



City of Sidney, MT
Zoning/Board of Adjustment Meeting
December 06, 2023 8:00 AM
115 2nd Street SE | Sidney, MT 59270

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: 830 8746 7848 Passcode: 432809 Call: 1-346-248-7799

1. **New Business**

- a. [Agri Industries Flag Pole Height Variance](#)



November 17, 2023

City of Sidney

RE: Variance Application

To Whom It May Concern:

Enclosed please find an application for a variance for a new flag pole for Agri Industries. Each of the five Agri locations received a flag and pole, and we look forward to flying our American Flag with pride.

Please contact me if you have questions about the project or to let me know what I need to do to accomplish our goal.

Sincerely,

A handwritten signature in black ink, appearing to read "David Garland".

David Garland
Location Manager
Agri Industries
1-406-480-1212
1-701-770-5115

City of Sidney



Montana's Sunrise City

David Garland Item a.
dgarland@h2oagri.com
406-480-1212

APPLICATION FOR A VARIANCE WITHIN THE CITY OF SIDNEY

The undersigned hereby makes application for a variance pursuant to Chapter 11.22.48 of the Sidney Zoning Ordinance

Name of Property Owner: Agri Industries

Name of Applicant: Dylan Johnson / DAVID GARLAND

Address of Applicant: 1775 South Central

Phone Number of Applicant: 406 480 4408

Legal Description of property: SW 1/4 of NE 1/4 of S5 T22N R59E

Current Zoning: B1

Land Area: 2.17 Acres

Variance request if for the following reasons: Installation of a 60 foot flag pole.

(use additional pages if necessary)

In addition to the above, submit a plot plan drawn to scale on paper not larger than 11" x 17" which includes all existing and proposed structures and proposed variance measurements, a list of names, mailing addresses, and labels of all property owners within 300ft of the subject property and a **\$500 filing fee. The application will not be considered complete until all information is submitted.**

Procedure

The Board of Adjustment is assigned authority to hear, consider and make recommendations to the Mayor and City Council on whether to approve, approve with conditions or disapprove applications on Variance application. These applications are reviewed and decided pursuant to procedures in Section 11.21.48 Procedures for Decisions by Planning Board/Zoning Commission of Board of Adjustment.

Standards

Approval of a Variance shall require the Board Of Adjustment making each of the following Finding of Fact. Please write a short explanation why you feel your project meets these requirements. **All seven must be met**

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

Agri Industries would like to show American pride through the display of a large American flag.

City of Sidney

Item a.



Montana's Sunrise City

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

A large flag requires a large pole for proper installation.

3. Strict Application Unreasonable

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

It would be unreasonable to deprive Agri Industries patriotic belief.

4. Necessary to Provide Reasonable Use

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

It is necessary to adequately show American pride.

5. Minimum Variance

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

The requested variance is to allow 10 additional feet to the existing 50 foot limit to allow a 60 foot flag pole to be installed.

6. Not Injurious

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

A large American flag represents pride in our country and brings the community together with common belief.

City of Sidney

Item a.



Montana's Sunrise City

7. Consistent with Ordinance

Granting the Variance is consistent with the purposes and intent of this Ordinance. Code States:

"11.1.30 PURPOSES AND INTENT

The purposes and intent of this Zoning Ordinance are to:

11.1.31 PURPOSE

Promote the health, safety and general welfare for the citizens of Sidney; and

11.1.32 INTENT

Implement the policies, goals and strategies of Sidney Growth Policy."

A variance to Allowed Uses of zoning district is prohibited.

The variance is consistent with the stated code. The flag promotes a sense of community and is a display of growth on the local scale.

I hereby certify that the above information is true and correct for the above described property.

[Signature]
Applicant Signature

For Office Use Only

Date Filed: 11-17-2023

Filing Fee: \$500- rec.# 24177

Vote (3 yes votes are required to grant a variance)

