



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

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

1. New Business

- a. [Aguilar Lot Coverage Variance of 363 sq. ft. at 805 S Lincoln Ave](#)

City of Sidney

Item a.



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 _____

Name of Applicant: Francisco Aguilar _____

Address of Applicant: PO Box 3189 _____

Phone Number of Applicant: 406-480-1702 _____

Legal Description of property: BANTA C R ADD (SIDNEY), S32, T23 N, R59 E, BLOCK 001, Lot 005 (805 S Lincoln Ave)

Current Zoning: R-3

Land Area: 10,500 ft lot _____

Variance request if for the following reasons: 363 SQ FT lot coverage

(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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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

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

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.

5. Minimum Variance

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

6. Not Injurious

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

Building meets current setbacks and will not cause any public hazard.

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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.

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

Francisco Aguilera

Applicant Signature

For Office Use Only

Date Filed: *March 12th 2024*

Filing Fee: *\$500-*

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

_____ Yes _____	_____ No _____
_____ Yes _____	_____ No _____
_____ Yes _____	_____ No _____
_____ Yes _____	_____ No _____
_____ Yes _____	_____ No _____

rec. 24279

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

Chairperson Signautre: _____

Zoning - April 10, 2024

Council April 15, 2024

CITY OF SIDNEY

NOTICE

There will be a Public Hearing on Wednesday April 10th, 2024 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 363 feet of their lot be covered that is over the maximum 40% per City Code 11-6-40. This property is located at 805 S Lincoln Ave, Lot 5, Block 1, Banta C R ADD.

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: March 24th and 31st, 2024

Aguilar Variance March 2024 [Edit](#)

Notice ID: GNNUJDvHzitxGBinYSYS

- Notice Preview →
- Activity Log →

- Newspaper
Sidney Herald
- Confirmation Status
⌚ Awaiting Review
- Publication Dates
Mar 20, 2024 Mar 27, 2024
- Status
Awaiting Invoice Creation ⓘ
- Invoice Due
Awaiting Invoice Creation
- Account Number
447470

Quick Actions ⚡

- VIEW PROOF
- VIEW INVOICE
- PAY INVOICE
- CANCEL NOTICE

Affidavit

ⓘ Waiting for publisher...

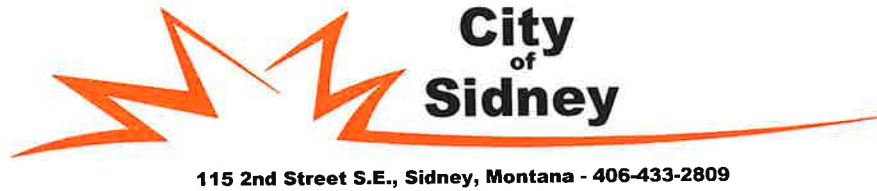
Mail Requests

ADDRESS
 City of Sidney
 115 2nd St SE
 Sidney, Montana 59270

STATUS

DOCUMENT
 Affidavit

COPIES
 1



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 005, Block 001, Banta CR Addition Subdivision. Mr. Aguilar-Morales would like to add a garage, and because of such will be over the maximum lot coverage of 40% by 363 feet.

A Board of Adjustments Meeting/Zoning Board will be called for Wednesday April 10th, 2024 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: 713 808 5898 Passcode: 4332809 Or by calling: 1-346-248-7799

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

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 29th 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 9th ST SW, Sidney, MT 59270
8. Scott Johnson & Penny Childers, 611 9th ST SW, Sidney, MT 59270
9. Stacey Brown, 814 7th AVE SW, Sidney, MT 59270
10. Jeffery & Cathy Hintz, 812 7th AVE SW, Sidney, MT 59270
11. David Albrecht, 808 7th AVE SW, Sidney, MT 59270
12. Daniel Becker, 804 7th AVE SW, Sidney, MT 59270
13. George & Stella Watts, 712 7th AVE SW, Sidney, MT 59270
14. Jeannine Volbrecht, 710 7th AVE SW, Sidney, MT 59270
15. Anton & Elaine Barone, 708 7th AVE SW, Sidney, MT 59270
16. Darin & Sarah Lacey, 706 7th AVE SW, Sidney, MT 59270
17. Diana Hoff, 620 7th ST SW, Sidney, MT 59270
18. Earl & Donna Anvik, 801 2nd ST SE, Sidney, MT 59270
19. James & Linda Tibbits C/O Richard Engstrom, 139 7th ST SW, Sidney, MT 59270
 - a. Richard Engstrom, 726 7th 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

