



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

Re: Variance Request for 500 N Central Ave

Dear City of Sidney Resident,

This is notice that Sidney Ace Hardware is requesting a variance per City Code 11-10-33. The current zoning for this location is B-1: Community Highway Business. The legal description is: Lot 006A, Block 001, Amended Plat of Augustus Vaux Subdivision. Sidney Ace Hardware would like to add an eight-foot fence instead of a six-foot fence.

A Board of Adjustments Meeting/Zoning Board will be called for Wednesday December 18<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:

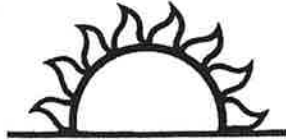
**Meeting ID: 713 808 5898      Passcode: 4332809      Or by calling: 1-346-248-7799**

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

Thank you,

BreeAnn Shanks  
Deputy City Clerk/Treasurer  
City of Sidney

# 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: King & King LLC

Name of Applicant: Charles D King (Skip)

Address of Applicant: 734 Indian Trail, Billings MT 59105

Phone Number of Applicant: 406-690-1741

Legal Description of property: within Lot 6A, Block 1, of the Amended Plat of Augusta Valley Subdivision in the

Current Zoning: SW 1/4 Section 28, T23N, R59E, P.M.M., City of Sidney, Richland County, Montana

Land Area: 46,684 sq ft

Variance request if for the following reasons: Six foot fence to eight foot fence

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(use additional pages if necessary)

→ B-1 Community Highway Business

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

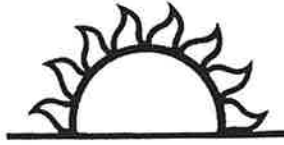
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# City of Sidney



## 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

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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**

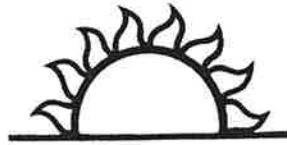
Granting the Variance will not be injurious to the neighborhood or detrimental to the public welfare; and

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# City of Sidney



## 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.

*Charles A King*  
Applicant Signature

For Office Use Only

Date Filed: *November 20th, 2024*

Filing Fee: *\$500.00*

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

*Rec # 24677*

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

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

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

*Zoning - December 18th, 2024 @ 8:00AM*

*Council - January 6th, 2025 @ 6:30pm*

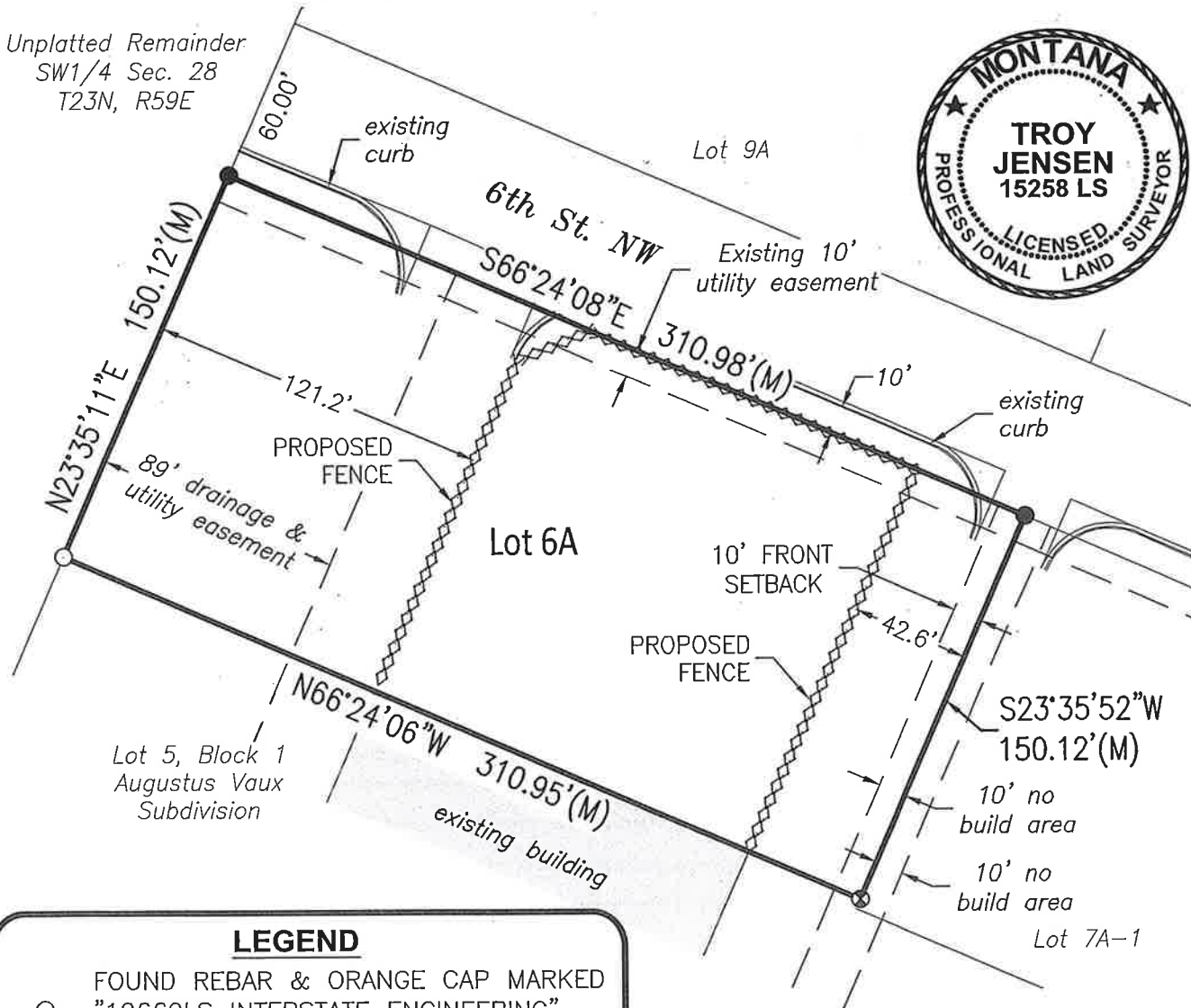
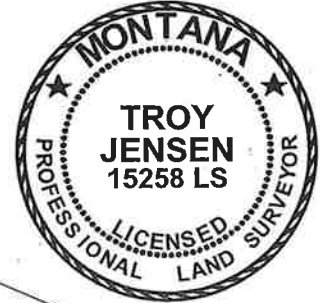
Variance request questions for Ace Hardware. .

