

City of Sidney



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: Holly Street Builders, LLC

Name of Applicant: Capital Growth Buchalter

Address of Applicant: 361 Summit Blvd, Suite 110, Birmingham, AL 35243

Phone Number of Applicant: 205-968-9220

Legal Description of property: Lots 4 and 5, Block 2 of the Northview Subdivision, Richland County, MT

Current Zoning: Community Highway Business

Land Area: 2.294 acres

Variance request if for the following reasons: See attached

19 parking spots

(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

See attached

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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

See attached

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

See attached

4. Necessary to Provide Reasonable Use

Granting the Variance is necessary to provide a reasonable use of the land or building; and

See attached

5. Minimum Variance

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

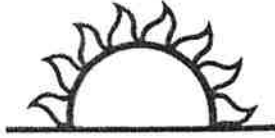
See attached

6. Not Injurious

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

See attached

City of Sidney



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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.

See attached

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

Applicant Signature

For Office Use Only

Date Filed: _____

Filing Fee: _____

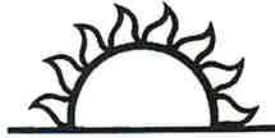
Vote (3 yes votes are required to grant a variance)

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

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

Chairperson Signautre: _____

City of Sidney



5. **Minimum Variance**

The Variance is the minimum variance necessary to allow a reasonable use of the land or building; and
Response: Yes, for the reasons stated above.

6. **Not Injurious**

Granting the Variance will not be injurious to the neighborhood or detrimental to the public welfare; and
Response: The Variance, if granted, will not be injurious to the neighborhood or detrimental to the public welfare. On the contrary, it would be a positive effect to each compared with the strict conformance to the Code requirement. We always strive to minimize pavement to what is absolutely necessary for parking/drive aisles/delivery truck circulation wherever possible to allow for more landscaping to be installed, allow for additional snow storage areas, minimize stormwater runoff, and reduce the urban heat island effect. Overall less pavement installation leads to a more aesthetically pleasing Project once constructed. We have both sought and received similar parking variances on Dollar General Projects throughout the country, in large Cities, small Towns/Villages, suburbs, etc.

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

James F. Fomally

Applicant Signature

For Office Use Only

Date Filed: 9/12/2023

Filing Fee: \$500 rec# 24078

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

<u>Mark Kraft</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Jeff Hintz</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Kate Rasmussen</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Frank DiFonzo</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Terry Meldahl</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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

Chairperson Signature: _____

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

Response: The Zoning Ordinance requires 5 Spaces/1,000 Sq. Ft. of Floor Area, with Floor Area further defined as Gross Floor Area. Although Dollar General can be classified as a Retail use, it is more of a general merchandise/"run-in to grab a few items on the way to or from work, home, school, etc." type of Tenant. Other commercial uses in the Zoning Ordinance have significantly less parking requirements, although they could arguably generate more traffic (i.e. Banks, Fast Food Restaurants, etc.). Since there is no subclassifications to Retail (i.e. discount/general merchandise/variety stores), it is blanketly used to cover Dollar General, which is a special circumstance to this Project under the confines of the Zoning Ordinance it has to meet.

Per Dollar General, these are the approximate metrics they have determined after gathering significant data in their over 19,000 stores in productive operation:

- 1) ~2000 transactions per week
- 2) ~285 transactions per day
- 3) ~142 transactions per day by vehicle
- 4) ~10 vehicles per hour (14 hours of operation)

As can be seen, Dollar General is a low intensity traffic generator with consistent traffic throughout the day. As the Developer, we have studied parking at sites throughout the United States we have developed and can confirm the maximum parking encountered is significantly less than what the strict conformance to the Code would require.

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

Response: The Applicant has not attempted to circumvent the Zoning Ordinance, but it is asking for a Variance for the reasons described above and in the following sections.

