



County of Yellowstone Board of Adjustment

AGENDA-Thursday, January 9, 2025, 4:00 p.m.

3rd Floor Conference Room

316 N. 26th St., Billings MT 59101

NOTICE TO THE PUBLIC

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to the Board via email before 12:00pm on the meeting date. All emails received prior to this time will be entered into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, PO Box 1178, Billings MT 59103
 - Email: plnonline@billingsmt.gov
- NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office, at 406-247-8610.

Call the meeting to order.

Introduction of the County Board of Adjustment Members and Planning Department Staff.

Public Comment

Approval of Minutes: November 14, 2024

The minutes of the Board meeting of November 14, 2024

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. County Variance 301 -- 547 S 56th St W -- Section 27-903 Table 27-900.1 - A variance from Section 27-903 Table 27-900.1 requiring a minimum lot area of 10 acres per parcel to allow a proposed 1.8-acre parcel in an Agriculture (A) zone, on Parcels 4 & 5 of C/S 699, 20.1-acres of land. The purpose of the variance is to allow the division of the two parcels to create a small lot for an existing dwelling at 547 S 56th St W to be sold separately from the main parcel for White Aspen Ranch horse facility (481 S 56th St W). Tax ID: D00472
Presented by: Karen Husman, Planner 1

Other Business/Announcements

Adjournment

The County Board of Adjustment will hear all persons wishing to speak relative to the proposed variance. Testimony regarding the above mentioned items may also be submitted in writing to the Planning Division, PO Box 1178, Billings MT 59103 or phone 406-657-8247. Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office, at 406-247-8610.

□
County Board of Adjustment

Meeting Date: 01/09/2025

SUBJECT:

PRESENTED BY: Brenda Berns

Information

REQUEST

The minutes of the Board meeting of November 14, 2024

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:

Land Use:

SOUTH:

Zoning:

Land Use:

EAST:

Zoning:

Land Use:

WEST:

Zoning:

Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Minutes of November 14, 2024



**Yellowstone County Board of Adjustment
Thursday, November 14, 2024
To be Approved By Motion
at the next County BOA meeting**

**The County Board of Adjustment met at 4:00 p.m. in the Stillwater Building
3rd Floor Room 3108- 316 N 26th St.**

	Position	01/11/2024	02/08/2024	03/14/2024	04/11/2024	05/09/2024	06/13/2024	07/11/2024	08/08/2024	09/12/2024	10/10/2024	11/14/2024	12/12/2024
Tyler Bush	Chairman	C	C	C	C	C	C	C	C	I	C	I	
Carlotta Hecker	Board Member	C	C	C	C	C	C	C	C	I	C	A	
Troy Boucher	Board Member	C	C	C	C	C	C	C	C	A	C	V	
Blaine Poppler	Vice Chairman	C	C	C	C	C	C	C	C	I	C	I	
Morgan Tuss	Board Member	C	C	C	C	C	C	C	C	A	C	A	

Chairman Bush opened the meeting and introduced the YCBOA Board members and Planning Division staff.

Staff Present: Anna Vickers, Planning Division Manager; Karen Husman, Planner; Brenda Berns, Planning Clerk

Others in Attendance:

Don Marty, Janelle Lende, Dan Wells, Sherri Maxwell, Kent Ickes

Public Comment

Chairman Bush asked if anyone would like to make a comment regarding items not on the agenda.

Approval of Minutes: September 12, 2024



**Yellowstone County Board of Adjustment
Thursday, November 14, 2024
To be Approved By Motion
at the next County BOA meeting**

**The County Board of Adjustment met at 4:00 p.m. in the Stillwater Building
3rd Floor Room 3108- 316 N 26th St.**

Motion

A Motion was made by Board member Poppler, seconded by Board member Boucher to approve the September 12, 2024 meeting minutes. The motion carried with a unanimous voice vote.

Disclosure of Conflict of Interest

There were no disclosures of conflict of interest.

Disclosure of Ex Parte Communication

There were no disclosures of Ex-Parte communication from the Board. Staff advised there was a letter submitted as ex parte from Brian Wheeler in opposition to the Variance 300 and is available for members of the public.

Public Hearing

Chairman Bush opened the public hearing for Variance 300. Karen Husman, Planner read aloud the procedures for a public hearing.

Item 1:

A. County Variance 300- 392 Light Stream Lane– Front Yard location for accessory building - A variance from Section 27-304, Table 27-.300.3(6) requiring an accessory building (garage) to be located in a rear yard, to allow a garage under construction to remain in the front yard in a Large Lot Suburban Neighborhood Residential (N4) zone district on Block 2, Lot 1 of Sundance Subdivision, a 24,570 square foot parcel of land. The purpose of the Variance is to allow the completion of construction of a new garage in the front yard at 392 Light Stream Lane.

