



City of Sidney, MT  
Zoning/Board of Adjustment Meeting 9-21-22  
September 21, 2022 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: 835 1498 4545 Passcode: 4332809 Call: 1-346-248-7799

1. New Business

[a.](#) Miller's Corner Conditional Use Permit

[b.](#) Franciso Aguilar-Morales Variance Request

# TREASURER'S OFFICIAL RECEIPT

CASH ☐ Card ☒  
CHECK ☐

23332

Item a.

CITY OF SIDNEY, MONTANA Sept 1, 2022 \$ 500-

RECEIVED OF: Sarnodak  
Five Hundred and 110/100 DOLLARS

FOR Miller's Corner Variance FUND \_\_\_\_\_

WHITE COPY: City Treasurer  
YELLOW COPY: City Clerk  
PINK COPY: Remitter

Jessica Chamberlin  
City Treasurer

Owner: Miller's Corner  
Address of Applicant: Jared Madure (DRS Enterprises LLC)  
Phone Number of Applicant: 67 215 St E Dickinson ND 58601  
Legal Description of subject property: 701 264 9341  
Current Zoning: 2201 W Holly St Land Area: TR-A Lot 9 Fairgrounds addition  
Conditional Use request if for the following reason: B-1  
Add Electronic Message Center

(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 **\$600 filing fee (a maximum of eight RV's will be allowed) (Each RV will pay a per-camper fee of \$600). The application will not be considered complete until all information is submitted.**

I hereby certify that the above information is true and correct and that I am the  
Owner \_\_\_\_\_ Owner's Agent \_\_\_\_\_ Lessee \_\_\_\_\_ of the above described property.

[Signature]  
Applicant Signature

For Office Use Only

Date Filed: 9/1/2022 Filing Fee: \$500-  
Zoning Commission: 9/21/2022 Action Taken: \_\_\_\_\_  
Council Hearing: 10/3/2022 Action Taken: \_\_\_\_\_

