

**MINUTES  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, MARCH 18, 2026**

A City/County Planning board meeting was held in Council Chambers and called to order by County chair Richard Klose at 6:00 pm on March 18, 2026.

**Board Members Present:**

<u>  X  </u> Tom Canape	<u>  X  </u> Richard Herr	<u>  X  </u> Paul Thoma
<u>  X  </u> Ron Benner	<u>  X  </u> Richard Klose	<u>  X  </u> Mike Waters
<u>  X  </u> Judy Goldsby	<u>  X  </u> Jonathan Klasna	

**Others Present:**

Amber Hatton – Deputy Clerk Treasurer  
Forrest Sanderson – Contract Planner  
Brittney Harakal – Administrative Assistant  
Drew Nordman

**Public Input:** *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

**Disclosure of Ex Parte Communication - None**

**Public Hearing**

**Variance of Side Yard Set back in R-6000 at 201 N 5<sup>th</sup> Avenue**

Chair Richard Klose opened the public hearing and Forret Sanderson, Contract Planner, presented the item provided by property owner Drew Nordman.

Forrest Sanderson, Contracted Planner, presents Variance Report VAR-26-01. Please see attached report.

Chair Klose opened the floor for public comment. Chair asked the public three (3) times if there was any public comment. There were none.

Chair Klose asked Drew Nordman if he wanted to make a comment. Drew provided a written statement which will be attached. He did mention there was a correction. He

has lot 19 and 20, it's not a 9600 square foot lot, but a 8400 square foot lot. He is hoping to start construction in April.

Chair Klose asked two (2) times if there were any public comments, in which there were none.

Chair Klose closed the Public Hearing.

## **General Items**

### **1. Minutes from February 18, 2026 –**

Motion made by Judy Goldsby to approve February 18, 2026, minutes, seconded by Jon Klasna. There was no public comment. Motion passed 8-0.

## **New Business**

### **2. Variance of Side Yard Set Back in R-6000 at 201 N 5<sup>th</sup> Avenue**

Board asked Mr. Nordman if he had a discussion with his neighbors and if the AUD would obstruct their views. Mr. Nordman said that he did speak to several neighbors and they did not express any issues regarding views.

The board asked the width and length of the lot. Mr. Nordman described the lot as 2 lots, lot 19 and 20. They are 30 ft wide, 60 ft in depth, and 140 ft in length. The actual size of the building will be 27 ft by 30 ft.

The board asked with the 2 lots on one property, if someone down the road wanted to separate the 2 lots, could they separate the lot if they were to pass the variance. Forrest explained that lots require a minimum of 6000 sq ft, so the lot is not divisible. So, for clarification, down the road, if he wanted to divide lot and put in a duplex it was not allowed.

Board asked if the entrance into the garage is from the street or the alley. Entrance will be from the street.

The board asked if we need to satisfy all 7 points to grant the variance. Forrest explained that most communities in their ordinance specify either a preponderance of the evidence or all the criteria must be addressed. The City of Laurel did not do that. So, at that point it is assumed the City Council looked at the preponderance of the evidence and that it has swayed their decision.

Chair Klose asked if there was any other discussion.

Judy Goldsy made a motion to approve and present to the Council the findings of the fact, presented by Mr. Nordman for the Variance of Side Yard Set Back in R-6000 at 201 N 5<sup>th</sup> Avenue, and that its non-conforming would be protected by variance.

Ron Benner seconded the motion.

A roll call was requested to approve the Variance of Side Yard Set Back in R-6000 at 201 N 5<sup>th</sup> Avenue. Ron Benner, Paul Thomae, Judy Goldsby, Mike Waters, Tom Canape, Richard Klose, Jon Klasna, and Richard Klose all voted AYE. Motion passes 8-0.

