LESS ROW) S03, T01 S, R26 E, an approximately 41,682 sq. ft. parcel of land. The purpose of the variance is to allow an addition to their existing facility of 2,910 sq. ft. and would allow a zero (0) foot side street build-to setback where a 5-10 foot Side Street Build-To Zone is required.

RECOMMENDATION

Planning staff recommends conditional approval of the variance from Section 27-405, Table 27-400.2.A.5 requiring a Side Street Build To Zone of 5-10 feet to allow a zero (0) foot setback to the property line, and from Section 27-1503.A.2 to allow an increase in the size of the building that currently does not meet the build to zone or build to corner requirements in a Downtown Support (DX) zone.

APPLICATION DATA

OWNERS: Grains of Montana Bakery Operations, Inc.

AGENT: Michael Burke, HGFA

PURPOSE: To add 2,910 sq. ft. of additional space to increase production and efficiency

LEGAL DESCRIPTION: Lots 1 - 12, Block 230, Billings Original Townsite S3, T01S, R 26E.

ADDRESS: 802 S 26th St.

EXISTING LAND USE: Grains of Montana Bakery - with distribution center for product transport

PROPOSED LAND USE: Same with expanded space for additional productivity

EXISTING ZONING: Downtown Support (DX)

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

NORTH:

Zoning: Public, Civic and Institutions (P2)

Land Use: Womans correctional facility

SOUTH:

Zoning: Downtown Support (DX)

Land Use: Smith Funeral Chapel

EAST:

Zoning: Public, Civic and Institutions (P2)

Land Use: United States Postal Service

WEST:

Zoning: Downtown Support (DX)

Land Use: Billings Chamber of Commerce

BACKGROUND

The purpose of the variance request is to allow a 2,910-square-foot addition to the existing facility and to permit a zero (0)-foot side street build-to setback where a 5--10-foot Side Street Build-To Zone is required. The subject property has street frontage on three sides, which makes it impractical to meet all build-to requirements along each frontage. The applicant has stated that the build-to standards cannot be met due to the operational needs of the bakery and its distribution preparation area, as well as the site's circulation and frontage configuration. The existing structure was constructed prior to the adoption of the current build-to zone standards in the zoning code and does not comply with the DX zone district build-to requirements. Specifically, the structure does not meet the required front lot line build-to zone of 5--15 feet or the side street build-to zone of 5--10 feet, and the build-to-corner requirement. The requested variance would allow the proposed additional 2,910 sq. ft. of building to be constructed within the minimum five (5)-foot setback described in the Side Street

Build-To Zone standards.

STAKEHOLDERS

Planning staff notified adjacent property owners within 150 feet by mail, posted the property, and published the legal ad as required. As of the date of this staff report, no comments have been received regarding the variance. The Board of Adjustment will hold a public hearing prior to acting on the request.

ALTERNATIVES

The Board of Adjustment may:

- Approve the requested Variance 1390 and adopt the staff's recommended findings of fact of the criteria and conditions of approval;
- Approve the requested Variance 1390 and adopt the staff's recommended findings of fact of the criteria;
- Deny the requested Variance 1390 and adopt new findings of fact of the criteria;
- Allow the applicant to withdraw the variance request; or
- Delay action on the variance application to a future Board of Adjustment 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 802 S. 26th Street is zoned Downtown Support (DX) and contains an existing structure that supports its current use as a bakery. The DX district standards for front and side street lot line coverage and build-to zones are primarily intended to accommodate pedestrian-oriented retail or office uses. When applied literally to this parcel, these standards would prevent safe vehicle queuing and circulation, diminish the functionality of the existing pedestrian entry plaza, and limit the area available for required landscaping. Due to the site's size, multiple street frontages, and the operational requirements of a bakery, the building cannot reasonably comply with all placement standards without creating safety and design conflicts. Additionally, this site is already developed in conformance with the former zoning code requirements and bringing the structure to comply with current standards would be a significant hardship for this property. These circumstances are unique to this property and use and are not generally experienced by other DX-zoned parcels that do not require regular loading and unloading of material goods. The hardship is not self-imposed but results from the interaction of the zoning standards with the specific operational needs of a bakery that includes a distribution component. The building addition will increase productivity and delivery capabilities. Large-scale delivery and shipping vehicles require additional space for circulation, maneuvering, and parking to safely accommodate loading and unloading activities. There are multiple properties in the vicinity that do not meet the current build to zone requirements applicable in the district, specifically the US postal service to the east, the woman's prison directly to the north, and the Chamber of Commerce building directly west of the subject property.

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 DX standards would require the building to meet the 5 to 10 foot street side build-to zone. For an existing bakery with an established structure, it would be difficult to meet the minimum 5-foot build-to zone and have adequate circulation space for regular loading and unloading of material goods. Denying flexibility here would deprive the applicant of the ability to reasonably operate the bakery to its full extent. That includes delivery of goods 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. There are several examples of variances granted for "build-to" zone requirements. There are multiple properties in the vicinity that do not meet the current build-to zone requirements applicable in the district, specifically the US postal service to the east, the woman's prison directly to the north, and the Chamber of Commerce building directly west of the subject property.

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.

Similar to Criteria 1 and 2, granting the requested variance would not create a special privilege for the applicant. There are multiple properties in the vicinity that do not meet the current build-to zone requirements applicable in the district, specifically the US postal service to the east, the woman's prison directly to the north, and the Chamber of Commerce building directly west of the subject property. Other properties in the district have received variances when unique site or use conditions limited their ability to meet all placement standards (examples in history). In this case, the variance allows

the bakery to function safely and effectively while still meeting the broader goals of the DX 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 and expansion of the bakery. 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.

The 2016 Growth Policy and the 2021 Zoning Code adopted to further the Growth Policy goals, are intended to curtail the out-of-date development style of placing all new commercial development behind a sea of parking stalls. This is an established parcel with unique site characteristics. Approval of this variance will be in harmony with the general purposes and intent of the Growth Policy and zoning code. The actual front of the building faces 8th Ave. S. so the appearance of the structure itself will be the most prominent feature from the 8th Ave. frontage. A variance from the required "side street build-to" would be in harmony with the general purpose of the zoning code and the intent of the Growth Policy. As addressed in items 2 and 3 above, the zoning code was designed to address the Growth Policy's intentions to promote aesthetically pleasing building facades in commercial districts. Beautification of entryways and commercial districts is preferred under the Growth Policy. The addition to the building would be aesthetically pleasing and adhere to the zoning code and Growth Policy intent to promote neighborhood character and uniform design. Therefore, granting a variance from Section 27-405, Table 27-400.2.A.5 requiring a Side Street Build-To Zone of 5-10 feet to allow a zero (0) foot setback to the property line, and from Section 27-1503.A.2 to allow an increase in the size of the building that currently does not meet the build to zone or build to corner requirements in a Downtown Support (DX) zone.

Strong Neighborhoods

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

Grains of Montana Bakery is a long-established business in Billings that provides products and services to the Billings area and surrounding communities. The proposed addition would not result in an unattractive expansion of the existing structure; rather, it would be designed to complement and enhance the building's existing, aesthetically pleasing character.

Prosperity

Successful businesses that provide local jobs benefit the community.

Grains of Montana Bakery is a long-established and well-recognized business in Billings that has served the community for many years by providing locally produced baked goods and related services to residents, businesses, and institutions throughout Billings and the surrounding region. The bakery plays an important role in the local economy and contributes to the character of the area by supporting local employment, food distribution, and small-business activity. The proposed expansion would provide additional space necessary to improve productivity, efficiency, and workflow within the existing operation, allowing the business to better meet current demand and plan for future growth. Increased space for production and distribution activities may result in the creation of additional jobs, both directly through expanded staffing needs and indirectly through increased use of local suppliers and services. Overall, the continued investment in and expansion of Grains of Montana Bakery has the potential to generate positive economic impacts and provide ongoing benefits to the Billings community and surrounding areas.

