



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

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

Board Members: Terry Meldahl, Adam Smith and Jeff Hintz. Absent: Justin Jones and David Seitz

Visitors: Mr. Meduna, Francisco Aguilar-Morales, Juan Cruz Aguilar, Bill Fink and Sandy Fink

1. New Business

a. Miller's Corner Conditional Use Permit

The public hearing was opened by Mr. Meldahl at 8:02. Mr. Meldahl called for any proponents, three times, and Clerk/Treasurer Chamberlin stated she received a phone call from Walt McNutt in favor of the sign. Mr. Meldahl called for any opponents, three times, with none coming forward.

Mr. Meduna with DRS Enterprises stated it will be below the gas prices on the sign and will be a message board. PWD Hintz asked if the MDT has given approval, as it is his understanding that they have to be a certain distance apart from each other. Mr. Smith stated he was only aware of distance off the highway. Mr. Meduna stated he has contacted the highway department and they stated that because it is an on-premises sign, they do not require a permit. He stated Robert Hazure at the MDT was his contact. He further stated that there are different regulations for off-premises signs that would not apply here. BI/FM Rasmussen stated he would need the letter from the MDT to have on file. Mr. Smith stated previously the zoning board has limited the functions used to not allow scrolling on the message board and dimmed at night for safety reasons. FM/BI Rasmussen stated this would be a condition of approval. Mr. Aguilar asked if the color should be restricted to not be green because of proximity to the stop light, Mr. Smith stated it is approximately 400 feet away and FM/BI Rasmussen stated it is back by the U-Hauls so not directly by the stop light.

Mr. Meldahl called for any further discussion, with none coming forward. Mr. Meduna stated the sign has capabilities to automatically dim at certain times and the messages last from 40 seconds to a minute plus, so they are not flashing to distract drivers.

Motion was made to approve the Conditional Use Permit with the conditions that no scrolling or flashing messages can be on it and it must be dimmed to a certain lumen, to be provided by FM/BI Rasmussen, at night.

Motion made by Hintz, Seconded by Smith.
Voting Yea: Smith, Meldahl, Hintz

Mr. Meldahl closed the public hearing at 8:16am.

b. Franciso Aguilar-Morales Variance Request

Mr. Meldahl opened the public hearing for the variance request at 8:16am. Mr. Meldahl called for any proponents on the variance, and Mr. Aguilar-Morales stated he is requesting it for safety and weather conditions.

Mr. Meldahl called for any further proponents, and none further came forward. Mr. Meldahl called for any opponents to the variance and Mr. Fink stated that when this building was built it caused problems with watershed, as it does not have any downspouts on certain sides of the shed, which causes the water to go to his building next to it. He stated that in 2018 he had to have work done on his building and the contractor informed him that the watershed is causing issues with the walls being pushed in and with the concrete. He stated at that time he came to the City and Mr. Anderson at that time stated the watershed should be directed to the street and he sent a letter to the property owner a letter, to which they never replied. He stated he is concerned this additional building will only exasperate the water shed problem. Mr. Aguilar-Morales stated when there have been large storms, the water has stayed on his property, and he doesn't believe the pad is pushing the water to Mr. Finks property. He further stated he feels Mr. Finks waterspouts put the water directly onto his property. Mr. Smith stated the discussion should stay on the property in question. Mr. Aguilar-Morales stated he can put gutters on this building towards the alley and the garage gutters would send it to the street. PWD Hintz stated all needs to be directed to the street and Mr. Meldahl stated doing so is a benefit to his property so stop damage. PWD Hintz stated a valley gutter between the properties would fix this issued.

Mr. Smith asked if this was increasing the hard surfaces on the property and FM/BI Rasmussen stated possibly if he concreted the current parking spots, but the garage is going on top of existing. Mr. Aguilar-Morales stated possibly a walkway around the garage would be added.

Mr. Meldahl asked how tall the sidewalls will be and Mr. Aguilar-Morales stated a 9-foot. Mrs. Fink asked if the parking would obstruct the sightlines for the exiting from their building and Mr. Fink stated he is concerned the garage would obstruct the approach. Mr. Aguilar-Morales stated it is 27-feet back from the curb. Mr. Meldahl from the map it looks like 46-feet from the front of the garage to where the 5-foot sidewalk would start when it is installed. PWD Hintz stated Lincoln is an 80-foot right-of-way.