Tax ID: C18094



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Planner, Karen Husman presented a summary of the variance. Karen stated there are no other lots within subdivisions in the surrounding area that have garages in the front yard and granting a variance is not usually a special privilege. Staff agree the location of the septic system may limit the placement of a garage elsewhere on the property but it would not be impossible.

Recommendation

Planning Staff is recommending denial based on draft findings of the review criteria for variances:

1) There is a hardship with the property that is not applicable to other lands in the same district.

The special circumstances that exist which are peculiar to the land are centered around the location of the septic system drainfield as required by DEQ and the prohibited access to 48th Street West from the rear yard

2) Denying the variance might deprive this owner of similar rights enjoyed by others in the area.

Allowing the variance would give the applicant rights not commonly enjoyed by other tracts in the same district. There have not been any similar variances granted in the area or surrounding neighborhoods. The requirement for a rear yard location for detached accessory structures was added to the County Zoning regulations in 2020.



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3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district.
Granting this variance would confer a special privilege as similar detached barns and garages in the frontyard are not apparent in this subdivision and in similar neighborhoods in the area. The house sits to the rear of the property, limiting space to construct a detached garage and access to it in the rear yard. However, the garage could be reduced in size to fit towards the rear of the lot, or attached to the house and eliminate the proposed front yard location.

4) That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the Growth Policy.
The variance is not in harmony with the general purpose and intent of the zoning regulations and the growth policy. The Growth Policy encourages compatibility in neighborhoods and approval of this variance does not encourage compatible character. There are not any other garages in the front yards in this subdivision and surrounding neighborhoods.

Discussion

Chairman Bush clarified the subject property is adjacent to a property that is not part of the subdivision, it was already in existence and the subdivision built around it.

Karen affirmed and stated it was an existing parcel previously developed. The garage is in the rear of this parcel, which backs up to Sundance Subdivision.



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Chairman Bush further explained that if the house on the subject property were built at the front of the lot, like the others in the subdivision, it would face directly into the wall of the neighboring barn. Instead, the house appears to have been set back to avoid obstructing the view and to provide some distance from the barn.

Karen affirmed but stated the location of the house could also be due to the soil tests and where the septic system was allowed on the lot.

Board member Poppler asked if this is a new house or how long it has been there. Karen stated the home had been in place for two years.

Karen further stated there is a 'no access' strip located along 48th ST West, prohibiting access from the arterial to the back of the subject property.

Chairman Bush asked if anyone would like to speak on behalf of Variance 300.

In Favor

Applicant: Dan Wells, Developer – 5847 Whispering Woods; Mr. Wells mentioned that the barn on the neighboring property was already in place when the land for the subdivision was purchased. Efforts were made to design the subdivision around it, including positioning the residence 150 feet away from the two irrigation canals to meet the required distance from the drain field to any structure. After considering several options, Mr. Wells concluded that the final design was the most effective. The plan is to maintain the same architectural style for the residence to ensure it does not resemble a box or create a distraction from the other homes in the subdivision.



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Board member Poppler noted that the applicant's letter mentioned a preapproval letter from Dan Wells and the HOA for building the garage in the front yard and inquired about the source of that letter. Dan Wells clarified that he serves as the Chairman of the Design Review Committee and operates independently from the HOA. As Chairman, he would have been the one to issue the preapproval letter.

Chairman Bush asked if the opposing parcel is a vacant lot. Dan Wells affirmed it is.

Board member Poppler asked about the vacant lots and the intentions for building them out. Dan Wells stated that he believes there will be a home built.

Kent Ickes 3217 Flamingo Way; Mr. Ickes stated he is a realtor and represented the purchaser of the subject property. Mr. Ickes reviewed the restrictions for building a larger shop and modifying the drain field, approved by the County.

Don Marty 392 Light Stream Lane; Mr. Marty purchased the subject property in March 2024, with the intention of building a garage on the property and having done everything that has been requested of us, including reducing the size of the garage and matching the exterior to the main residence.

Sherrie Maxwell 392 Light Stream Lane; Ms. Maxwell stated the garage will only be used for storing automobiles and recreational vehicles versus parking them in the yard. It will not be used for any other purposes, such as business.