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 to allow a 2,910 sq. ft. addition and from DX zoning requirements for street-side build-to zone as depicted on the submitted site plan. Specifically, a variance from Section 27-405, Table 27-400.2.A.5, which requires a Side Street Build-To Zone of 5--10 feet, to allow a zero (0)-foot setback to the side street property line, and from Section 27-1503.A.2 to allow an increase in the size of an existing building that does not meet current building site location requirements within the Downtown Support (DX) zoning district. No other variance is intended or implied.
2. The variance is limited to Lots 1 - 12, Block 230, Billings Original Townsite, (LESS FRAC 184 SQ FT LT 1) & (LESS ROW) S03, T01 S, R26 E, an approximately 41,682 sq. ft. parcel of land.
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 and building 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 DX zoning district. The bakery is a permitted use in this district and the proposed addition would not change the existing use as a bakery.

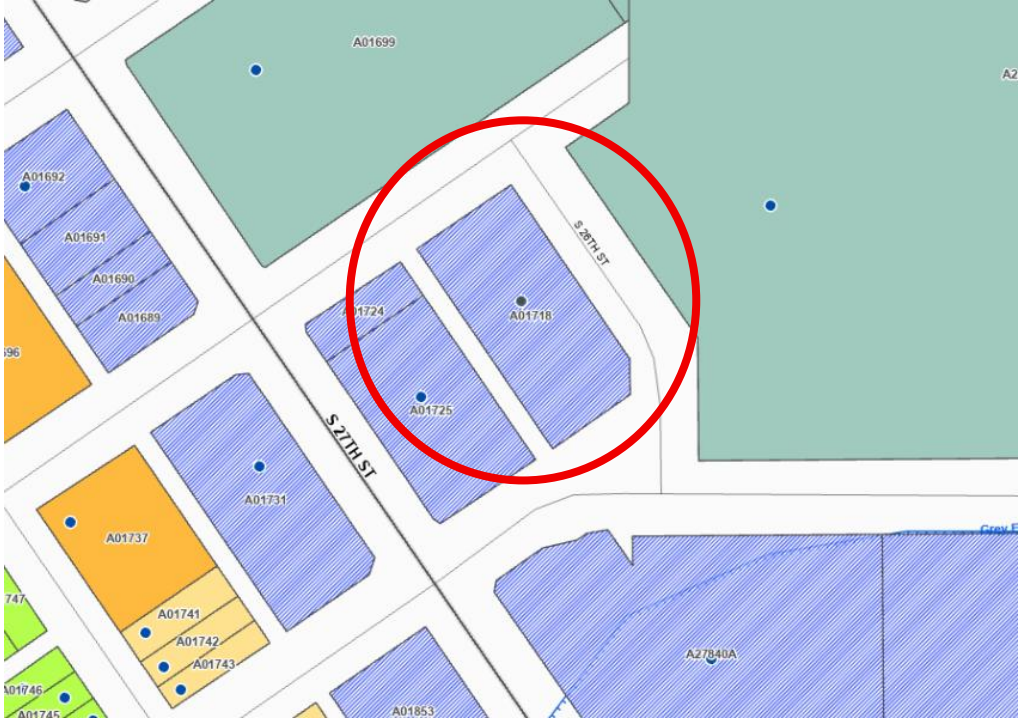
RECOMMENDATION

Planning staff recommends conditional approval of a variance from Section 27-405, Table 27-400.2.A.5, which requires a Side Street Build-To Zone of 5--10 feet, to allow a zero (0)-foot setback to the side street property line, and from Section 27-1503.A.2 to allow an increase in the size of an existing building that does not meet current building site location requirements within the Downtown Support (DX) zoning district.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
History
Site Plan

Variance 1390 Staff Report Attachments



Variance 1390 Staff Report Attachments



Looking South



Looking East @
corner 8th & 26th

Variance 1390 Staff Report Attachments



Looking West



Looking South -Proposed expansion location

Variance 1390 Staff Report Attachments

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 # A01718 CITY ELECTION WARD # 1-(BILLINGS)

Legal Description of Property: BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 230, Lot 1 - 12, (LESS FRAC 184 SQ FT LT 1) & (LESS ROW) (19)

Address or General Location (If unknown, contact City Engineering): 802 S 26TH ST
BILLINGS, MT 59101-4522

Zoning Classification: DX-Downtown Support

Size of Parcel (Area & Dimensions): Area: 41682 Sq Ft, Dimensions: 140' x 297.72'

Variance(s) Requested: To encroach (4) four feet into the East easement (currently 5 feet) adjacent to S. 26th St.

The owner is expanding the existing facility with a new 2,910 sf addition to increase production & efficiency.

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): GRAINS OF MONTANA BAKERY OPERATIONS INC
(Recorded Owner)
S 26TH ST BILLINGS 59101
(Address)
(406) 294-0240 kyle@grainsofmontana.com
(Phone Number) (email)

Agent(s): MICHAEL BURKE
(Name)
800 GRANITE TOWER 222 NORTH 32ND STREET, BILLINGS, MT 59101
(Address)
(406) 248-7811 mburke@hgfa.net, hgfa@hgfa.net
(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: Kyle A Nielsen Date: 12/30/25
(Recorded Owner – digital signature allowed)

Variance 1390 Staff Report Attachments



HGFA Architects, PLLC
800 Granite Tower
222 North 32nd Street
Billings, Montana 59101

Phone (406) 248-7811
Fax (406) 259-9278
email hgfa@hgfa.net
www.hgfa.net

December 31, 2025

City of Billings
Board of Adjustments
Planning & Community Services Department
P.O. Box 1178
Billings, MT 59103

RE: Grains of Montana City Variance Request
802 South 26th Street, Billings, MT

Dear Board of Adjustments,

We are requesting a variance to modify the set back off of South 26th Street for the property on 802 South 26th Street so as to accommodate our building expansion. In short, the variance is requesting an encroachment into the set back, (a 4' x 60' adjustment to the existing set back).

See the attached Grains of Montana City Variance Questions and Response packet.

Thank you for your consideration. We look forward to meeting and hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael J. Burke'.

Michael J. Burke, AIA

Variance 1390 Staff Report Attachments

Grains of Montana City Variance Question and Response

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;
Response: The process or general flow of the product that comes in from receiving flows through the production/baking and through to packaging and distribution hasn't changed and economically cannot, due to the extensive cost related to a potential reconfiguration of the entire process. We can only expand in two directions. To the north is limited as the receiving and delivery dock areas (size of trucks) and their maneuvering area needs to be maintained, while not infringing on the truck access off of S 26th St. The only other cost effective and reasonable option is to expand into the set back to the east, requiring a 4' encroachment of the setback for 60' parallel to S 26th St.
2. That a literal interpretation of the provisions of this zoning code would **deprive the applicant of rights commonly enjoyed by other tracts** in the same district;
Response: The property in question is zoned DX (downtown support). As such, many downtown properties are designated CBD which allows building from property line to property line. This variance does not ask to build up to the property line, but to encroach into the setback which occurs along S. 26th ST (which is used primarily as a service drive for this property, the Montana Women's Prison (neighbor to the North) and the U.S. Post Office (neighbor to the East). The Montana Women's Prison has their outer most fence directly along the North sidewalk which is directly adjacent to 8th Ave. S. The U.S. Post Office has a parking lot that has a buffer yard along the East side of S. 26th ST. and maintains a substantial setback (greater than 20 feet) from this service drive. The variance is asking to encroach 4 feet into our properties 5 foot setback off S. 26th St. and is not asking to build up to the property line. The existing pedestrian sidewalk will remain in place along our property adjacent to S. 26th St. which also contains a landscape boulevard space between sidewalk and S. 26th St.
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;
Response: The neighbors to the North and East are both zoned P2 and consist of the Montana Women's Prison (North) and Post Office (East), the neighbor to the West is the Chamber of Commerce which is zoned DX. All three of these facilities are unlikely to expand towards the adjacent streets or alley. The Bakery (zoned DX) is a growing business with increased demand for their products. This has prompted the proposed addition. Due to its logistics and required special needs, the addition requires

Variance 1390 Staff Report Attachments

encroaching 4 feet into the setback along the service drive known as S. 26th St. The Montana Women's Prison (neighbor to the North across 8th Ave S.) has their outer most fence directly along the North sidewalk along 8th Ave. S. We are not asking to build on our East property (building or fence) which is adjacent to the existing sidewalk along S. 26th St. We are asking to encroach into the setback a maximum of 4 feet, which would still provide a minimum 1 foot setback along the existing sidewalk in addition to the boulevard between the existing sidewalk and S. 26th St.