Justin Jones Yes No

Terry Meldahl Yes No

David Seitz Yes No

Adam Smith Yes No

Jeff Hintz Yes No

Board decision to approve/deny request/and or conditions of approval: _____

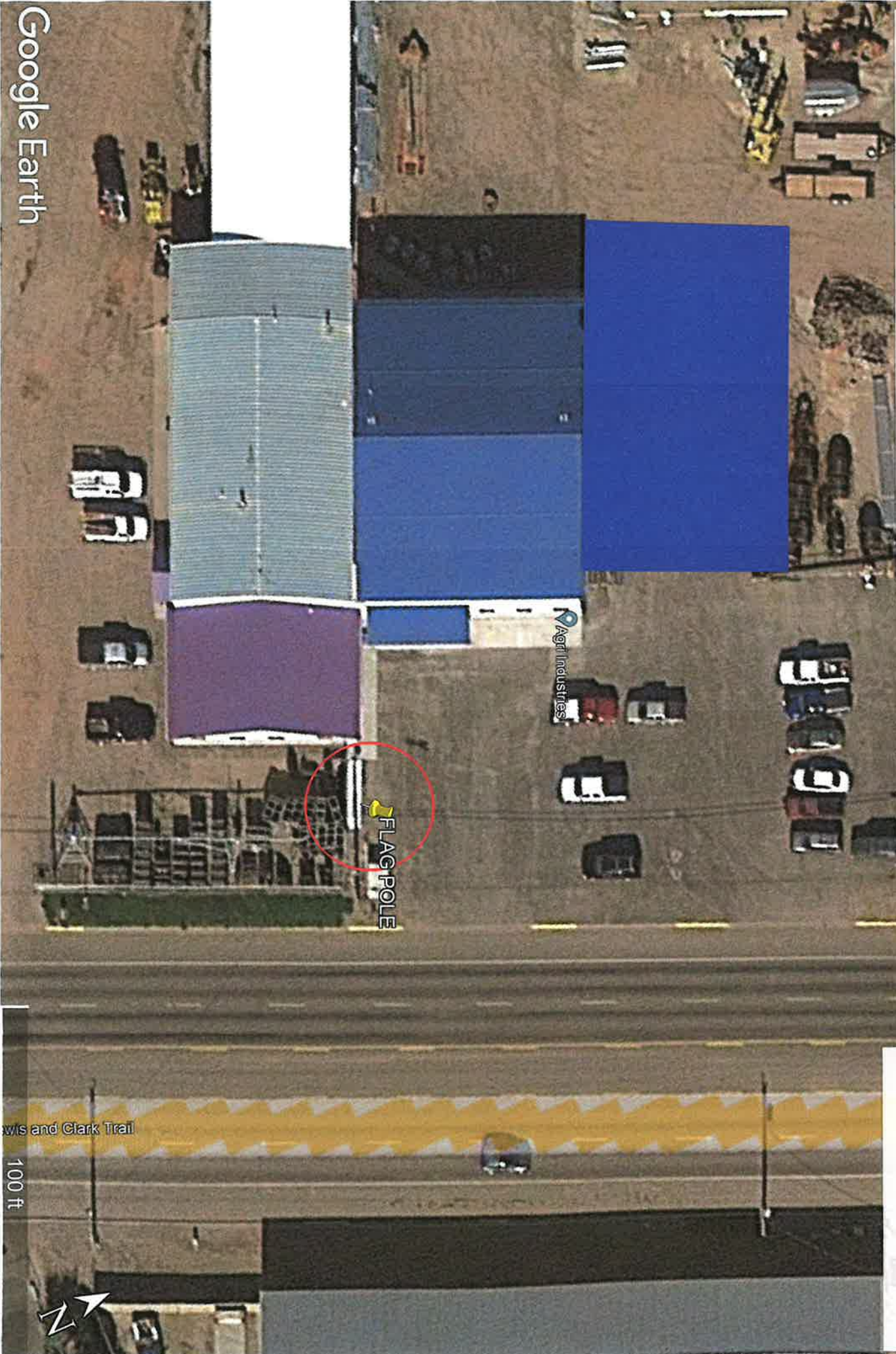
Chairperson Signautre: _____

Agri Industries Proposed Flag Pole



Item a.

Plot for application for a variance within the City of Sidney

SW 1/4 of NE 1/4 of S5 T22 N



Legend

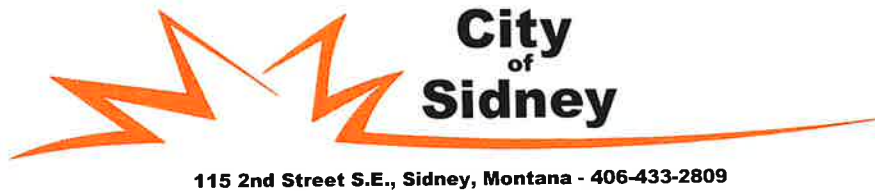
-  1775 S Central Sidney, TN
-  FLAG POLE
-  NEW SHOP

Google Earth

Lewis and Clark Trail

100 ft





Re: Variance Request for 1775 South Central-Agri Industries

Dear City of Sidney Resident,

This is notice that Agri Industries is requesting a variance per City Code 11-10-50. The current zoning for this location is B-1: Community Highway Business. The legal description is: SW ¼ of NE ¼ of S5 T22N R59E. The variance is to have a 60-foot flag pole installed when city code only allows for a 50-foot pole.

