



City of Sidney, MT  
Zoning/Board of Adjustment Meeting 1-18-2023  
January 18, 2023 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: 890 1684 3782 Passcode: 4332809      Call: 1-346-248-7799

Present: Vice Chair Justin Jones, David Seitz, Terry Meldahl and Jeff Hintz

Others Present: Mayor Norby, FM/BI Rasmussen, Clerk/Treasurer Chamberlin, Nikki Baily (MonDak Heritage Center), Sherry Mitchell, Duane Mitchell, Gary Schoepp (Action Auto/Eagle Country Ford), and Tony Hanson and Rune Ehmsen (HR Rental)

**1. New Business**

**a. Election of Board Chair and Vice Chair**

Motion was made to make Mr. Jones the Chair of the Zoning/Board of Adjustments and Mr. Seitz the Vice Chair.

Motion made by Meldahl, Seconded by Hintz.

Voting Yea: Seitz, Jones, Meldahl, Hintz

**b. Hanson CUP Application**

Vice Chair Jones read the request of Tony Hanson to get a Conditional Use Permit for an apartment in B-3 zoning and opened the public hearing. He called for any opponents to the conditional use permit.

Mrs. Mitchel asked about the parking available and FM/BI Rasmussen provided a map of the location in question and the Mucho Si building, which has a shared parking lot. He stated Mucho Si needs 16 spots and the apartments would need 5 spots for the office space and 2 spots for the apartment, so a total requirement of 24 spots, which are available. Mrs. Mitchel asked what a single-family dwelling means, and FM/BI Rasmussen stated it is the same for houses, one kitchen, multiple bedrooms and bathrooms. She stated they currently have a rental that is a single-family dwelling, and they have 6 parking spots and with a rental property in this area, she is concerned that parking will be an issue for the insurance business in their rental. Mr. Mitchel asked about ownership of Mucho Si and FM/BI Rasmussen stated Mr. Hanson owns both of these lots so he

will have an easement for these spots so if the property sells, the 3 parking spots are still available. PWD Hintz stated the easement will have to be recorded at the courthouse and FM/BI Rasmussen stated they can also put-up signs stating those spots are for the apartment.

Mr. Mitchel asked if those spots are enough and FM/BI Rasmussen stated it meets the requirements. Mr. Schoepp stated that is if people park where they are supposed to, with parking being limited. Mr. Hanson stated the business that uses the most on-street parking is Action Auto. Mr. Mitchel stated that decisions made on this could cause future residents wanting the same. Mr. Seitz stated that has already happened previously with variances and conditional use permits across the City.

Mr. Jones called for any more opponents 3-times with none coming forward.

Mr. Jones called for any proponents and Niki Bailey from the MonDak Heritage Center stated she feels having buildings filled in the downtown area is better for the community, including the MonDak and limiting downtown businesses causes vacant buildings.

Mayor Norby stated the entire downtown is limited on parking and some of the available parking lots are not being utilized. He stated this is going to be an on-going issue for downtown because large parking lots were not considered when the downtown area was created. He stated the on-street parking is available for anyone to use during the day, not just the businesses that directly front the parking. He stated this was an issue with the Boys and Girls Club, could be an issue with the renovations of the Yellowstone Mercantile and other locations.

Mr. Jones called for any additional proponents, 3 times, with none coming forward.

Mr. Meldahl asked if there was any written responses and Clerk/Treasurer Chamberlin stated there is not.

Mr. Seitz asked if the business spots are rented and Mr. Hanson stated yes there is office space on the main floor that will be rented, but that is included in the required parking. Mr. Jones asked if the apartment is upstairs and Mr. Hanson stated yes, with the basement being used for his personal use. Mr. Meldahl asked how much square footage it is and Mr. Hanson stated 4,100 square feet. Mr. Meldahl asked if any adjustments to the apartment the permit will need to be reviewed and FM/BI Rasmussen stated yes, any changes to the apartment will require a conditional use permit.

Mr. Seitz asked what the definition of a single-family apartment is and FM/BI Rasmussen stated the definition is per the zoning code page 150 11-23-40-65 and read that definition. Mr. Jones stated it is the number of spots is required per the zoning code and FM/BI Rasmussen stated yes 5 for the office space and 2 for the apartment. Mr. Jones stated that is obviously the issue for the CUP and the result is the easement of the spots in the Mucho Si parking lot, ensuring those spots are transferred with any sell of property. He asked if there is any regulations on how many people can reside in a single-family residence and Mr. Meldahl stated 11-23-40-28 defines family and does not limit the number of residents. Mr. Hintz asked if the garage door facing the street will remain, if it does it takes out a parking spot and Mr. Hanson stated it is coming out. Mr. Meldahl stated after reading the definitions, it seems to be meeting all of the requirements.

Mr. Seitz asked if there is any knowledge on the taxable value of the property after the renovations and Clerk/Treasurer Chamberlin stated that is done through the State Assessors Office and she wouldn't know.

Motion was made to recommend approval the conditional use permit of Tony Hanson to have an apartment in the B-3 zoning district.

Motion made by Seitz, Seconded by Meldahl.

Voting Yea: Seitz, Jones, Meldahl, Hintz

Clerk/Treasurer Chamberlin stated this will now go before the City Council for final approval. Mr. Mitchel asked how it will be required for the easement and FM/BI Rasmussen stated it will be required with the building permit. Mayor Norby asked who will be enforcing the parking on the private parking and Mr. Hanson stated the signage and the property owner towing the vehicles.

The public hearing was closed at 8:29am.