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

Response: The breakdown of the proposed building area is as follows:

- 12,726 Sq. Ft. Gross Floor Area
- 10,190 Sq. Ft. Sales Floor Area

-1,364 Sq. Ft. Stock/Receiving Area
-164 Sq. Ft. Office Area
-2-3 Employees

As can be seen, approximately 20% of the gross floor area is devoted to non-customer areas. Further, the sales floor area consists of fixed freezer/coolers and shelving with retail goods scattered throughout the sales floor area, which reduces the sales floor area even further. Strict conformance to the Code would require 64 parking spaces. If the Sales Floor Area and a conservative 10% reduction due to the internal shelving is used instead, that would lead to approximately 9,000 Sq. Ft. * (5 Spaces/1,000 Sq. Ft.) = 45 Spaces required, matching our 45 Spaces Proposed.

Further, for this size of building, Dollar General prefers 40 parking spaces for any peak holiday shopping, and we are proposing 45 parking spaces as a further cushion to that Tenant preferred minimum.

4. Necessary to Provide Reasonable Use

Granting the Variance is necessary to provide a reasonable use of the land or building; and

Response: Yes, granting the variance allows for the Project to proceed by avoiding the installation of asphalt pavement that will never be used and would result in unnecessary costs and the use of resources/raw materials.

5. Minimum Variance

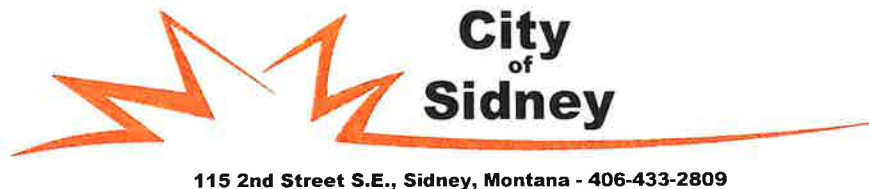
The Variance is the minimum variance necessary to allow a reasonable use of the land or building; and

Response: Yes, for the reasons stated above.

6. Not Injurious

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

Response: The Variance, if granted, will not be injurious to the neighborhood or detrimental to the public welfare. On the contrary, it would be a positive effect to each compared with the strict conformance to the Code requirement. We always strive to minimize pavement to what is absolutely necessary for parking/drive aisles/delivery truck circulation wherever possible to allow for more landscaping to be installed, allow for additional snow storage areas, minimize stormwater runoff, and reduce the urban heat island effect. Overall, less pavement installation leads to a more aesthetically pleasing Project once constructed. We have both sought and received similar parking variances on Dollar General Projects throughout the country, in large Cities, small Towns/Villages, suburbs, etc.



Re: Variance Request for 901 W. Holly St.

Dear City of Sidney Resident,

This is notice that Holly Street Builders, LLC is requesting a variance per City Code 11-18-43. The current zoning for this location is B-1: Community Highway Business. The legal description is: Lot 004 and 005, Block 002, Northview Subdivision. The variance is to have 19 parking spaces less than city code. City code requires 64 parking spaces, Holly Street Builders, LLC is requesting 45 parking spaces.

A Parking Commission meeting will be called for Wednesday October 4th, 2023 at 9:00 am at City Hall to decide on this matter. If you have any comment for or against this variance request please either attend the Parking Commission meeting or contact City Clerk/Treasurer Jessica Chamberlin, who will present to the Commission.

The City Council will make final decision on this variance at the October 16th, 2023 regular City Council Meeting at 6:30pm. You can participate in this meeting in person at City Hall or contact City Hall at 406-433-2809 for Zoom call information.

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

Thank you,

A handwritten signature in black ink that reads "Karmen Schmierer". The signature is written in a cursive, slightly slanted style.