## **Old Business**

### **3. Sidewalk Discussion**

Forrest explained to the board that he had to go against the board's recommendation regarding the timing of construction of the sidewalks on the Solberg Laurel Industrial Park, second filing. The condition was passed by the planning board that said that all the sidewalks would be built at construction of the first lot. This violates our subdivision regulations. The way it was written, the burden of cost would fall on the buyer of the first lot. If we want to pursue the construction up front, we need to impose that on the developer of the subdivision and have those costs then borne by the developer and not the purchaser of the lot.

### **4. Laurel-Yellowstone City-County Board By-Laws**

Ron Benner made a few changes to the Laurel-Yellowstone City-County Board By-Laws. A new jurisdiction map was also provided to the Board.

A motion was made by Tom Canape to approve the Laurel-Yellowstone City-County Board By-Laws with the current jurisdiction map as presented. Second Judy Goldsby. There was no public comment. Motion passed 8-0.

## **Other Items**

5. Tom brought up that Park and Tree Board started to look at different parks and make sure everyone knew where our Parks were and if they had water.
  
6. Board asked if there was any information on the bridge of phase four of Cherry Hills Subdivision. Forrest explained when the fourth filing was presented, the condition of approval is the extension of what he would call West Maryland all the way to Golf Course Road. That requires the installation of some kind of bridging structure that would cross the big ditch. That bridging structure benefits more than just the fourth filing subdivision and is required to be installed. It requires that the city create a special improvement district to pay for that bridge. He has spoken with the developer. They are in the process of determining the properties that will benefit by the installation of that structure. It will be presented to the city council as part of their final plat filings, the SID boundaries, a draft assessment methodology, as well as an engineer's opinion of probable costs to construct and that would be assigned to the benefited properties. They're also gearing up towards filing the final plat for the fourth filing. All those documents will be coming in. West Maryland will connect to Gulf

Course Road, the desired future condition to have another east-west connection in the city of Laurel probably within the next 18 months.

7. Board asked where we sit with the State Facility being accepted in. Forrest explained at this time, we do not have an application from the State of Montana to consider. Until we receive an application, there is nothing to address.

#### **Announcements**

8. Date for next meeting will be April 15, 2026 at 6:00 PM. Judy Goldsby will not be present for this meeting.
9. Forrest informed the board that we have issued an RFP for a Montana LUPA (Montana Land Use Planning Act) compliance consultant to bring the city of Laurel in compliance with Montana's Land Use Planning Act of all very well-qualified firms. I know of those firms either by reputation or by reputation and having worked their professional staff off and on over the last, in the longest example, 20 years. You have some difficult tasks ahead of you. It's not just a LUPA-compliant growth policy. It's LUPA-compliant subdivision regulations. It's LUPA-compliant zoning regulations.

We have 6 well-qualified firms that have submitted for the Montana LUPA compliance consultant contract, and we are asking for 2 city volunteers from the board to help review and rank those proposals. Tom Canape and Richard Klose volunteered to help in the review and rank the applicants for the LUPA Compliance consultant. Montana code title 76 chapter 25.

#### **Adjournment:**

Motion by Ron Benner to adjourn the meeting, seconded by Judy Goldsby. There was no public comment. Motion passed 8-0.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:25 PM.



Amber Hatton  
Deputy Clerk Treasurer

not 9600 sq ft  
its 8400 sq ft

~~I will start within a couple n~~  
I hope to start in April.

## Public hearing statement:

Good evening members of the Board. My name is **Drew Nordman**, and I am the property owner at **201 5th Ave**. Thank you for the opportunity to speak about my variance request.

I am proposing to replace my aging, non-conforming detached garage with a new garage and an Additional Dwelling Unit above it. I am requesting to maintain the existing **16-foot setback** along W. 2nd Street, rather than shifting the new structure to meet the current 20-foot requirement.

There are several reasons why this variance is necessary and appropriate.

First, this property has **unique physical conditions**. As a corner lot, it is subject to two street-facing setbacks, which significantly reduces the usable building area. The existing house and garage were built long before current setback standards, and their placement limits where a replacement structure can reasonably go. W. 2nd Street is also classified as a residential local access or collector street, which typically corresponds to a smaller setback than 20 feet.

