



City of Sidney, MT  
Zoning/Board of Adjustment Meeting  
October 16, 2024 8:00 AM  
115 2nd Street SE | Sidney, MT 59270

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The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

Meeting ID: 713 080 5898      Passcode: 4332809      Call: 1-346-248-7799

**Committee Present:** Jones, Meldahl, Seitz, Smith and Hintz

**Others Present:** Clerk/Treasurer Chamberlin and via zoom: Heather Luinstra, City Planner Sanderson

**1. New Business**

**a. Luinstra Zoning Change**

Chair Jones called the public hearing to order at 8:03am. City Planner Sanderson stated the Luinstra applicants are requesting Lots 1 and 2, Block 6, Wilkinson Subdivision 2 zoning be amended from R-3 to R-2 to aggregate these two lots to their existing lots. He stated due to subdivision regulations, the lots must all be the same zone in order to aggregate and R-2 is the more restrictive zone. City Planner Sanderson reviewed the twelve required findings required by State law to rezone the lots and all findings were in favor of the zoning change. He stated staff recommendation is to recommend to the City Council approval of the zoning changes.

Mr. Meldahl asked with the finding that requires the health and general well fare of the area be considered, if Wilkinson 2 ever be developed would they still be required to install the infrastructure if they are aggregated into Wilkinson 1. City Planner Sanderson per state subdivision regulations any requirement or restriction proposed on lots to be aggregated survives that aggregation, so they would be required to participate in any infrastructure in Wilkinson 2.

Mr. Meldahl stated there is an easement between lots 1 and 2 and asked what happens to it if the lots are rezoned and aggregated. City Planner Sanderson states the easement survives as the zone change and aggregation cannot extinguish an easement. He stated the only way to extinguish the easement is the benefactor of the easement giving consent to extinguishment of the easement.

Mr. Meldahl stated aggregating the lots creates issues for accessory buildings being built with back setback requirement being only 2-feet, which if Wilkinson 2 is built out will be on the cul-de-sac

side. City Planner Sanderson stated he would consider this a double fronted lot, they would apply front to cul-de-sac side of aggregated lot also.

Mr. Meldahl stated he has concern for the value of buildings in the area as across the street there was a lot aggregation that created a large accessory building that he feels didn't increase value of surrounding properties. City Planner Sanderson stated any accessory buildings would be required to meet prevailing standards for principal use for accessory structure, which would be more restricted under the R-2 zoning and create the value enhanced with larger lot.

Mr. Smith asked if a corner lot has to consider both street facing sides fronts for setbacks and Mr. Meldahl stated typically the front setback is determined by the where the front door is facing on the lot.

Mr. Seitz asked they would be required to install the infrastructure such as curb and gutter for other side if Wilkinson 2 becomes active and City Planner Sanderson stated since Wilkinson 2 was filed in 80s and improvements where not forced to be completed, it would probably be a special improvement district to do those improvements to facility development, which they would participate in.

Mr. Jones asked why it would be treated as double fronted, and City Planner Sanderson stated because it was platted right of way. Mr. Jones asked what the easement is for and PWD Hintz stated it is likely an utility easement for water, gas, eclectic to service those lots. Mr. Jones asked if they could vacate the easement, build over or move it, and PWD Hintz stated not without approval of benefiting parties. Mr. Meldahl stated all utilities would be benefactors of easement, and City Planner Sanderson stated he agreed and all would have to consent.

Chair Jones called for any proponents, three times, with Mrs. Luinstra coming forward stating she is in favor of the rezoning. She stated personally they purchased the lots and lived there forever with no interest in developing the area so they would like to aggregate the property to use it for their home and family.

Chair Jones called for any opponents, three times, with none coming forward.

Chair Jones closed the Public Hearing at 8:27 am.

In discussion, Mr. Meldahl stated he had a concern that by doing this it will be in the same situation the City has been in before with a large building in the middle of a residential growth area but since it would be restricted due to the R-2 zoning to match main unit and be used as residential accessory structure only his concern is less. Mr. Smith stated they would have a height restriction also and Mr. Seitz stated he agrees.

Motion was made to recommend approval of the Luinstra Zoning Change of Lots 1 and 2, Block 6 of Wilkinson 2.

In discussion Mr. Smith asked if the zone change is conditional on aggregation of lots and City Planner Sanderson stated you cannot condition zoning, if aggregation not completed the more restrictive zoning stays in plan. He stated with the zoning being more restrictive than all of neighbors for future property worth later, it is in their best interest to aggregate. Mr. Meldahl

asked if the Legislature has required to not reduce density, and City Planner Sanderson stated not yet and he is hopeful they will realize they overstepped and imposed standards and restrictions on communities they are unprepared for, cannot afford and they have inserted themselves inappropriately in local decisions.

Motion made by Seitz, Seconded by Smith.

Voting Yea: Smith, Seitz, Jones, Meldahl, Hintz

Adjourned 8:34am.