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 policies.

Response: We believe our project (Addition to the Grains of Montana Bakery) helps to reinforce a Strong Neighborhood. The addition will increase production/delivery capabilities of the existing business. It also infills useable building footprint in an otherwise underutilized portion of the property that sits adjacent to a service drive shared by 3 owners. The scale of the addition matches the lower walls of the existing Bakery and is a height of 18' – 8" with the largest existing portion of the Bakery (Southeast corner) is 24' – 8". The Addition will be constructed of CMU block walls to match that of the existing production facility. A pedestrian sidewalk will be reconstructed in its original location and help to maintain pedestrian traffic along the East side of the property. The new addition to the existing facility that encroaches 4 feet into the 5 foot setback will not disrupt or impact the existing, established pedestrian sidewalk along S. 26th St. nor does this encroachment impact or disrupt the current delivery use of S. 26th St. for the Montana Women's Prison (neighbor to the North), US Post Office (neighbor to the East) or Grains of Montana.

Variance 1390 Staff Report Attachments

1. Complete the City Variance application form – save as a digital document. Digital signatures are accepted.

Response: See attached signed application

2. Request a radius map and a surrounding owners list from the Planning Division. This will be sent to you via email.

Response: Radius map obtained from planning division and referenced on C2.1 Layout (attached)

3. Submit the map and list via email to the MT Department of Revenue to obtain a certified list of the property owner names and mailing addresses. (See page -5- for instructions).

Response: Submitted map to mt department of revenue and obtained certified list of property owners and mailing addresses.

4. Prepare a mailing label template digital document (AVERY 5160 – 30 labels per sheet) from the certified list of surrounding owners by neatly printing or typing the names and mailing addresses. One label per distinct owner/ mailing address regardless of how many times the name/address appears on the certified list. This label template will be submitted with the on-line application, along with a scanned copy of the certified list and map.

Response: See attached mailing label template, scanned copy of the certified list of property owners and radius map (also placed on attached C2.1)

5. Prepare a written statement to the Board of Adjustment and include the following information:

Response: Kyle and Kathy Nielsen broke ground on the property at 802 S 26th St., in 2009 in the hopes of providing a bakery that had unique offerings for stores, restaurants and the public both in Montana and across the country. They couldn't have anticipated the growth that they have seen over the past 17 years.

- That growth has led to many changes over that period. Once the original building was built many of the changes took place in the form of equipment to more efficiently produce their varied products. That has worked until now. This most recent planned renovation required more space. After extensive review that space made the most sense to be added to the receiving and distribution area, which was and is on the North-East corner of the building. Expansion in that area will allow the bakery to better organize and enlarge their packaging, distribution and receiving area. If a bakery needs to grow in those areas, it also needs to expand in the production side of the facility. As you would expect that is exactly what is happening. They are expanding the production area on the interior and thus pushing the packaging, distribution and receiving into the new addition. This addition allows the bakery not only to expand but to be more efficient. With receiving and distribution happening in two

Variance 1390 Staff Report Attachments

dedicated bays within the addition, the remaining space in the addition is for the packaging equipment which includes a new pallet bailer (currently not utilized due to lack of space). Because of the increased demand placed on the Bakery, the production equipment and the packaging line processes have also grown. The Bakery has outgrown its existing footprint as the equipment needs space around it for safety and operation. Since the packaging line is tied to the distribution bay, these processes need to be in the same space for efficiency. Because the addition includes (2) delivery/receiving bays and addition space for the packaging line, the required size of the addition requires us to ask for this variance; to move closer to the existing property line for this addition; to allow us to provide safe, organized packaging, distribution and receiving area in the Bakery sequence.

- A. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements?
- **Response:** The process or general flow of the product that comes in from receiving flows through the production/baking and through to packaging and distribution hasn't changed and economically cannot, due to the extensive cost related to a potential reconfiguration of the entire process. We can only expand in two directions. To the north is limited as the receiving and delivery dock areas (size of trucks) and their maneuvering area needs to be maintained, while not infringing on the truck access off of S 26th St. The only other cost effective and reasonable option is to expand into the set back to the east, requiring a 4' encroachment of the setback for 60' parallel to S 26th St.
- B. Why is there a need for the intended use of the property at this location?
- **Response:** The need is existing and hasn't changed, however the demand placed on the Bakery has. The demand for Bakery has increased. The existing production sequence steps aren't being changed (It would be economically infeasible). We are improving/ expanding that sequence through efficiency, and equipment, which requires additional space. The required space is accomplished with our proposed addition.
- C. Explain any demolition, construction, or reconstruction intended for all structures. Save this as a digital document and upload it with the on-line application
- **Response:** The variance is for the expansion of the existing facility consisting of a one room addition (3 new CMU exterior walls) that improve/enlarges and better organizes the receiving, packaging and distribution processes within the Bakery sequence. It also involves new separate structural frames and roof elements. The addition will aid the Bakery in meeting the increased production and packaging requirements.

Variance 1390 Staff Report Attachments

7. Prepare a dimensioned site plan as follows and upload it to the on-line application:

A. One site plan no less than 8.5" X 11" or greater than 11"x17".

Response: See attached C2.1 Layout drawing (11 x 17)

B. Scale of the site plan shall not be less than 1" = 40'.

If applicable, the site plan must include but not be limited to the following:

Response: See attached C2.1 Layout drawing at 1" = 40' (11 x 17)

- North arrow.
- The locations and dimensions of all vehicular points of ingress and egress, drives, alleys, and off-street parking spaces.
- Illustrate lot size showing lot line dimensions.
- The locations and dimensions of all existing and proposed buildings, structures, and improvements including those which will be removed. Please label all information.
- Show setbacks from all property lines for existing and proposed buildings.
- Show the centerline of major and minor arterial streets.
- Illustrate the square footage of existing and proposed buildings and structures.
- Names and locations of adjacent streets, alleys, properties, etc.
- Illustrate the height of any proposed structures.
- Other pertinent features.

**An example of a dimensioned site plan is attached as part of this application packet.

Response: See attached C2.1 Layout drawing and C2.1A Exterior Elevations (of addition and existing Grains of Montana) and C2.1B Existing Photographs which address the points above.

8. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property. All photos should be saved as digital files and uploaded.