Second, these conditions were **not created by me**. They are inherent to the property and the city's street classifications.

Third, applying the 20-foot setback strictly would create an **unreasonable hardship**. Moving the structure further north would push it into the limited remaining yard space and create conflicts with the existing home. It would also make it difficult to design a safe, functional, and code-compliant garage and ADU.

Fourth, the variance is **necessary for reasonable use**. The new structure will be wider than the existing garage, but placing it in the same general location is essential for the design to work. Without maintaining the current setback, constructing a practical garage and ADU becomes extremely difficult.

Fifth, this is the **minimum variance** needed. I am not asking for anything beyond the long-standing 16-foot setback that has existed for decades.

Sixth, the variance will **not be injurious** to the neighborhood. The new structure will meet all current building and fire codes, and it will not interfere with the clear-vision triangle. Maintaining the existing setback preserves the visual rhythm of the street. In fact, after surveying 31 nearby corner lots, more than three-quarters do not meet the current 20-foot standard, so this request is consistent with the neighborhood.

Finally, the variance is **consistent with the intent of the ordinance**. It does not change the allowed uses of the property. It supports orderly development, maintains neighborhood character, and allows the addition of an ADU, which aligns with state housing policy under MCA 76-2-323.

Thank you for your time and consideration. I respectfully ask for your approval of this variance.

From Drew Nordman - owner

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
PLANNING: 628-4796  
WATER OFC.: 628-7431  
COURT: 628-1964  
FAX 628-2241

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

## VARIANCE REPORT VAR-26-01 Drew Nordman Side -Corner Minimum Setback February 27, 2026

### BACKGROUND:

The City of Laurel has had zoning since the early 1970's as authorized by §76-2-301 et. seq MCA. These regulations set minimum and maximum standards for all lands located with the jurisdiction of the City of Laurel. These regulations establish standards for the height, bulk, and location of structures.

The property owner is requesting to construct an Accessory Dwelling Unit (ADU) in the approximate location of the existing non-conforming garage. The subject property address is 201 N 5<sup>th</sup> Avenue and may be described as Lots 19 and 20 Block12, Laurel Original Townsite, located in Section 9, Township 02 South, Range 24 East, P.M.M., City of Laurel, Yellowstone County, Montana.

The subject property is zoned R-6000, and is adjacent to two public rights-of-way (5<sup>th</sup> Ave and W 2<sup>nd</sup> Street). The subject property is developed with a non-conforming residence and a non-conforming garage. The non-conformity at issue in this request is related to the Side Corner Setback Requirements of the Laurel Zoning Regulations. Both the front and side corner setbacks are 20 feet from the public right-of-way.

Both existing structures are protected as 'Legally Existing Non-Conforming Uses'. The non-conforming use section of the Laurel Municipal Code is included in this report. The applicant was aware of this standard at the time of requesting a building permit from the city and has requested a variance as outlined in their application.

The application materials address several other points that outline the anticipated benefits of the project. The application materials are incorporated into this report by reference.

### LEGAL DESCRIPTION:

Lots 19 and 20 Block12, Laurel Original Townsite, located in Section 9, Township 02 South, Range 24 East, P.M.M., City of Laurel, Yellowstone County, Montana.

### APPLICANT(S):

Drew Nordman  
201 5<sup>th</sup> Ave  
Laurel MT 59044

AGENT:

NONE

EXISTING CONDITION:

The subject property is a platted subdivision within the City of Laurel. The property is developed and is served by public water, sewer, streets, and solid waste collection. The property is 8,400 square feet in size.