115 Second Street SE \* Sidney, MT 59270  
Phone: (406) 433-2809 \* Fax: (406) 433-7509

Miller's corner adjacent properties

Fellowship Baptist church

2181 W Holly ST

4064334004

Paul and Patrick Tjelde

35359 County road 129

4064885615

Kenneth Moen Trust

2980 3<sup>rd</sup> St NW

Not listed

Greg and Linette Miller

323 23<sup>rd</sup> Ave NW

4064884495

Kimberly Kain

325 23<sup>rd</sup> Ave NW

Not listed

Nitin and Manali Patel

327 23<sup>rd</sup> Ave NW

Not listed

Larry Feragen

326 23<sup>rd</sup> Ave NW

Not listed

Miller's Corner

323 23<sup>rd</sup> Ave NW

4064334041

Hilltop Shop LLC

PO Box 652

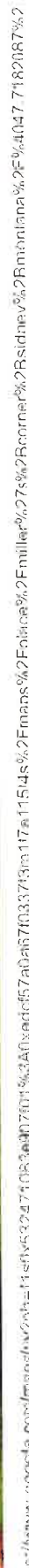
4064800906

McNutt Family Trust

2699 Niehenke Dr

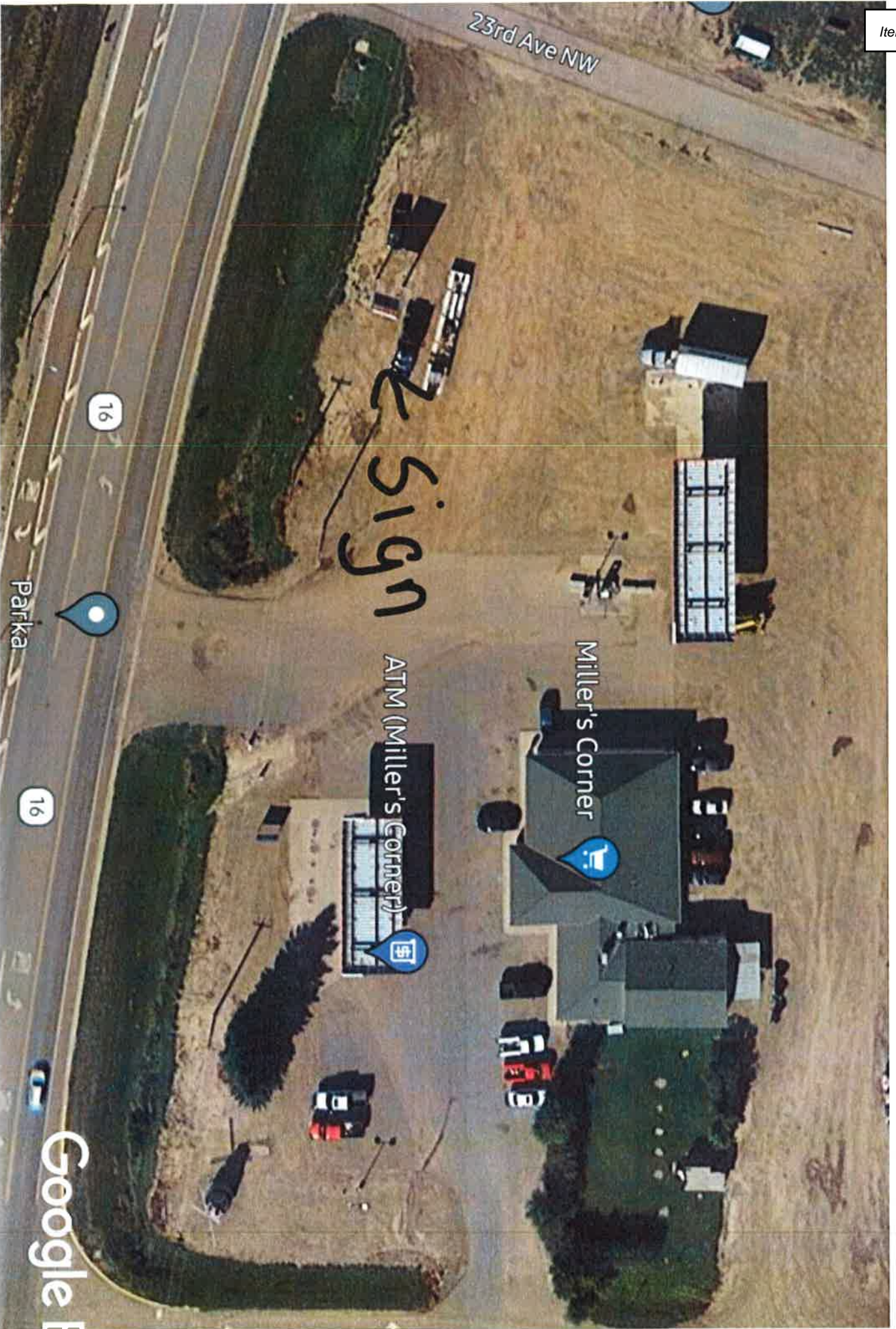
Not listed











# CITY OF SIDNEY

## **NOTICE**

There will be a Public Hearing on Wednesday September 21, 2022 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 Conditional Use Permit. The request is from Miller's Corner, to an electronic message center sign. This property is located at 2201 W Holly Street, TR-A Lot 9, Fairgrounds Addition.

There will be a Public Hearing on Wednesday September 21, 2022 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 lot coverage variance request of Fransciso Aguilar-Morales to have 980 feet of their lot be covered that is over the maximum 40% per City Code 11-6-40. This property is located at 306 11<sup>th</sup> Ave SW, Lot 19, Block B, Nels Bach.

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

Jessica Chamberlin  
City Clerk/Treasurer

Publish: September 4<sup>th</sup> and 11<sup>th</sup>, 2022





Re: Conditional Use Permit Request for Miller's Corner

Dear City of Sidney Resident,

This is notice that Miller's Corner is requesting a conditional use permit per City Code 11-10-40. The current zoning for this location is B-1: Community Highway Business District. The legal description is: Fairgrounds Subdivision, TR-A Lot 9. Miller's Corner would like to install an electronic message display center.