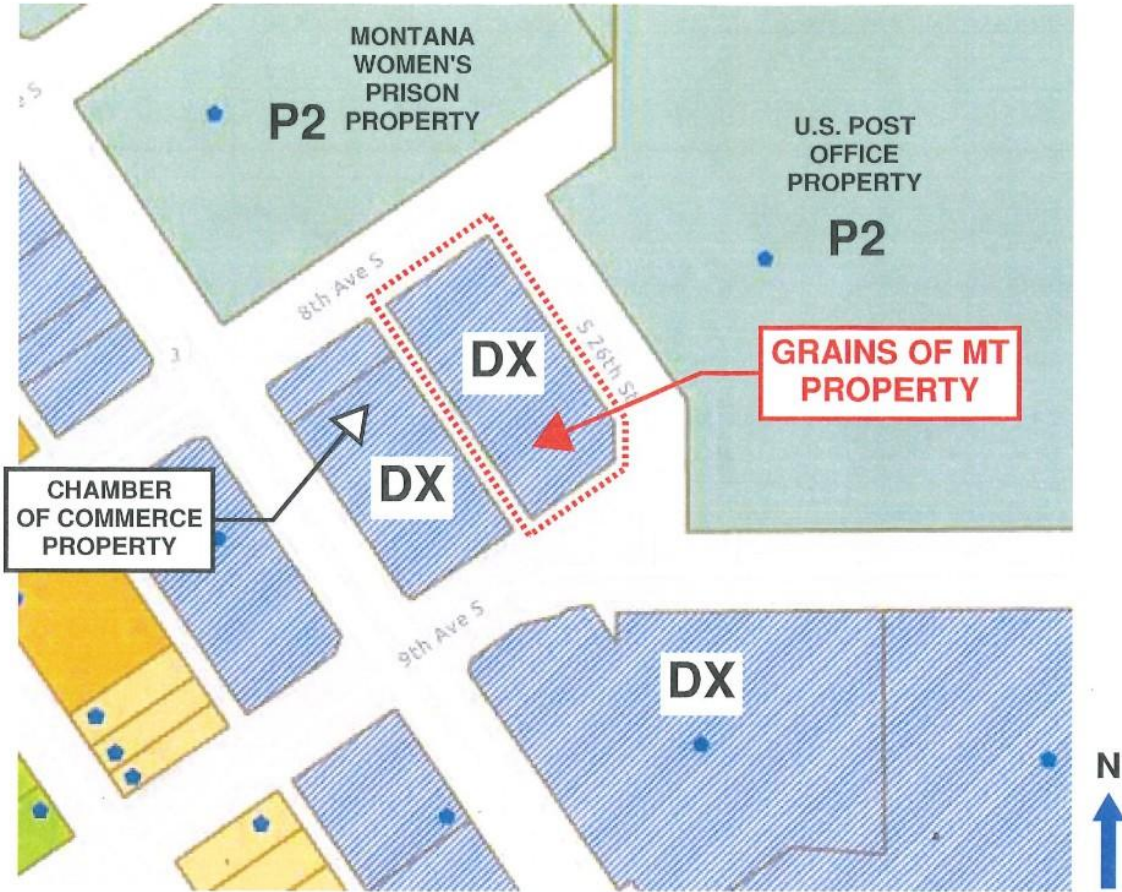
Response: See attached C2.1A Photos & Elevations

9. A filing fee must accompany all applications for variances. No application will be accepted until the filing fee is paid in full. Checks shall be made payable to the City of Billings.

Response: See attached Receipt for Certified mailing list and filing fee.

APPLICABLE ZONING HISTORY – CITY VARIANCE 1390

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 easements on the King Ave W frontage, a 19.33 foot ground floor height, allow 50.5% window coverage, allow the front door to face east instead of north, allow a barrel roof type, and allow one service bay overhead door facing front prop. line	Y	
4221 Kari Lane	1376	12/5/2024	Build-to Corner– Minimum Front Lot Line Coverage, Street-side Build-to Zone, 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	
1617 1 st Ave N	1381	6/4/25	Front lot line cov., build to the corner, & street-side build-to zone; allow two bay doors for loading or parking within the building, no required fence betw. Parking and ROW	y	
1753 Majestic Ln.	1383	7/2/25	to allow parking in the front yard of property in a Heavy Commercial (CX)	Y	
5502 Grand Ave	1385	10/1/25	to allow relief from the build to corner, the 90% front lot line coverage and allow relief from street Side Build to zone to allow 35 feet from the existing easement along Grand	Y	



BILLINGS MT PARTIAL ZONING MAP

LEGEND

PROJECT INFORMATION

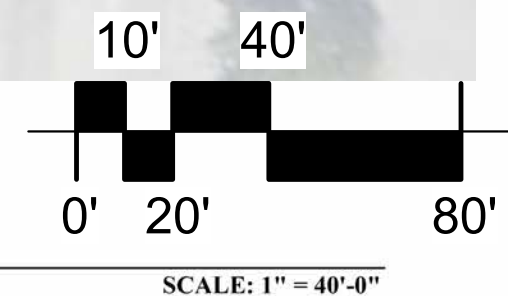
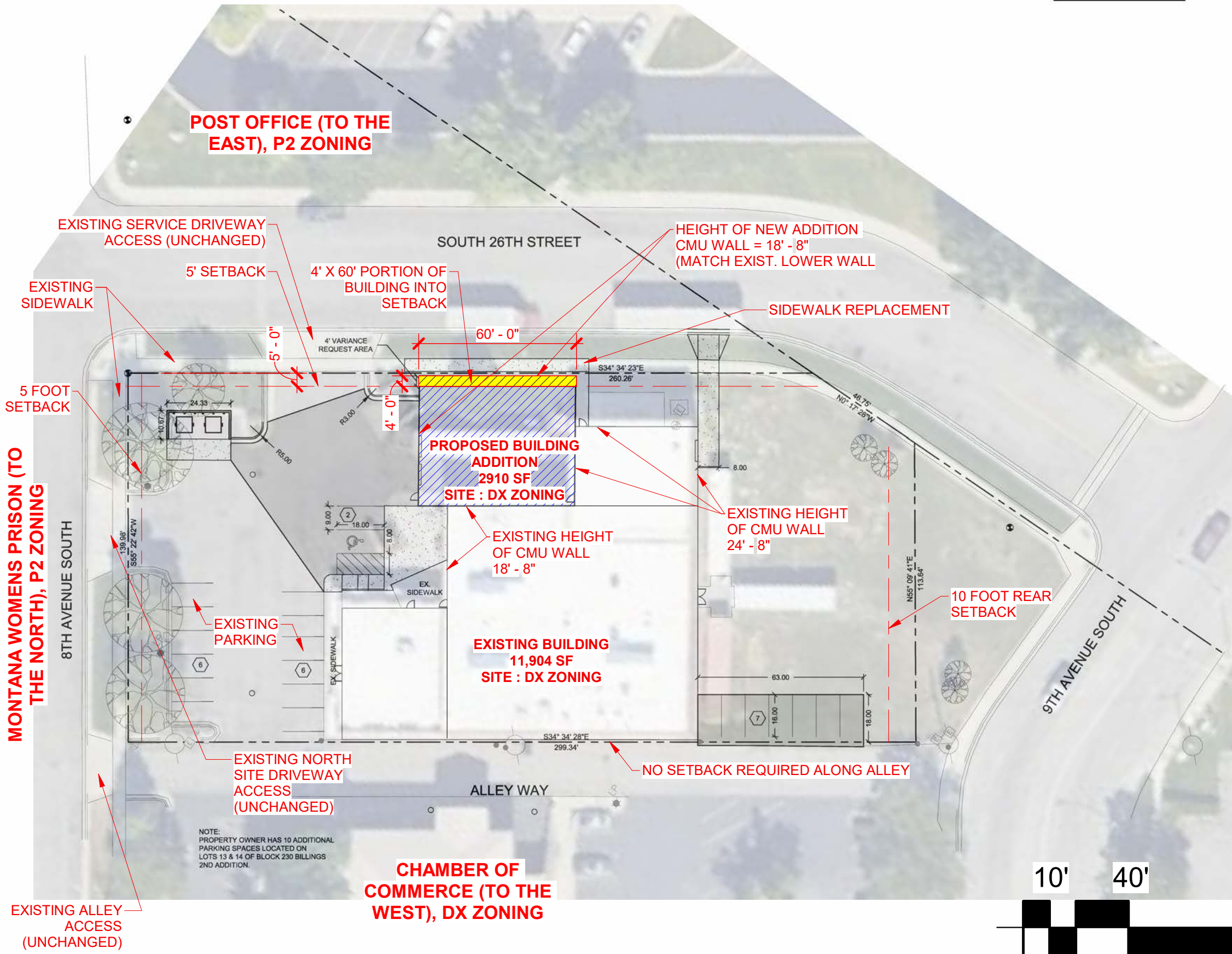
LEGAL: LOTS 1-12 BILLINGS 2ND ADDITION
 OWNER: GRAINS OF MONTANA BAKERY OPERATIONS
 ZONING: DX DOWNTOWN SUPPORT
 LOT AREA: 0.95 ACRES
 ADDITION AREA: 2,855 SF±

