

# City of Sidney



Montana's Sunrise City

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## 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

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(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

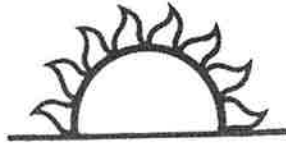
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2. Not Result of Applicant

The special circumstances or conditions have not resulted from an act of the applicant or been established to circumvent this Ordinance; and

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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.*

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

*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 10<sup>th</sup>, 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 2<sup>nd</sup> St SE, Sidney, Montana, Tel: 406-433-2809.

Jessica Chamberlin  
City Clerk/Treasurer

Publish: March 24<sup>th</sup> and 31<sup>st</sup>, 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







115 2nd Street S.E., Sidney, Montana - 406-433-2809

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 10<sup>th</sup>, 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. Sringing Tyastuti, 713 Lincoln AVE S, Sidney, MT 59270
3. Sringing 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



Lot Size 10,500

40% = 4,200

Apt = 3,240

Remaining 960

Garage w/ 1' Eaves  
= 1323

Variance 363