A Board of Adjustments Meeting will be called for Wednesday September 21, 2022 at 8:00 am at City Hall to decide on this matter. If you have any comment for or against this variance request please either attend the Board of Adjustments meeting or contact City Clerk Jessie Chamberlin, who will present to the Board.

If you have any questions, please do not hesitate to contact City Hall at the above contact information. Virtual Zoom meeting information is:

**Meeting ID: 835 1498 4545    Passcode: 4332809    Or by calling: 1-346-248-7799**

Thank you,

Jessica Chamberlin  
City Clerk/Treasurer  
City of Sidney

# City of Sidney

Item b.



Montana's Sunrise City

## 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: Francisco Aguilar-Morales

Name of Applicant: Francisco Aguilar-Morales

Address of Applicant: 805 S Lincoln Ave, Sidney, MT 59270

Phone Number of Applicant: 406 480 1702

Legal Description of property: Banta C R ADD (Sidney), S32, T23N, R59E, Block 001, Lot 005

Current Zoning: R-3

Land Area: 10,500 sqft

Variance request if for the following reasons: Garage parking, 54' width by 40' depth for

2,160 sqft, requesting additional 980 sqft.

(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

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# City of Sidney

Item b.



## 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

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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

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4. Necessary to Provide Reasonable Use

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

*This Building will allow tenants to provide safety for their vehicles from weather and criminal activity*

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5. Minimum Variance

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

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6. Not Injurious

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

*This Building meets current setbacks and will not cause any public hazard-*

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# City of Sidney

Item b.



## 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.**

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

Francisco Asviter  
Applicant Signature

### For Office Use Only

Date Filed: 9-1-2022

Filing Fee: \$500-

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

Yes	No
Yes	No
Yes	No
Yes	No
Yes	No

Zoning - 9/21/2022  
Council - 10/3/2022

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

Chairperson Signautre: \_\_\_\_\_



1. James Hanson, 801 S Lincoln AVE, Sidney, MT 59270
2. Srining Tyastuti, 713 Lincoln AVE S, Sidney, MT 59270
3. Srining Danielson, 711 Lincoln AVE S, Sidney, MT 59270
4. William Fink & Sandra Jean, 313 29<sup>th</sup> AVE NW, Sidney, MT 59270
5. Kenneth & Ashlea Capwell, 811 Lincoln AVE S
6. Desiree & Nulvin Guillen Molina, PO Box 1249, Sidney, MT 59270
7. Church of the Nazarene, 606 9<sup>th</sup> ST SW, Sidney, MT 59270
8. Scott Johnson & Penny Childers, 611 9<sup>th</sup> ST SW, Sidney, MT 59270
9. Stacey Brown, 814 7<sup>th</sup> AVE SW, Sidney, MT 59270
10. Jeffery & Cathy Hintz, 812 7<sup>th</sup> AVE SW, Sidney, MT 59270
11. David Albrecht, 808 7<sup>th</sup> AVE SW, Sidney, MT 59270
12. Daniel Becker, 804 7<sup>th</sup> AVE SW, Sidney, MT 59270
13. George & Stella Watts, 712 7<sup>th</sup> AVE SW, Sidney, MT 59270
14. Jeannine Volbrecht, 710 7<sup>th</sup> AVE SW, Sidney, MT 59270
15. Anton & Elaine Barone, 708 7<sup>th</sup> AVE SW, Sidney, MT 59270
16. Darin & Sarah Lacey, 706 7<sup>th</sup> AVE SW, Sidney, MT 59270
17. Diana Hoff, 620 7<sup>th</sup> ST SW, Sidney, MT 59270
18. Earl & Donna Anvik, 801 2<sup>nd</sup> ST SE, Sidney, MT 59270
19. James & Linda Tibbits C/O Richard Engstrom, 139 7<sup>th</sup> ST SW, Sidney, MT 59270
  - a. Richard Engstrom, 726 7<sup>th</sup> ST NE, Sidney, MT 59270
20. T&T Properties INC, PO Box 1468, Sidney, MT 59270
21. Robert & Sharon Heick, 724 Lincoln AVE S, Sidney, MT 59270