CODE COMPLIANCE

AREA, YARD, HEIGHT AND PARKING REQUIREMENTS	REQUIRED		PROVIDED
	SETBACKS:		
	FRONT	5-15 FEET	81± FEET
	SIDE	5-15 FEET	1 FEET MIN
	REAR	20 FEET	82± FEET
MAXIMUM HEIGHT:	5 STORIES		<5 STORIES
MAXIMUM LOT COVERAGE:		85 PERCENT	35.8 PERCENT
OFF STREET PARKING OFFICE			21 SPACES

LAYOUT NOTES

- CONDUCT ALL WORK IN ACCORDANCE WITH THE MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS, CURRENT EDITION, WITH THE CITY OF BILLINGS STANDARD MODIFICATIONS DATED JANUARY, 2021.
- REMOVE AND REPLACE ANY AND ALL UTILITIES, STRUCTURES, CURBING AND SURFACE FEATURES DAMAGED DURING CONSTRUCTION AT NO ADDITIONAL COST TO THE OWNER.
- IMMEDIATELY REPORT ANY AND ALL DISCREPANCIES FOUND ON THE PROJECT IN CONTRAST TO THE PLANS OR DIFFERING SITE CONDITIONS TO THE OWNERS REPRESENTATIVE.
- EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION. CONTRACTOR SHALL FIELD VERIFY EXACT LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
- LEGALLY REMOVE ALL SURPLUS MATERIAL FROM PROJECT AREA TO OBTAIN LINE AND GRADE.
- PROVIDE TRAFFIC CONTROL PER MPWSS AND CITY OF BILLINGS STANDARDS IF REQUIRED.
- SEE LANDSCAPE PLAN FOR SITE RESTORATION AND PLANTING.
- ALL RADIUS DIMENSIONS ARE TO THE FACE OF CURB.
- INSTALL CURB AND GUTTER AGAINST CLEAN VERTICAL ASPHALT SURFACE IF R. IF A CLEAN SURFACE IS UNATTAINABLE SAWCUT AND REMOVE A MINIMUM OF 2' EXISTING ASPHALT TO PROVIDE A VERTICAL CLEAN SURFACE.
- COMPLETE ALL WORK IN COMPLIANCE WITH PROJECT GEOTECHNICAL INVESTIGATION REPORT BY RIMROCK ENGINEERING, INC. DATED NOVEMBER 5, 2025.
- PROVIDE THICKENED EDGE CONCRETE SIDEWALK AT ALL LOCATIONS WHERE SIDEWALK ABUTS PAVEMENT.



City Board of Adjustment

Meeting Date: 02/04/2026

SUBJECT: City Variance 1391-Generally located on the corner of N 14th St. & 2nd Ave N. Building siting

THROUGH: Karen Husman PRESENTED BY: Karen Husman

Information

REQUEST

City Variance 1391 - Generally located on the corner of N 14th St & 2nd Ave N - a zoning variance request from Section 27-904, Table 27-900-5.1.a - Build-to Corner, and Street Side Build-To Zone requiring 0' to 10' on a side street to allow the building location along the alley approximately 70' from the side adjacent to street property line, Table 27-900-5.1.c requiring surface Parking and Loading Facility location to be in the rear yard, to allow Loading Facility on the alley side, and to allow a portion of the parking to be located in the side adjacent to street location in the East Billings Urban Revitalization District- Central Works (EBURD-CW) on Lots 13-16, Block 78, Billings Original Townsite, S33, T01 N, R26 E, a parcel of land approximately 14,000 sq. ft. The purpose of the variance is to allow the site to be developed with the structure adjacent to the alley. Tax ID: A00524

RECOMMENDATION

Planning staff recommends conditional approval of the variance request from Section 27-904, Table 27-900-5.1.a - Build-to Corner, and Street Side Build-To Zone requiring 0' to 10' on a side street to allow the building location along the alley approximately 70' from the side adjacent to street property line, Table 27-900-5.1.c requiring surface Parking and Loading Facility location to be in the rear yard, to allow Loading Facility on the alley side, and to allow a portion of the Parking to be located in the side adjacent to street location in the East Billings Urban Revitalization District- Central Works (EBURD-CW).

APPLICATION DATA

OWNERS: KCWD, LLC

AGENT: Jeff Winkler, HGFA Architects

PURPOSE: Construction of a new Advanced Drive-Assistance System Building (ADAS)

LEGAL DESCRIPTION: Lots 13-16, Block 78, Billings Original Townsite, S33, T01 N, R26 E

ADDRESS: South east corner of North 14th Street and 2nd Avenue North

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Automotive repair -ADAS

EXISTING ZONING: East Billings Urban Revitalization District-Central Works (EBURD_CW)

CONCURRENT APPLICATIONS

Administrative Relief for one foot additional max height allowance.

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

NORTH:

Zoning: East Billings Urban Revitalization District-Central Works (EBURD_CW) and East Billings Urban Revitalization District North 13th Street Main Street (EBURD-13th)

Land Use: Retail grocery store, Mr. Thrifty and 1889 Brewing

SOUTH:

Zoning: East Billings Urban Revitalization District-Central Works (EBURD_CW)

Land Use: Office building, Rimrock Foundation

EAST:

Zoning: East Billings Urban Revitalization District North 13th Street Main Street (EBURD-13th)

Land Use: Auto Repair Center, Tryan's Auto Center

WEST:

Zoning: East Billings Urban Revitalization District-Central Works (EBURD_CW)

Land Use: Vacant- undeveloped

BACKGROUND

The applicant is proposing to construct a new building intended for use as Advanced Driver Assistance Systems (ADAS) facility for automotive repair. This facility will focus on advanced vehicle safety electronics, including systems related to collision avoidance, lane departure warnings, adaptive cruise control, and other technologies that require specialized calibration and repair following vehicle collisions or mechanical work. The use is accessory and complementary to the applicant's existing automotive operations located nearby and is designed to support modern vehicle safety standards.

The subject property is located within the EBURD-CW zoning district, which requires buildings to be developed in accordance with specific frontage and build-to regulations intended to promote a consistent streetscape and neighborhood character. Due to the front and side street requirements and the configuration of the lot, the applicant is requesting a variance from the required side street lot line build-to standards. Strict adherence to the side-street build-to and build-to-corner requirements would limit the functional layout of the building and hinder efficient access for vehicles requiring service.

The applicant proposes to locate the building closer to the alley, rather than along the primary street frontage and side street corner, in order to better align with existing development patterns along the block. Several surrounding properties are similarly oriented toward the alley, and the proposed placement is intended to maintain visual continuity and improve the overall aesthetic character of the neighborhood. By pulling the structure back from the side street and closer to the alley, the development is expected to reduce visual mass along the street frontage and better integrate with the established context of the area.

The proposal does not meet the front build-to zone but does not meet the side-street build-to zone or build-to-corner requirements of the district. However, the requested variance would allow the building to be constructed adjacent to the alley, with loading bay doors oriented toward the alley. This configuration is designed to accommodate the movement of vehicles between the proposed building and the applicant's existing facility located across the alley, allowing for safe, efficient, and direct access without increasing traffic conflicts along the primary street frontage.

In addition, the applicant is requesting approval for some parking to be located along the side of the building closest to the adjacent street. Additional parking will be provided in the rear of the site. A fenced and secured area is also proposed to safely store vehicles that are undergoing repair or awaiting service, as well as to provide designated parking for staff. These design elements are intended to enhance site safety, minimize impacts to surrounding properties, and ensure that operational activities are contained within the site.

Overall, the proposed development is consistent with the Growth Policy guidelines related to neighborhood character. The building placement, alley-oriented access, and site design aim to balance functional operational needs with compatibility and visual coherence within the surrounding area.

STAKEHOLDERS

Planning staff notified adjacent property owners within 150 feet by mail, posted the property, and published the legal ad as required. As of the date of this staff report, no comments have been received regarding the variance. The Board of Adjustment will hold a public hearing prior to acting on the request.