Mr. Meldahl called for any other opponents for public comments, three times, with none coming forward. Mr. Meldahl closed the public hearing at 8:35pm.

Mr. Meldahl called for any questions from the Board of Adjustments, and he asked why the garage needs to be 40 feet and Mr. Aguilar-Morales stated because of the possible length of pick-ups

being 30-feet, that only leaves 10-feet for storage, possible bench or getting in and out of the building. Mr. Smith asked if he meets the 50% landscaping requirement currently and FM/BI Rasmussen stated with all of the concrete he currently does not.

Mr. Smith stated based off how far back he is from the street, he is less concerned with the sightlines than he is about the majority of the property being covered with roof and concrete and the watershed issues. Mr. Aguilar-Morales stated he will have the watershed issue taken care of. Mr. Meldahl suggested a condition of approval be that gutters be installed on the east side of the building. Mr. Smith asked if it can be a condition of approval to have the valley gutters since he is willing to install them.

BI/FM Rasmussen asked if parking spots that are not concreted currently can be excluded from the requirement of concreting, to increase permeable land on the property. Mr. Meldahl stated after reviewing the parking spots, he sees the sightline issue is not with the building, but with the parking spots on the side of the proposed garage, which will cause issues. PWD Hintz stated the only resolution would be to shorten the garage. Mr. Smith agreed. Mr. Aguilar-Morales stated he could shorten it to 32-feet deep. Mr. Cruise Aguilar stated if it is a 40-foot spot, could it be considered 4 spots instead of 2 inside the garage, making it a 4-spot garage eliminating the need for the two parking spots on the side of the building. Mr. Smith asked how that would be regulated to make sure that they are parking inside the garage and not in those spots. Mr. Aguilar-Morales stated he would prefer shortening it to 32-feet. Mr. Smith stated it would be preferable to have the side of the garage have grass installed so people would not park there, no matter the size of the garage.

Motion was made to recommend approval of a 494-foot covered lot variance with the conditions that the building is shortened to 31-feet and the none-garage off-street parking spots be in the front of the garage doors, have valley gutters on each side of the existing building be installed to have water go to the east and to control the watershed on the new garage building via gutters, to have the specifics outlined with the Building Inspector during permitting process.

In discussion Mr. Meldahl stated the garage could be reduced further. PWD Hintz stated with a 4-plex, that is 8 spots. Mr. Fink stated they have been parking outside since the building went up and he is concerned this will be used for business purposes not parking spots. He stated he doesn't understand the need for safety and Mr. Aguilar-Morales stated the biggest is the weather issue with snow, hail etc. He further stated he is willing to do what he needs to do to meet guidelines, and none of his business will be operated out of it, what he is requesting the permit for is what it will be used for. Mr. Cruise Aguilar stated they have a shop at another location. Mr. Meldahl stated the Board of Adjustments has to protect for future ownership and use. PWD Hintz stated it is a large building for a small lot, especially with the 4-plex on it already. Mr. Fink stated when he purchased the property next to it, the property in question had a residential home on it that burned. Now it has a 4-plex and the proposed garage. He stated the regulations in place are there for a reason and he does not know why his property value and use should be affected by this.

Mr. Smith asked why not all the questions were filled out on the variance form, giving examples, including minimum variance being requested. Mr. Aguilar-Morales stated he didn't understand the questions on the form. Clerk/Treasurer Chamberlin agreed that the questions, being taken

directly out of the zoning code, are confusing for applicants and she would like to rewrite the questions instead of just quoting the zoning code for future applications.

Mr. Meldahl stated they could build a 4200 square foot garage without the variance, so either way the garage can be built and affect the neighbors.

Mr. Meldahl called for a vote on the motion at hand.

Motion made by Meldahl, Seconded by Smith.

Voting Nay: Smith, Meldahl

Voting Abstaining: Hintz

Mr. Meldahl stated the garage can still be installed as long as it is less than 4200 square feet. Mr. Fink asked if the watershed can still be addressed and Clerk/Treasurer stated that will have to come from the City Council at the October 3rd, 2022 meeting.

Adjourned at 9:10am.