PROCESS:

- The application for a Variance was submitted on February 2, 2026, and is scheduled for a public hearing on March 18, 2026 by the Laurel Zoning Commission.
- The Zoning Commission following the Public Hearing must adopt findings of fact and issue a formal recommendation to the City Council on the requested variance. The Zoning Commission may propose conditions or modifications to the request so long as the findings of fact support the condition(s).
- Those findings of fact and conclusions as well as the record minutes of the public hearing will be submitted to the City Council for consideration, hearing and final decision.
- The City Council will conduct a duly noticed Public Hearing on the Zoning Commission recommendation, findings of fact, and any conditions mitigating the impacts associated with the request. This hearing will occur later in April.

ZONES INVOLVED: Existing and Proposed

- R-6000 – Residential 6000.
  - The required setbacks for structures are:
    - Front 20feet
    - Side 5 feet
    - Side Corner 20 feet per Text of Regulations
    - Side Corner 10 feet per Dimensional Graphics R-6000
    - Rear 5 feet
    - Text and Graphics R-6000 Attached.
- Rule of Construction of the Laurel Municipal Code and Zoning Regulations.
  - The most restrictive standard is the governing regulation.
    - As such, the 20 foot side yard setback is required to be applied.

➤ Laurel Municipal Code.

✓ Chapter 17.56 - NONCONFORMING USES

✓ 17.56.010 - Nonconforming use designated.

Any lawful use of the land or buildings existing at the date of passage of the ordinance codified in this chapter, and located in a district in which it would not be permitted as a new use under the regulations of this chapter, is declared to be a nonconforming use, and not in violation of this title at the date of adoption of the ordinance codified in this chapter; provided, however, a nonconforming use shall be subject to, and the owner shall comply with the regulations set out in Sections 17.56.020 through 17.56.070.

(Prior code § 17.64.010 (part))

✓ 17.56.020 - Extension of.

The nonconforming use of a building may be extended throughout any part of a building clearly designated for such use but not so used at the date of the adoption of this chapter. No nonconforming use may be extended to occupy any land outside the building nor any additional building not used for such nonconforming use at the date of adoption of the ordinance codified in this chapter. The nonconforming use of land shall not be extended to any additional land not so used at the date of adoption of the ordinances codified in this title.

(Prior code § 17.64.010(A))

✓ 17.56.030 - Additions, repairs and alteration allowed when.

A. No building used for a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to one which complies with the provisions of this chapter; provided, however, permits may be issued for the reconstruction of an existing building to be continued as a nonconforming use if the following conditions are complied with:

1. If a single- or two-family dwelling is presently a nonconforming use, and is located in a residential area, and is destroyed, the dwelling may be rebuilt. However, qualifying dwelling units located on arterial streets or roads must conform to the applicable setback standard;
2. New use would decrease the automobile parking congestion in the area;
3. New use would not increase the cubical contents of the structure, floor area ratio, if such would violate provisions of this chapter;
4. Such reconstruction would be one in accordance with the city building, plumbing, electrical codes and fire prevention code;
5. The issuance of such permit would not violate the provisions of Section 17.56.040 of this chapter.

(Prior code § 17.64.010(B)(part))

(Ord. No. O08-05, 6-17-08)

✓ 17.56.040 - Applicability when building damaged or destroyed.

A. If any building in which there is a nonconforming use is damaged by fire, flood, explosion, wind, war or other catastrophe, in an amount equal to or greater than fifty percent of its assessed valuation, it shall not be again used or reconstructed to be used for any use except one complying with the provisions of this title in which it is located. This

subsection specifically does not apply to nonconforming, one and two-family dwelling units.

B. In addition, repairs and maintenance work may be carried out each year in an amount not to exceed twenty-five percent of the assessed value of the building for that year. Such repairs and maintenance work shall not increase the cubical content of the building, nor the floor area devoted to the nonconforming use. Nor shall it increase the number of dwelling units provided in a building.

C. Nothing in this chapter shall be deemed to prevent the strengthening nor repair of a building which may be necessary to restore the building to a safe condition or to improve the sanitary conditions of the building; provided, that such strengthening and repair may not be used to restore a building to the provisions of Section 17.56.040 of this chapter.

(Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; prior code § 17.64.010(B) (part), (C))

✓ 17.56.050 - Restrictions on moving building.

Any building in which there is a nonconforming use shall not be moved unless it is moved to a district in which the use for which the building was designed is permitted by this title. If any building in which there is a nonconforming use is moved any distance whatsoever, the building shall thereafter be used only in compliance with the provisions of this title for the district in which it is located.

(Prior code § 17.64.010(D))

✓ 17.56.060 - Continuance and change.

A nonconforming use may be continued in accordance with the provisions of this chapter, but it shall not be changed to any other use except the one which would be permitted as a new use in the district in which the building is located.

(Prior code § 17.64.010(E))

✓ 17.56.070 - Discontinuance.

If for any reason a nonconforming use ceases for a period of six months any new use must conform to the provisions of this title for the district in which the use occurs, and the nonconforming use no longer allowed.

(Ord. 04-5 (part), 2004; prior code § 17.64.010(F))

#### RATIONAL BASIS FOR VARIANCE:

**“Variance” means an adjustment in the application of the specific regulations of this title to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity or zone.**

Findings of Fact: Standard of Review

A recommendation for Approval or Conditional Approval of a Variance shall require the Board of Adjustment making each of the following Findings of Fact:

1. Special Conditions

There are special circumstances or conditions that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood; and

2. Not Result of Applicant

The special circumstances or conditions have not resulted from an act of the applicant or been established to circumvent this Ordinance; and

3. Strict Application Unreasonable

Due to the special circumstances or conditions, the strict application of this Ordinance would deprive the applicant of reasonable use of the land or building or create an undue hardship on the landowner; and

4. Necessary to Provide Reasonable Use

Granting the Variance is necessary to provide a reasonable use of the land or building; and

5. Minimum Variance

The Variance is the minimum variance necessary to allow a reasonable use of the land or building; and

6. Not Injurious

Granting the Variance will not be injurious to the neighborhood or detrimental to the public welfare; and

7. Consistent with Ordinance

Granting the Variance is consistent with the purposes and intent of this Ordinance. A variance to the Allowed Uses of a zoning district is prohibited.

## CONDITIONS

Conditions or restrictions may be placed on the approval of a Variance.

## EXPIRATION

A Variance shall expire one (1) year from the date of approval if the next logical step in the development process is not commenced. The next step in the development process includes but is not limited to applying for a building permit, commencing the use, or applying for a Development Permit.

## DISCUSSION:

There are four (4) main issues at play in this request:

1. There is in fact a non-conforming structure in the approximate location for the new proposed non-conforming use. As provided in the LMC the voluntary demolition of the non-conforming use terminates the nonconformity, and all new construction must comply with the prevailing zoning regulations.

2. There is an error between the text and graphics associated with the R-6000 with respect to the required side corner setbacks. The rules of construction of the Zoning Regulations require the administrator to apply the most stringent standard.
3. There appears to be a lack of hardship. Clearly, there is adequate room on the lot to move the proposed ADU to the north and meet the required setbacks of the R-6000. The existence of a service gas line that will most likely need to be excavated to connect the new structure does not rise to the level of hardship as set out in the zoning regulations.
4. State Law mandates that an ADU be allowed in all Residential Zoning Districts. The R-6000 allows an ADU as a permitted use provided all development standards are met. State Law does not mandate a reduction of locally adopted setback standards to accommodate an ADU.

RECOMMENDATION:

That the Zoning Commission Apply the adopted STANDARD OF REVIEW established by the City Council as part of the updated Zoning Regulations for a Variance as well as the long existing language of the Non-Conforming Use Section of the Laurel Municipal Code. Staff Recommends that the Zoning Commission consider each of the seven (7) criteria individually adopt findings related to each criterion and then based on the findings issue a recommendation to the City Council for final action.