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Opposed

Janelle Lende 4619 Shining Light Lane; Ms. Lende expressed her opposition to the variance request for a shop to be built in the front yard at 392 Light Stream Lane. She pointed out that Dan Wells is both the developer of the Sundance Subdivision and involved with the HOA. Ms. Lende raised concerns about the number of HOAs or Design Review Committees Mr. Wells is involved with, suggesting a potential conflict of interest. She strongly opposed any changes to the building code and noted that she had raised her objections to the Design Review Committee early in the process.

Furthermore, Ms. Lende emphasized that the neighboring property at 393 48th St W is not part of the HOA and should not be used as justification for the variance. She argued that placing a shop in the front yard would lower property values in her subdivision, and if the shop were used for business purposes, it could increase traffic and contribute to higher crime rates.

Chairman Bush closed the public hearing.

Discussion

There was discussion regarding the potential hardship due to the size of the lot and DEQ requirements regarding drain fields.

Karen Husman read the conditions for approval.



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Motion

Board member Boucher made a Motion, seconded by Board member Bush to Approve Variance 300 based on the review criteria. The Motion was approved by the BOA with a unanimous voice vote.

Other Business

There was no other business.

Adjourned: 4:38pm

County Board of Adjustment

Meeting Date: 01/09/2025

SUBJECT: County Variance 301- 547 S 56th St. W- Lot area

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

County Variance 301 -- 547 S 56th St W -- Section 27-903 Table 27-900.1 - A variance from Section 27-903 Table 27-900.1 requiring a minimum lot area of 10 acres per parcel to allow a proposed 1.8-acre parcel in an Agriculture (A) zone, on Parcels 4 & 5 of C/S 699, 20.1-acres of land. The purpose of the variance is to allow the division of the two parcels to create a small lot for an existing dwelling at 547 S 56th St W to be sold separately from the main parcel for White Aspen Ranch horse facility (481 S 56th St W). Tax ID: D00472

Presented by: Karen Husman, Planner 1

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of denial based on the determinations for review within this report and the criteria outlined in Yellowstone County Zoning Regulations Section 27-1626.D.

APPLICATION DATA

OWNER: Dru Cederberg

AGENT: Darryl Magnuson, PLS -KLJ Eng.

LEGAL DESCRIPTION: Parcels 4 & 5 of C/S 699

ADDRESS: 481 S56th St. W

CURRENT ZONING: A - Agriculture 10 Acres and Over

EXISTING LAND USE: Residential and Agriculture

PROPOSED USE: Residential

SIZE OF PARCEL: 20.00 Acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: A- Agriculture Land Use: Agriculture
SOUTH:	Zoning: A- Agriculture Land Use: Agriculture
EAST:	Zoning: C3-General Commercial Land Use: Commercial
WEST:	Zoning: A- Agriculture Land Use: Agriculture

BACKGROUND

This is a request for a variance from YC 27-903.A -- Table 27-900.1, which requires a minimum lot area of 10 acres in an Agriculture (A) zone, to allow a lot area of 1.8 acres. The property owners have requested this variance to allow for the filing of a boundary line relocation between two parcels in the same ownership, both zoned Agriculture. The project would relocate the boundary lines of the adjacent parcel from the middle of the surrounding fields closer to the edge of the developed property around the home situated on the current tract. The applicant's letter does not state a physical hardship inherent to the land.

Certificate of Survey 699 was originally recorded in June 1955, establishing 10.05-acre lots. In July 2024, a boundary line relocation application was submitted to create a parcel smaller than 10 acres. However, the application was denied due to the Agricultural zoning district's requirement for a minimum lot size of 10 acres. In June 2017, the Yellowstone County Board of Planning and staff initiated work on Project ReCode, a comprehensive update of the zoning regulations. As part of this effort, both the City and County updated their zoning maps to align the new zoning districts with existing land use and

lot size. Given the subject parcels agricultural use and each being 10-acres in size, both parcels were designated as Agriculture -- 10 Acres or more. This designation corresponds with its previous zoning classification as Agriculture Open under the former zoning code. The applicant intends to sell the entire property of the White Aspen Ranch equine facility and would like to sell the portion of land the single family home is on as a separate parcel.