ALTERNATIVES

The Board of Adjustment may:

- Approve the requested Variance 1391 and adopt the staff's recommended findings of fact of the criteria and conditions of approval;
- Approve the requested Variance 1391 and adopt the staff's recommended findings of fact of the criteria;
- Deny the requested Variance 1391 and adopt new findings of fact of the criteria;
- Allow the applicant to withdraw the variance request; or
- Delay action on the variance application to a future Board of Adjustment 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.D1.

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 has street frontage on two sides, making it impractical to meet all "build-to" requirements along each frontage. While an auto repair center is a permitted use in the EBURD-CW zone district, developing a compliant site plan on a lot with two street frontages presents considerable challenges under current zoning standards. To navigate these constraints, the applicant proposes designating 2nd Avenue North as the "front property line" to fulfill the zone's "front build-to" requirement, as shown in the attached site plan. The property's unique configuration poses challenges for any commercial development, but these are particularly pronounced for an auto repair center. The subject property is located

within the EBURD-CW zoning district, which requires buildings to be developed in accordance with specific frontage and build-to regulations intended to promote a consistent streetscape and neighborhood character. Due to the front and side street requirements and the configuration of the lot, the applicant is requesting a variance from the required side street lot line build-to standards. Strict adherence to the side-street build-to and build-to-corner requirements would limit the functional layout of the building and hinder efficient access for vehicles requiring service. Several surrounding properties are similarly oriented toward the alley, with parking located along the front and sides of the lots. The proposed building placement follows this pattern, aiming to maintain visual continuity along the block while complementing the existing development. By aligning the structure and parking layout with nearby properties, the design enhances the overall aesthetic character of the neighborhood, reduces visual clutter along the street frontage, and promotes a cohesive streetscape that respects the established context of the area. By pulling the structure back from the side street and closer to the alley, the development is expected to reduce visual mass along the street frontage and better integrate with the established context of the area. The hardship is not self-imposed but results from the combination of the zoning standards and the unique 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.

With respect to the build-to corner and side-street build-to requirements, there are several developed properties in the surrounding area that are similarly oriented toward the alley. Several surrounding properties are similarly oriented toward the alley, with parking located along the front and sides of the lots, reflecting a development pattern that prioritizes functional access over strict adherence to front street build-to standards. The proposed building placement is intended to align with this established pattern, positioning the structure closer to the alley while maintaining some setback from the side street. This approach is designed to preserve visual continuity along the block, ensuring that the new development complements the existing mix of building orientations and lot layouts in the neighborhood. By aligning both the structure and parking layout with nearby properties, the design accommodates operational needs, such as vehicle movement and access to multiple garage bays, without creating visual disruption along the street frontage. Parking in the front and side areas of the lot mirrors what is seen on surrounding properties, allowing for efficient circulation while minimizing conflicts with pedestrian areas and adjacent buildings. This configuration also provides opportunities for landscaping along the street edge, which can soften the appearance of parking areas, enhance the pedestrian experience, and contribute to the long-term beautification of the neighborhood.

The proposed placement further supports a cohesive streetscape by reducing the apparent mass of the building when viewed from the primary street. By situating the main operational façade and garage bays toward the alley, the design balances functional requirements with aesthetic considerations. Overall, this placement strategy not only respects the established development context but also enhances the character and visual appeal of the area, creating a design that is both practical for the auto repair use and harmonious with the surrounding neighborhood. Many of these properties were developed under prior zoning standards, and the current code allows limited relief from today's build-to requirements when properties are redeveloped or modified, depending on the scope of the changes. A literal interpretation of the build-to standards would not deprive the applicant of rights enjoyed by other properties in the district, and there are no physical constraints that would prevent the building from being located in compliance with the required build-to zones. However, the unique configuration of the lot presents operational challenges, particularly for auto repair use. The west property line is classified as a side-street frontage, while the east property line abuts the alley and is considered a side yard. The functional front of the building faces south toward 2nd Avenue North, resulting in garage bay doors being oriented toward what is technically a side property line along the alley. This orientation is consistent with zoning standards that require garage doors to be located on the side or rear of a building. While the lot presents challenges for any development, these challenges are more pronounced for an auto repair center, which typically requires multiple service bays. Similar variances have been granted for comparable site designs in the area. Approval of this request would provide reasonable relief without depriving rights enjoyed by others in the district and would continue to encourage future development to comply with updated landscaping and design standards that support long-term district beautification.

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.

As with the findings under Criterion 2, approval of the requested variance would not constitute the granting of a special privilege to the applicant when evaluated in the context of the surrounding development pattern. Multiple properties along the same block and in the immediate vicinity are oriented toward the alley rather than toward the primary street frontage. This pattern reflects an established and recognizable development character in the area, particularly for properties with similar lot configurations and service-oriented uses. The proposed placement of the building is designed to be consistent with this existing context by maintaining visual continuity along the block. Locating the structure closer to the alley and setting it back from the side street reduces the perceived building mass along the street frontage, helping to avoid a more imposing or out-of-scale appearance. This approach allows the development to better integrate with neighboring properties and contributes to a more cohesive and visually appealing streetscape. Granting the variance would therefore not provide the applicant with a benefit that is unavailable to other properties in the district. Rather, it would allow a reasonable alternative that reflects how surrounding sites have been developed and function, particularly where alley access and service-oriented layouts are common. In this case, the variance supports compatibility with existing development patterns

while preserving the overall aesthetic character of the neighborhood and upholding the intent of the zoning regulations.

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.

Overall, the proposed development is consistent with the Growth Policy guidelines related to neighborhood character. The building placement, alley-oriented access, and site design aim to balance functional operational needs with compatibility and visual coherence within the surrounding area.

Strong Neighborhoods

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

The Growth Policy guidelines support development of infill parcels that integrate into existing neighborhood character. Beautification and uniformity along transportation corridors is encouraged. This infill development proposes uniformity with the neighborhood.

Successful businesses that provide local jobs benefit the community.

The new business will create jobs, strengthen the local economy, and provide an auto repair service unique to auto safety that is currently not available in the local community.

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 above in the staff report for the board to state.

2. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code;

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

1. The variance is to allow a request from Section 27-904, Table 27-900-5.1.a -- Build-to Corner, and Street Side Build To Zone requiring 0' to 5' on a side street to allow the building location along the alley approximately 70' from the side adjacent to street property line, Table 27-900-5.1.c requiring surface Parking and Loading Facility location to be in the rear yard, to allow Loading Facility on the alley side, and to allow a portion of the Parking to be located in the side adjacent to street location in an EBURD Central Works (EBURD-CW) zone. No other variance is intended or implied.
2. This variance request is applicable only to Lots 13-16, Block 78, Billings Original Townsite, S33, T01 N, R26 E, a parcel of land approximately 14,000 sq. ft.
3. The structure and site 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.
4. The applicant/developer shall apply for a building permit within 12 months of Board of Adjustments approval and complete the development within 2 years of Board of Adjustments approval. Completion includes all buildings, landscaping, parking and other site structures and amenities.
5. There shall be no construction activity prior to 7 am or after 8 pm daily.
6. All other zoning regulations, except for these specific variances, and any other applicable city regulations apply to the development of the site.
7. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
8. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease-holders, heirs and assigns.

3. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

Staff is recommending conditions of approval that include time limits to begin and complete the project. Specifically, the recommendation is that the applicant will complete the building permit process within 1 year of Board approval and complete the project within 2 years of Board approval.

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

The granting of this variance would not allow a use that is not allowed in the zoning district. Automotive repair centers are allowed uses in the EBURD-CW zone.

RECOMMENDATION

Planning staff recommends conditional approval of the variance request from Section 27-904, Table 27-900-5.1.a - Build-to Corner, and Street Side Build-To Zone requiring 0' to 5' on a side street to allow the building location along the alley approximately 70' from the side adjacent to street property line, Table 27-900-5.1.c requiring surface Parking and Loading Facility location to be in the rear yard, to allow Loading Facility on the alley side, and to allow a portion of the Parking to be located in the side adjacent to street location in the East Billings Urban Revitalization District- Central Works

(EBURD-CW).