Lot Size 10,500

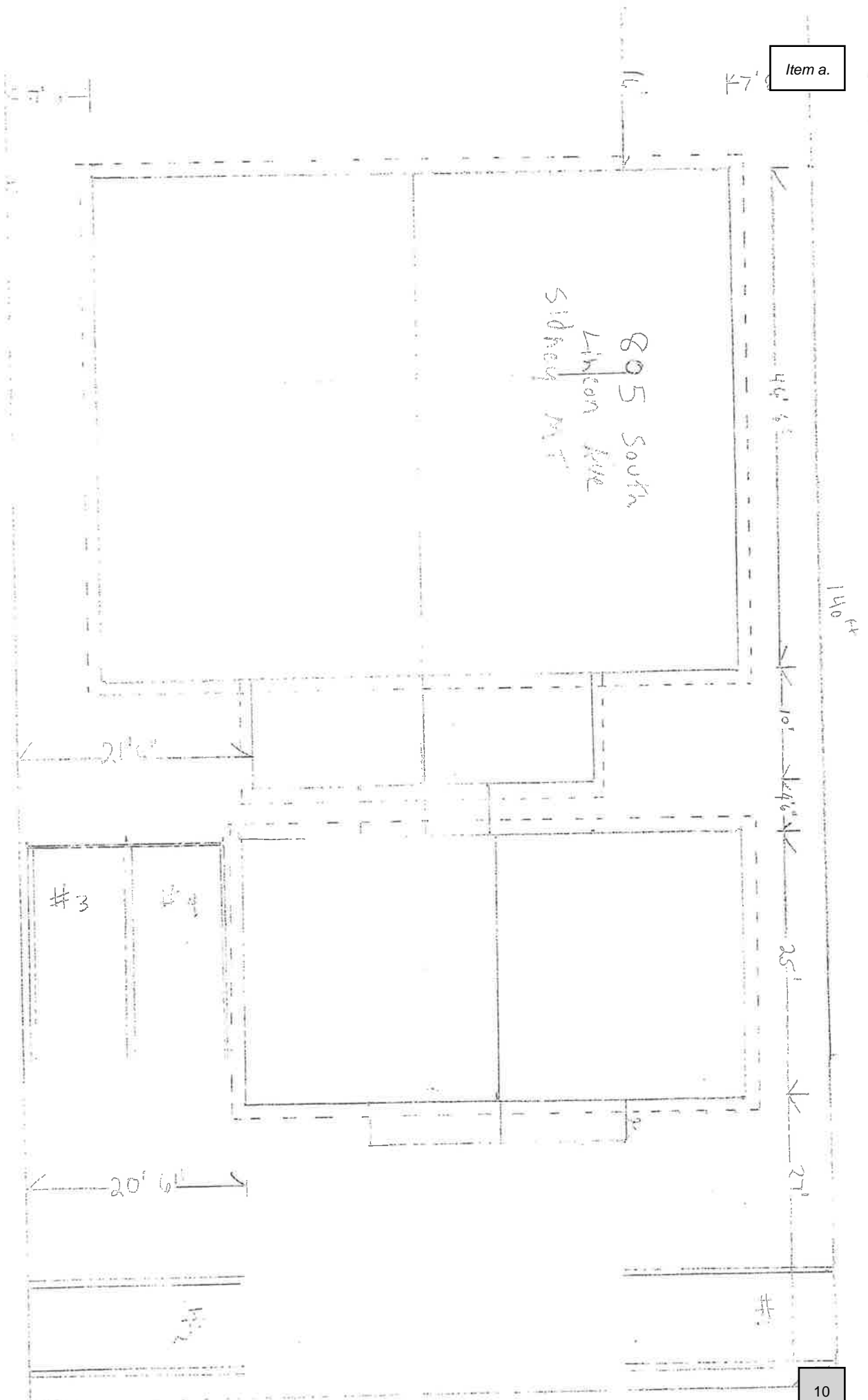
40% = 4,200

Apt = 3,240

Remaining 960

Garage w/ 1' Eaves
= 1323

Variance 363



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