$$\begin{array}{r}
 \text{Current Building} \quad 60' \times 45' = 2700 \\
 \text{w/ Entry} \quad 32' \times 10' = 320 \\
 \hline
 3020
 \end{array}$$

$$\text{Garage} - 54' \times 40' = 2,160 \quad +$$

$$\text{Total} \quad 5,180$$

$$\begin{array}{r}
 75' \times 140' \times 40\% \\
 \text{Lot } 10,500 \times .4 = -4,200 - \\
 \hline
 \end{array}$$

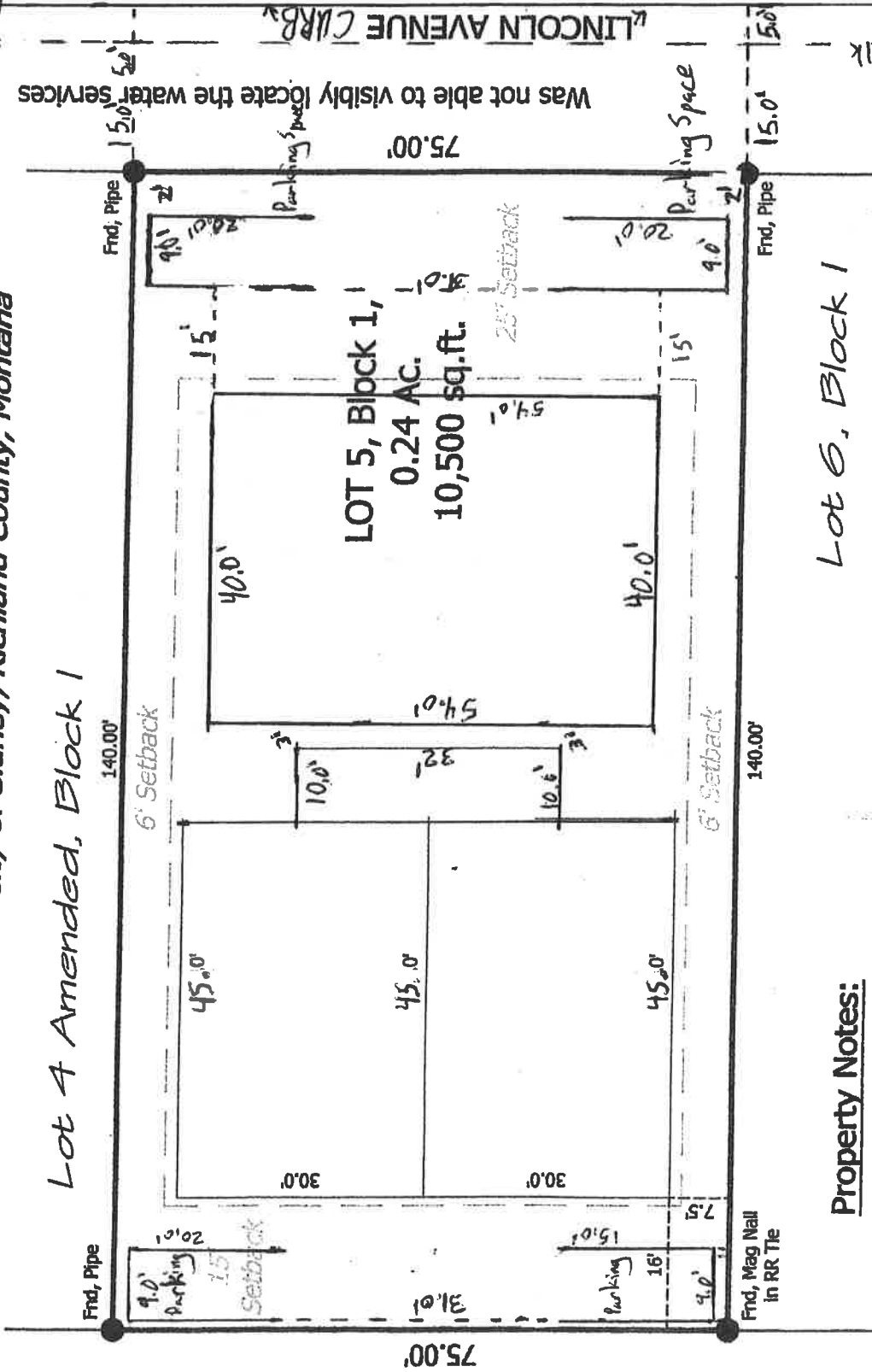
980sq variance request

# SITE PLAN

LOT 5, Block 1, Banta Addition  
SE1/4, T 23 N R 59 E, P.M., M.  
City of Sidney, Richland County, Montana

Lot 4 Amended, Block 1

20' ALLEY  
Power, Phone & Cable in the Alley



Lot 6, Block 1

## Property Notes:

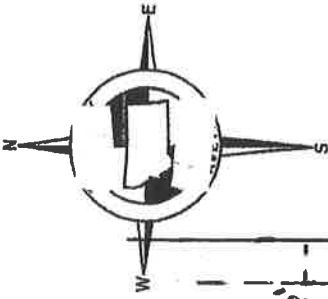
Physical address: 805 South Lincoln Avenue

Zoned: R-3 Multi Family Residential

Proposed: 4 Units



Scale 1" = 20'



54' width x 40' depth

Item b.

Garage  
Door

9'

3'

Garage  
Door

9'

Walk-in  
Door

6'

Garage  
Door

9'

3'

Garage  
Door

9'