1. We request to take the allowed fence from 6ft to 8ft tall to make the area more secure from theft. In the current zone a building is allowed to be built to the property line up to 50ft tall.
2. 8 ft fence would help detour theft. This would allow us to put more merchandise in the lot with the reduced chance of theft.
3. This fence would help reduce theft. The Sidney store has had things that were on top of a conex storage container that were attempted to be stolen in the recent past. We believe that a 8ft fence would be proper deterrent.
4. This would allow Ace to bring more products to the Sidney Store, and be stored in a safer environment.
5. With the fence more products would be available for sale.
6. This would also add some parking in front of the fence.
7. We feel that a variance would be consistent with the ordinance.

# SITE PLAN

Within Lot 6 A, Block 1, of the Amended Plat of Augustus Vaux Subdivision  
 In the SW1/4 Section 28, T23N, R59E, P.M.M., City of Sidney, Richland County, Montana

Unplatted Remainder  
 SW1/4 Sec. 28  
 T23N, R59E



**LEGEND**

- FOUND REBAR & ORANGE CAP MARKED "12669LS INTERSTATE ENGINEERING" UNLESS OTHERWISE NOTED
- SET REBAR & ORANGE CAP MARKED "15258-LS"
- ⊙ CALCULATED LOCATION. NOTHING FOUND OR SET.

———— SURVEYED BOUNDARY  
 - - - - EXISTING LOT LINE  
 - - - - EXISTING EASEMENT



*Troy Jensen*

TROY JENSEN, P.L.S. No. 15258  
 BENCHMARK LAND SURVEYING, INC.  
 P.O. BOX 652  
 SIDNEY, MONTANA 59270  
 (406)-480-0906

**ACE HARDWARE - NEW FENCE CONSTRUCTION**  
**6th STREET NORTHWEST**  
**SW1/4, Sec. 28, T23N, R59E, P.M.M.**  
**Richland Co., Montana**

SURVEYED BY	T. JENSEN	Oct. 2024	SCALE
DRAWN BY	S.R.	Oct. 2024	1" = 60'
BLS Job No.:	24-057		REV X:

Sidney Extended Stay LLC  
13118 E Copper River Ln  
Spokane WA 99206

Celinda Les MT LLC  
5750 Genesis Ct  
Ste 103  
Frisco TX 75034

Reynolds Mgmt Group  
1204 14th St SW  
Sidney MT 59207

Lone Tree Ranch  
PO Box 316  
Great Falls MT 59403

SABR Family Investments LLC  
PO Box 822  
Culbertson MT 59218

SK Holdings LLC  
1551 Zimmerman Trail  
Billings MT 59102

Shops at Fox Run II LLC  
PO Box 1048  
Sidney MT 59270

# **CITY OF SIDNEY**

## **NOTICE**

There will be a Public Hearing on Wednesday December 18<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 Sidney Ace Hardware to have eight foot fence instead of a six foot fence per City Code 11-10-33. This property is located at 500 N Central Ave, Lot 006A, Block 001, Amended Plat of Augustus Vaux Subdivision.

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.

BreeAnn Shanks  
Deputy City Clerk/Treasurer

Publish: November 30<sup>th</sup>, and December 7<sup>th</sup>, 2024.





## INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Sidney Herald** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(406) 433-2403**.

Notice ID: MtdBqNpO9lOrDvxaGb6T | **Proof Updated: Nov. 21, 2024 at 11:07am MST**  
Notice Name: Sidney Ace Hardware Variance

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

<b>FILER</b>	<b>FILING FOR</b>
City Clerk & Treasurer Jessica Chamberlain clerktreasurer@cityofsidneymt.com (406) 433-2809	Sidney Herald

<b>Columns Wide:</b> 1	<b>Ad</b> Legals
<b>Total Column Inches:</b> 3.83	<b>Class:</b>
<b>Number of Lines:</b> 31	

11/30/2024: Public Notice	46.94
12/07/2024: Public Notice	46.94

Subtotal	\$93.88
Tax	\$0.00
Processing Fee	\$9.39
<b>Total</b>	<b>\$103.27</b>

**Public Notice**  
**CITY OF SIDNEY**

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BreeAnn Shanks  
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**MNAXLP ##### Published November 30, December 7, 2024**