A Zoning/Board of Adjustments meeting will be called for Wednesday December 6th, 2023 at 9:00 am at City Hall to decide on this matter. If you have any comment for or against this variance request please either attend the Zoning/Board of Adjustments meeting or contact City Clerk/Treasurer Jessica Chamberlin, who will present to the Commission.

The City Council will make final decision on this variance at the December 18th, 2023 regular City Council Meeting at 6:30pm. You can participate in this meeting in person at City Hall or contact City Hall at 406-433-2809 for Zoom call information.

If you have any questions, please do not hesitate to contact City Hall at the above contact information.

Thank you,

Jessica Chamberlin
Clerk/Treasurer
City of Sidney

Property Owners within 300 feet of Agri Industries:

Property Owner(s): Al's Mini Storage

Mailing Address: 315 Main ST Roundup, MT 59072

Physical Address: 701 Warren Ln Sidney, MT 59270

Property Owner(s): Avad Properties LLC (Franz Construction)

Mailing Address: PO Box 787 Sidney, MT 59270

Property Address: 1700 S Central Sidney, MT 59270

Property Owner(s): Kraken Oil & Gas LLC

Mailing Address: 9805 Katy FWY STE 300 Houston, TX 77024

Property Address: 1645 S Central Ave Sidney, MT 59270

Property Owner(s): Baxter Thomas G & Kristin E

Mailing Address: PO Box 603 Fairview, MT 59221

Property Address: 1601 S Central Ave Sidney, MT 59270

Property Owner(s): Horizon Properties LLC

Mailing Address: 1001 17TH ST SW Sidney, MT 59270

Property Address: 7TH ST SW Sidney, MT 59270

Property Owner(s): Bergerson Doug V & SL

Mailing & Property Address: 1701 9TH AVE SW Sidney, MT 59270

Property Owner(s): Laduke Rory M & Jennifer L

Mailing & Property Address: 1709 9TH AVE SW Sidney, MT 59270

Property Owner(s): Lake Ira W

Mailing & Property Address: 1803 9TH AVE SW Sidney, MT

Property Owner(s): Mueller Brandon

Mailing & Property Address: 1807 9TH AVE SW Sidney, MT 59270

Property Owner(s): Sidney 25 Development LLC, C/O Lora Romney

Mailing Address: Layton, UT 84040-7892

Legal Description: S05, T22 N, R59 E, NWNE, S2NE W OF HY LESS TR AND HW R/W

Location: (Field West of Agri Industries)

Property Owner(s): Richland Rentals LLC

Mailing & Physical Address: 1807 S Central AVE Sidney, MT 59270

Property Owner(s): City of Sidney

Mailing Address: 115 2nd ST SE Sidney, MT 59270

Legal Discription: S05, T22N, R59E, PT S2NE4

Location: (Field South of Al's Mini Storage)

CITY OF SIDNEY

NOTICE

There will be a Public Hearing on Wednesday December 6th, 2023 at 8:00 A.M., at the City Council Chambers at City Hall in front of the Zoning/Board of Adjustments, for the purpose of considering a variance request. The variance is at the request of Agri Industries to have a 60-foot flag pole. City code only allows for a 50-foot pole. This property is located at SW ¼ of NE ¼ of S5 T22N R59E.

For further information regarding this matter or call-in information, you may contact the City Clerk for the City of Sidney at 115 2nd St SE, Sidney, Montana, Tel: 406-433-2809.

Jessica Chamberlin
City Clerk/Treasurer

Publish: November 22nd and 29th, 2023



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Sidney Herald** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(406) 433-2403**.

Notice ID: wSZtcUxchBNAECgAXSX6 | **Proof Updated: Nov. 20, 2023 at 07:58am MST**
Notice Name: Agri Industries Pole Height Variance

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
City Clerk & Treasurer Jessica Chamberlain clerktreasurer@cityofsidneymt.com (406) 433-2809	Sidney Herald

Columns Wide: 1

Ad	Legals
Class:	

11/22/2023: Public Notice	40.81
11/29/2023: Public Notice	40.81

Subtotal	\$81.62
Tax	\$0.00
Processing Fee	\$8.16
Total	\$89.78

Public Notice CITY OF SIDNEY

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Jessica Chamberlin
City Clerk/Treasurer
MNAXLP ##### Published November 22, 29, 2023