

Application and letter

APPLICATION FORM  
COUNTY VARIANCE County Variance # 283 - Project # PZ-16-0170

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the Yellowstone County Unified Zoning Regulations.

TAX ID # D00350A COUNTY COMMISSIONER DISTRICT # 3

Legal Description of Property: Unnamed c/s being all of T2A-2 Amd c/s 2007 in The E/2 SW4 S3 T15 R25E

Address or General Location (If unknown, contact County Public Works):

North of Central Avenue at about 44<sup>th</sup> St.

Zoning Classification: A-1

Size of Parcel (Area & Dimensions): 10 + + 5 +

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

If yes, please attach to application

Variance Requested: Allow The existing zoning to remain on the 2 parcels remaining after c/s is filed dividing the existing 15 acre parcel into a 10 + a 5

Facts of Hardship: 15 Acres was originally granted to The owners jointly. They could not sell land that judge entered a new order dividing the parcel so The wife receives 10+ and husband 5+ with

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): John Thiel, Trust and Kathryn M. Thiel - Trust  
(Recorded Owner)

(Address) 3019 Golden Acres Drive, Billings, MT 59106

(Phone Number) 406-698-0611 (email) thiel47@gmail.com

Agent(s): Kenneth A. Peterson  
(Name)

(Address) 424 48<sup>th</sup> Street West, Billings, MT 59106

(Phone Number) 406-591-2608 (email) kenneth59@brennan.net

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: John Thiel Trustee Date: 8-30-16  
(Recorded Owner)

Kathryn M. Thiel Trustee 8-30-16



**KENNETH D. PETERSON**

ATTORNEY AT LAW

424 48<sup>th</sup> Street West • BILLINGS, MONTANA 59106 • PHONE: (406) 534-2376 • (406) 591-2608 (Cell) • Email kenneth59@bresnan.net

2 September 2016

**Planning & Community Services Department**  
2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor  
Billings, MT 59101

In re: Variance Application

Dear Department,

We answer the following questions as required:

1. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements:

The parties have been divorced and the Judge originally ordered that the 15 Acre parcel be distributed to them jointly. They were unable to deal with the property together. John Thiel built buildings and houses his equipment on approximately the southern 5 acres. They attempted jointly to sell the 15 acres but were unable to sell it for the price they wanted. They then agreed to divide the real property with John retaining the southern 5 acres and Katheryn to have the northern approximately 10 acres that is vacant. The Court Ordered that the real property be divided as agreed and that a Certificate of Survey be prepared dividing the same. That COS has been prepared. The Court Ordered that the COS be recorded. Once the real property is divided pursuant to the Court Order the real property would not conform to A 1 zoning because the parcels are too small. There has been no change in use and it is unknown what use will be made. To require a change in zoning at this time would be purposeless. There needs to be a variance to allow the parties to comply with the Courts Order.[a copy of the stipulation and Order are attached]

2. There is no change in the intended use of the real property at this time.

There is nothing intended to be changed in the use of the real property at this time. Katheryn will keep the 10 plus acres to the north and John will keep the 5 plus acres to the south with the buildings. There is no new construction planned or any change in the use.

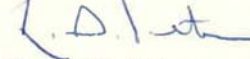
3. A full size of the proposed COS and an 8½ X 11 copy is included herewith.
4. Labels of Certified list of names of owners within 300' are included.

Please set a hearing and advise us of the time and place.

Any questions please contact me.

Thank you.

**KENNETH D. PETERSON**  
Attorney for Thiels



Kenneth D. Peterson

KDP/nc  
enclosures-  
c: Thiels