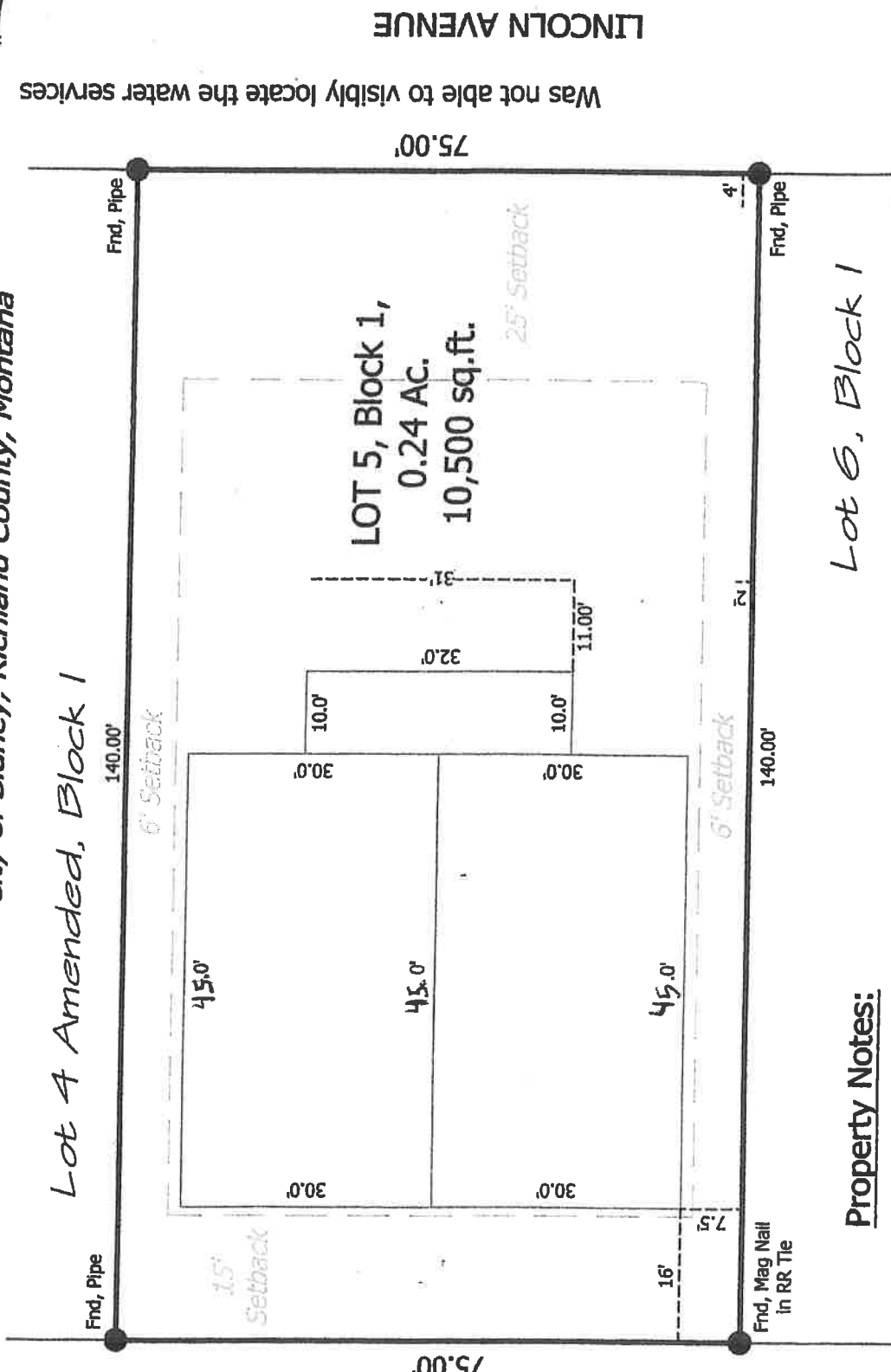


# SITE PLAN

LOT 5, Block 1, Banta Addition  
SE1/4, T 23 N R 59 E, P.M., M.  
City of Sidney, Richland County, Montana

Lot 4 Amended, Block 1

20' ALLEY  
Power, Phone & Cable in the Alley



Was not able to visibly locate the water services

LINCOLN AVENUE

Lot 6, Block 1

## Property Notes:

Physical address: 805 South Lincoln Avenue

Zoned: R-3 Multi Family Residential

Proposed: 4 Units



Scale 1" = 20'

# CITY OF SIDNEY

## **NOTICE**

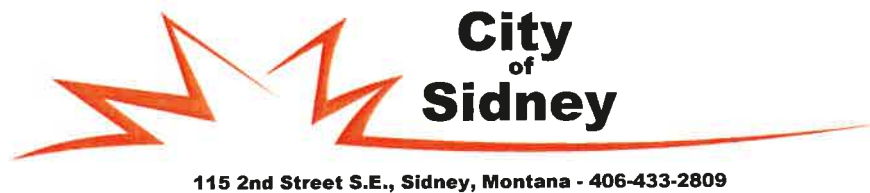
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For further information regarding this matter or call-in information, you may contact the City Clerk for the City of Sidney at 115 2<sup>nd</sup> St SE, Sidney, Montana, Tel: 406-433-2809.

Jessica Chamberlin  
City Clerk/Treasurer

Publish: September 4<sup>th</sup> and 11<sup>th</sup>, 2022



Re: Variance Request for 805 S Lincoln Avenue

Dear City of Sidney Resident,

This is notice that Francisco Aguilar-Morales is requesting a variance per City Code 11-6-40. The current zoning for this location is R-3: Multiple Family Residential. The legal description is: Lot 001, Block 028, Sidney Original Subdivision. Mr. Aguilar-Morales would like to add a garage, and because of such will be over the maximum lot coverage of 40% by 980 feet.

A Board of Adjustments Meeting/Zoning Board will be called for Wednesday September 21<sup>st</sup>, 2022 at 8:00 am at City Hall to decide on this matter. If you have any comment for or against this variance request please either attend the Board of Adjustments meeting or contact City Clerk/Treasurer Jessica Chamberlin, who will present to the Board. You can also participate with the following zoom information:

**Meeting ID: 835 1498 4545**

**Passcode: 4332809**

**Or by calling: 1-253-215-8782**

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

Thank you,

Jessica Chamberlin  
City Clerk/Treasurer  
City of Sidney