Attachments

- Zoning Map & Site Photos
 - Application & Applicant Letter
 - History
 - Site Plan
-

Variance 1391 Staff Report Attachments



Variance 1391 Staff Report Attachments



Variance 1391 Staff Report Attachments



Variance 1391 Staff Report Attachments

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 # A00524 CITY ELECTION WARD # 1

Legal Description of Property: Billings Original Townsite, S33, T01 N, R26 E, Block 78, Lot 13-16

Address or General Location (If unknown, contact City Engineering): Corner of North 14th Street and 2nd Avenue North

Zoning Classification: EBURD Central Works

Size of Parcel (Area & Dimensions): 100' x 140' (14,000 sf)

Variance(s) Requested: Building location to be set back from North 14th Street but still on 2nd Avenue North and allow 4 tenant and after hours parking stalls to be located along 2nd Avenue North - closer to the corner than limited bay regulations currently want.


Facts of Hardship: See attached letter

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

Owner(s): KCWD LLC
(Recorded Owner)
1144 Broadwater Avenue, Billings, MT 59102
(Address)
406-259-4008 gordon@brownsautobillings.com
(Phone Number) (email)

Agent(s): HGFA Architects
(Name)
222 North 32nd Street, Billings, MT 59101
(Address)
406-248-7811 hgfa@hgfa.net
(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: 12-30-25
(Recorded Owner – digital signature allowed)

Variance 1391 Staff Report Attachments



HGFA Architects, PLLC
800 Granite Tower
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December 31, 2025

City of Billings
Board of Adjustments
Planning & Community Services Department
P.O. Box 1178
Billings, MT 59103

RE: ADAS Calibration Building City Variance Request
2nd Avenue North and North 14th Street, Billings, MT

Dear Board of Adjustments,

We are requesting a variance to modify the building height, location and parking, for our proposed building and lot at the SE corner of the intersection at 2nd Avenue North and North 14th Street. This lot is 140' wide x 100' deep and zoned EBURD CW, Central Works District, which is intended to allow for a flexible mix of uses, including commercial and light industrial. Our proposed new building fits well within this zoning. It is a 60' x 60' (3,600 sf) automotive care facility, Billings' first specifically designed Advanced Drive-Assistance System Building or ADAS for short. This ADAS Building will be for the repair and calibration of Advanced Safety Electronics (AES) within vehicles for collision prevention, assisted driver support, hands-free driving, to name a few of the things that will be repaired and calibrated on vehicles within this Building.

Within the EBURD, properties have to build to a specific Frontage Regulation.^a In our discussions with the Planning Department, it was determined that our frontage type would be Limited Bay Frontage. Under Limited Bay Frontage, we are asking for the following variances:

1. Front Lot Line Coverage – Building Location:

Properties under Limited Bay Frontage are requested to have their building located at the street intersection corner. We are requesting to locate our building closer to the alley to match all of the existing properties on the block and to maintain the aesthetic neighborhood look that is already set in this area of the EBURD. Allowing our proposed building to be located closer to the alley would also help the Owner to move vehicles between the new ADAS Building and the existing Automatic Transmission Company (ATC) at 1313 1st Avenue North. These businesses are located kitty-corner to one another, across the alley, and will be working closely with each other. A majority of the time vehicles coming from ATC to the ADAS Building will have to be pushed because they will be without power. Shortening the travel/pushing distance would be a great help for the business and employees.

*See Google Aerial Plan #A and Proposed Site Plan #B, attached.

Variance 1391 Staff Report Attachments

2. Front Lot Line Coverage – Parking Location:

Properties under Limited Bay Frontage are requested to have a front lot line coverage at 95% minimum. They are also requested to locate parking in the rear yard and/or limited side yard. Per "Parking Exemption 1, lots wider than 140' are permitted one double-loaded aisle of parking (maximum width of 65'), located perpendicular to the street, which is exempt from front lot line coverage calculation." Our lot is 140' wide, 1' short of Exemption 1. All existing properties on this block have parking located perpendicular to the streets that they abut:

- Tryan's Auction Center
1302 2nd Avenue North
Lot size is 140' x 400'.
Parking along 2nd Avenue North and North 14th Street, both street fronts, all the way to the corner.
- Automatic Transmission Company (ATC)
1313 1st Avenue North
Lot size is 200' x 140'.
Parking along 1st Avenue North and North 13th Street, both street fronts. all the way to the corner.
- Rimrock Foundation Treatment Center
1331 1st Avenue North
Lot size is 200' x 140'.
Parking along 1st Avenue North and North 14th Street, both street fronts, all the way to the corner.

*See Google Aerial Plan #A, attached

We would like to be afforded the same ability to place just 4 parking stalls along with a backup and snow removal area, along 2nd Avenue North. We would not extend the new parking lot all the way to the corner, as other lots in the neighborhood have, our parking lot would only be 34' 6" wide in lieu of the allowed standard 65' allowed.

*See Proposed Site Plan #B, attached.

3. Overall Minimum Height:

Buildings under Limited Bay Frontage are requested to have their ground story height between 15' minimum and 24' maximum. The ADAS Building height varies between 19' 6", on the low side, to 25', on the high side, for the ground story. We are requesting to be allowed to have our building height exceed the ground story maximum height by 1'. The reason we need the ground story height at 25' is because the ADAS Building requires 18' high side walls to accommodate the 16' overhead doors. The door height is necessary for the various sizes of vehicles that will be serviced within the facility and the single sloped roof we have on the building is one of the allowed roof types within Limited Bay Frontage. Per discussions with the General Contractor, a roof slope of 1 to 12 is the lowest they can provide in wood roof truss.

*See Proposed Exterior Elevations #C, attached.

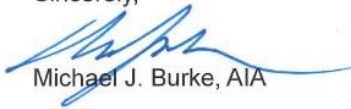
Variance 1391 Staff Report Attachments

In conclusion, we are requesting for only three (3) minor variances:

1. To be allowed to locate the proposed ADAS Building closer to the alley for better business interaction with the ATC facility at 1313 1st Avenue North and to be set back from the street corner just like all the other property Owners on the block and neighborhood.
2. To be allowed to have just 4 parking stalls off 2nd Avenue North, similar to the other properties in the neighborhood.
3. To be allowed to exceed the ground story maximum height limit by 1' due to constraints and height requirements for ADAS repairs and calibration for larger vehicles.

Thank you for your consideration. We look forward to meeting and hearing from you.