Karmen Schmierer
Deputy Clerk/Treasurer
City of Sidney

RICHLAND COUNTY
201 W MAIN ST
SIDNEY MT 59270-4035

SIDNEY APARTMENTS LLC 59230-0191
C/O COFORGE BPS
DALLAS TX 75234

LONE TREE CREEK
CONDOMINIUMS PHASE II
PO BOX 191
GLASGOW MT 59230-0191

LONE TREE CREEK
CONDOMINIUMS PHASE III
C/O METZ JIM & AMY
SIDNEY MT 59270

WUTKE PROPERTIES LLC
3210 N ASHLEY LAKE RD
KALISPELL MT 59901-8131

KANALEY WILLIS & ELCE
38 LINREE AVE
READING PA 19606-9074

JOHNSON KAYLAN & AUBRIANNA
305 9TH AVE NW
SIDNEY MT 59270-3757

WRIGHT MONTANA PROPERTIES LLC
6911 W VOLTAIRE AVE
PEORIA AZ 85381-5059

DAO KEVIN ETAL
303 9TH AVE NW
SIDNEY MT 59270-3757

AILEY ROBERT LEE JR & AMBER D
426 SW 5TH PL
PRINEVILLE OR 97754-2100

WAG PROPERTIES LLC
17931 N FRUITPORT RD
SPRING LAKE MI 49456-1569

NORTHVIEW APARTMENTS LLC
PO BOX 16267
MISSOULA MT 59808-6267

SUN HAUS INVESTMENT LLC
PO BOX 3774
MISSION VIEJO CA 92690-3774

CITY OF SIDNEY
115 2ND ST NE
SIDNEY MT 59270-4101

SMITH DAVID ROBERT & KATHIE L
1015 N CENTRAL AVE
SIDNEY MT 59270-4208

BECKER TRUST
THE 110 10TH AVE
NW SIDNEY MT 59270-3733

HARALSON RANCE G & COLLEEN R
116 10TH AVE NW
SIDNEY MT 59270-3733

MAYER MARCUS
120 10TH AVE NW
SIDNEY MT 59270-3733

CARVER ORLEN J
121 10TH AVE NW
SIDNEY MT
59270-3732

LONG BILL J MAIL TO
LONG JASON
SIDNEY MT 59270-3732

LINDBERG KEITH C & BRENDA J
105 3RD AVE SW
SIDNEY MT 59270-4029

STORM SHAWN T & STEPHANIE
107 10TH AVE NW
SIDNEY MT 59270-3732

BLOESSER ROGER J & DESIRAE
122 9TH AVE NW
SIDNEY MT 59270-3719

RIGGS JASON K
625 8TH AVE SW
SIDNEY MT 59270-3835

POTTS MICHAEL D & STACY R
114 9TH AVE NW
SIDNEY MT 59270-3719

SENN HARVEY F & LUANNE R
2377 5TH ST NW
SIDNEY MT 59270

WELLS GRACE
814 W HOLLY ST
SIDNEY MT 59270-3849

RICHERSON KRISTINA- ETAL
117 9TH AVE NW
SIDNEY MT 59270-3718

BERNDT RANDALL L & LIBBY A
105 9TH AVE NW
SIDNEY MT 59270-3718

DAVIDSON STEVEN GEORGE &
LYNETT NICOLE
103 9TH AVE NW
SIDNEY MT 59270-3718

NELSON CHRISTINE L
122 8TH AVE NW
SIDNEY MT 59270-3824

OCONNOR LINDA S
118 8TH AVE NW
SIDNEY MT 59270-3824

MOCKO DANIEL K & BR
112 8TH AVE NW
SIDNEY MT 59270-3824

KALLEVIG BRENT L
108 8TH AVE NW
SIDNEY MT 59270-3824

CITY OF SIDNEY

NOTICE

There will be a Public Hearing on Wednesday October 4th, 2023 at 9:00 A.M., at the City Council Chambers at City Hall in front of the Parking Commission, for the purpose of considering a variance request. The variance is at the request of Holly Street Builders, LLC to have 19 parking spaces less than city code considered. City code requires 64 parking spaces, Holly Street Builders, LLC is requesting 45 parking spaces. This property is located at Lots 4 and 5, Block 2, Northview Subdivison.


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: September 17th and 24th, 2023


Holly St. Builders Parking Variance Edit


[Notice Preview](#) → [Activity Log](#) →

 Newspaper
Sidney Herald

 Publication Dates
Sep 17, 2023 Sep 24, 2023

 Status
Awaiting Invoice Creation 

 Invoice Due
Awaiting Invoice Creation

 Account Number
447470

Quick Actions

 **VIEW PROOF**

 VIEW INVOICE

 PAY INVOICE 

 **CANCEL NOTICE**