



City of Sidney, MT  
Zoning/Board of Adjustment Meeting 4-10-2024  
April 10, 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

**Zoning/Board of Adjustment Members Present:** Jones, Meldahl, Seitz and Hintz

**Other's Present:** Clerk/Treasurer Chamberlin, Deputy Clerk/Treasurer Shanks, FM/BI Rasmussen, Mayor Norby, Jack Legg (JL Construction), Francisco Aguilar (JL Construction), Adam Knudson (JL Construction), Bill Fink, Sandy Fink and Jim Hanson

**1. New Business**

**a. Aguilar Lot Coverage Variance of 363 sq. ft. at 805 S Lincoln Ave**

Chair Jones called the meeting to order for the variance request of Francisco Aguilar for a lot coverage variance of 363 square feet over the 40% maximum coverage per city code 11-6-40. Mr. Aguilar stated this variance is for a 25X47 foot garage in front of his 4-plex at 805 S Lincoln Ave. He stated it would have 12 foot walls with 4 garage bays and that it meets all other requirements. He further stated there are other houses on the same street that are closer to the curb than this garage would be.

In discussion Mr. Fink asked how this request is different from the previous request and FM/BI Rasmussen stated he has reduced the size of the garage. Mr. Fink stated he does not feel this request meets the 7 criteria required for granting a variance, especially number 3 that the code creates an undue hardship.

Other issues with the granting of the variance discussed included visibility issues for traffic, on-street parking, devaluing neighboring properties, drainage on neighboring properties and off street parking as laid out in the plans provided. In rebuttal Mr. Aguilar stated the proposed garage will not be any closer to the street than other houses on the block and will not cause visibility issues. He further stated all properties use the on street parking causing visibility issues at times and regardless of the variance he will be moving forward with the garage, it will just have one less bay and therefore will meet the lot coverage regulations. Pertaining to the previous drainage

issues discussed at the previous request of Mr. Aguilar, Mr. Fink stated he has installed eaves that now have extensions to the street, although the extensions were just installed. He further stated Mr. Aguilar installed the cement apron, but he feels it slopes towards his property and is not solving the issues. Mr. Aguilar stated he feels the work done has satisfied the drainage issues, and Mr. Aguilar stated that there will be no parking in the street. Mr. Aguilar also mentioned that there will be no parking in the back of the building, just in front of the building and approximately 15-20 feet from the curb.

Mr. Aguilar asked the board if there was anyway that this meeting could be postponed for a later date, so Mr. Aguilar and J&L Contractors could go back and re-draw the maps and re-measure and supply the board with more additional information. Mr. Fink said that appreciates the board time but, think that Mr. Aguilar should of been more prepared before this meeting since this is the second time the board is meeting regarding the same variance request.

Mr. Seitz made a motion to table this variance meeting until the measurements are accurate and BI/FM Rasmussen has gone over to the property and verified the measurements, and Mr. Seitz would like for BI/FM Rasmussen to get all measurements and details before any more variance meetings come forward.

Mr. Seitz- Yes

Mr. Meldahl- Yes

Mr. Jones- No

Public Works Director Hintz- Abstain from voting

Public Works Director Hintz stated that the reasons he is abstain from voting right now is because he is neighbors with the three other properties. Chairman Jones mentioned that the maybe the board should drive to Mr. Aguilar property and physically take a look at where the garage is going to be on the property for a better picture.

The variance meeting is temporarily adjourned at 8:44am ,and will re open up at 1:30pm today at Mr. Aguilar property (805 S Lincoln Ave).

Chairman Jones re-opened up the Mr. Aguilar variance request at 1:30pm at Mr. Aguilar property (805 S Lincoln Ave), and Public Works Director Hintz showed Mr. Aguilar where the property pins are located on his property. Mr. Aguilar showed the board members and Mr. Fink and Mr. Hansen where the garage is going to be located on his property. Mr. Aguilar stated that the garage walls and trusses are going to be 12 feet tall, and Chairman Jones believes that it will be unsafe to back out from the property onto Lincoln. Mr. Fink asked why he would still need a variance for the three stalls and eight parking spots, and Public Works Director Hintz mentioned an idea about Mr. Aguilar just building a carport with three stalls then.

Mr. Meldahl made a motion to approve the variance request as submitted for Mr. Aguilar, Mr. Seitz seconded the motion, with no further questions or concerns, motion was approved.

Motion made by Meldahl, Seconded by Seitz.

Voting Yea: Jones

Voting Abstaining: Hintz

Adjourned at 1:36pm.