Sincerely,

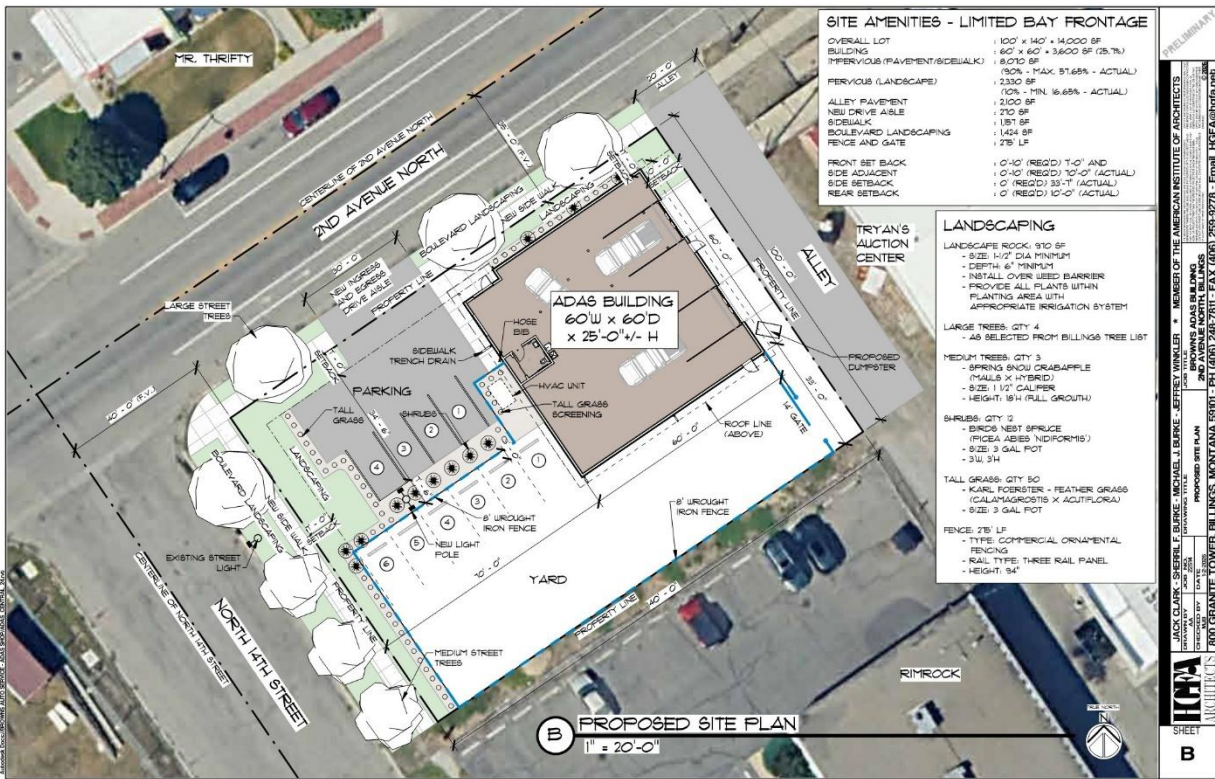
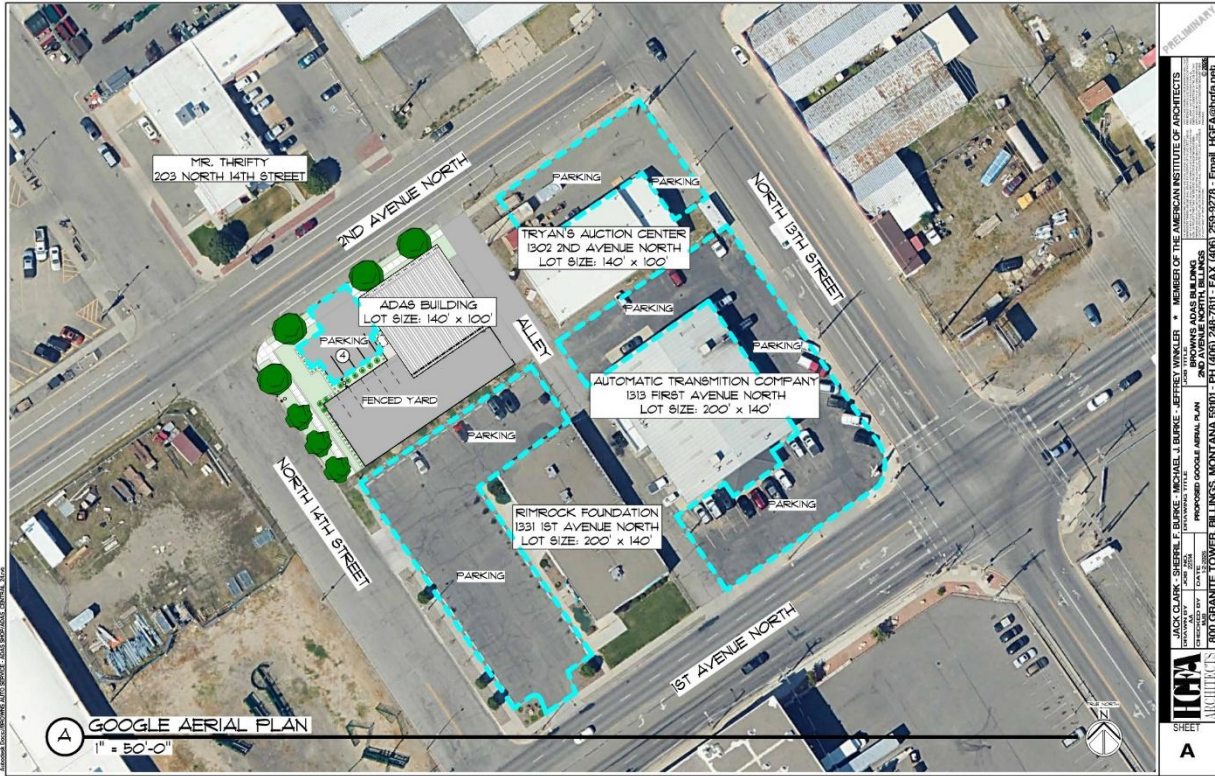


Michael J. Burke, AIA

APPLICABLE ZONING HISTORY – CITY VARIANCE 1391

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 easements on the King Ave W frontage, a 19.33 foot ground floor height, allow 50.5% window coverage, allow the front door to face east instead of north, allow a barrel roof type, and allow one service bay overhead door facing front prop. line	Y	
4221 Kari Lane	1376	12/5/2024	Build-to Corner– Minimum Front Lot Line Coverage, Street-side Build-to Zone, 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	
1617 1 st Ave N	1381	6/4/25	Front lot line cov., build to the corner, & street-side build-to zone; allow two bay doors for loading or parking within the building, no required fence betw. Parking and ROW	y	
1753 Majestic Ln.	1383	7/2/25	to allow parking in the front yard of property in a Heavy Commercial (CX)	Y	
5502 Grand Ave	1385	10/1/25	to allow relief from the build to corner, the 90% front lot line coverage and allow relief from street Side Build to zone to allow 35 feet from the existing easement along Grand	Y	

Variance 1391 Staff Report Attachments



SITE AMENITIES - LIMITED BAY FRONTAGE

OVERALL LOT	100' x 140' = 14,000 SF
BUILDING	60' x 60' = 3,600 SF (25.7%)
IMPERVIOUS (PAVEMENT/SIDWALK)	8,070 SF
	19.0% - MAX. 21.68% - ACTUAL
PERVIOUS (LANDSCAPE)	2,330 SF
	10% - MIN. 16.68% - ACTUAL
ALLEY PAVEMENT	2,100 SF
NEW DRIVE ASBLE	270 SF
SIDWALK	1,181 SF
BOULEVARD LANDSCAPING	1,424 SF
FENCE AND GATE	27' LF
FRONT SET BACK	0'-0" (REQ'D) 1'-0" AND
SIDE ADJACENT	0'-0" (REQ'D) 10'-0" (ACTUAL)
SIDE SETBACK	0' (REQ'D) 33'-7" (ACTUAL)
REAR SETBACK	0' (REQ'D) 10'-0" (ACTUAL)

LANDSCAPING

LANDSCAPE ROCK, 970 SF
 - SIZE: 1/2" DIA MINIMUM
 - DEPTH: 6" MINIMUM
 - INSTALL OVER USED BARRIER
 - PROVIDE ALL PLANTS WITH PLANTING AREA WITH APPROPRIATE IRRIGATION SYSTEM

LARGE TREES: QTY 4
 - AS SELECTED FROM BILLINGS TREE LIST

MEDIUM TREES: QTY 3
 - SPRING SNOW CRABAPPLE (MALLS X HYBRID)
 - SIZE: 1 1/2" CALIPER
 - HEIGHT: 18'4" (FULL GROWTH)

SHRUBS: QTY 2
 - ERICE NEST SPRUCE
 (PRICE: ASIES NIDIFORMIS)
 - SIZE: 3 GAL POT
 - 3W, 3H

TALL GRASS: QTY 50
 - KARL FORTSTER - FEATHER GRASS
 (CALYPTAGORSTIS X ACUTIFLORA)
 - SIZE: 3 GAL POT

FENCE: 27' LF
 - TYPE: COMMERCIAL ORNAMENTAL
 FENCING
 - RAIL TYPE: THREE RAIL PANEL
 - HEIGHT: 94"

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