The 10-acre minimum lot size is a standard requirement designed to support agricultural uses and preserve the integrity of the land. Reducing the lot size to 1.8 acres would not align with the district's established standards and would introduce a significant level of non-conformity. Granting such a variance would provide the applicant with a special privilege that has not been extended to other properties within the district. While there has been one recent variance approved under the new zoning regulations--Variance 299 in August 2024, allowing a 2.37-acre parcel--this remains an exception rather than the typical. Previous variances granted before 2020 for parcels less than 10 acres were based on unique circumstances, including right-of-way acquisition (Variance 256, 2008), land use contrary to zoning for a junk vehicle yard (Variance 261), adjacency to a cemetery (Variance 264), topographical challenges (Variances 237 and 287), and a court-ordered settlement (Variance 283). Notably, Variance 256 was granted by the Board of Adjustment against staff's recommendation for denial, highlighting its exceptional nature. Additionally, there are also some smaller parcels that were created prior to the zoning restriction of 10 acres, 3 of which are tracts within Certificate of Survey 880, Certificate of Survey 1926, Parcel 1, Certificate of Survey 2975, Parcel 1 and one is unplatted.

SUMMARY

The Board of Adjustment shall make the following determinations prior to granting a variance:

Per Yellowstone County Zoning Code Section 27-1626(D); Board of Adjustment shall make the following determinations prior to granting a variance:

1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;

The property in question does not present inherent characteristics or conditions that are different from other lands in the same Agricultural (A) district. The hardship claimed by the applicant -- stemming from the need to relocate boundary lines and reduce the lot size--reflects a standard zoning requirement rather than a specific condition of the land itself. Yellowstone County Zoning Code Section 27-1626 specifies that variances are granted 'because of special conditions with respect to the lot shape or topography, a literal enforcement of the provisions of the Code would result in unnecessary hardship.' The applicant intends to sell the property and would like to sell the equestrian facility separate from the single family dwelling. Financial hardship is not considered an unnecessary hardship inherent to the land.

2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;

Denying this variance would not deprive the applicant of rights commonly enjoyed by other properties within the Agricultural (A) district. The 10-acre minimum lot size is a standard requirement designed to support agricultural uses and preserve the integrity of the land. Reducing the lot size to 1.8 acres would not align with the district's established standards and would introduce a significant level of non-conformity. Granting such a variance would provide the applicant with a special privilege that has not been extended to other properties within the district.

While there has been one recent variance approved under the new zoning regulations--Variance 299 in August 2024, allowing a 2.37-acre parcel--this remains an exception rather than the standard. Previous variances granted before 2020 for parcels less than 10 acres were based on unique circumstances, including right-of-way acquisition (Variance 256, 2008), land use contrary to zoning for a junk vehicle yard (Variance 261), adjacency to a cemetery (Variance 264), topographical challenges (Variances 237 and 287), and a court-ordered settlement (Variance 283). Notably, Variance 256 was granted by the Board of Adjustment against staff's recommendation for denial, highlighting its exceptional nature.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;

Similar to 1 and 2 above, the zoning regulations mandate a minimum lot size of 10 acres in the Agricultural (A) district to ensure the preservation and effective use of agricultural lands. Allowing a reduction to 1.8 acres through this variance would confer a special privilege on the applicant that is inconsistent with the standard requirements applied to other properties in the district.

Staff is aware of other parcels that are also under 10 acres and zoned Agriculture in the Hubbell Acreage Tracts Subdivision. However, these lots were platted in 1959 and have not undergone any amendments since platting.

Although several variances have been approved in Yellowstone County for lots less than 10 acres in the Agriculture district,

the circumstances of those variances are not similar to the one requested. County Variance 273 was approved in 2015 to allow for a boundary relocation in the Agriculture district, resulting in 8.365-acre and 3.290-acre lots. However, this lot had peculiar circumstances due to the shape and layout of the lots. Similarly, County Variance 278 was approved to allow a boundary line relocation resulting in a 7.62-acre lot zoned Agriculture. This lot also had peculiar circumstances, as the boundary relocation provided easier access to an adjacent subdivision to the west of the parcel.

While there has been one recent variance approved under the new zoning regulations--Variance 299 in August 2024, allowing a 2.37-acre parcel--this remains an exception rather than the norm. Previous variances granted before 2020 for parcels less than 10 acres were based on unique circumstances, including right-of-way acquisition (Variance 256, 2008), land use contrary to zoning for a junk vehicle yard (Variance 261), adjacency to a cemetery (Variance 264), topographical challenges (Variances 237 and 287), and a court-ordered settlement (Variance 283). Notably, Variance 256 was granted by the Board of Adjustment against staff's recommendation for denial, highlighting its exceptional nature.

4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;

Granting the variance would not align with the general purpose and intent of the zoning regulations and the Growth Policy. The Agricultural (A) district is defined as: "The Agricultural (A) district is intended to protect and preserve agricultural lands for the performance of a wide range of agricultural functions. The intent is to limit the scattered intrusion of uses not compatible with an agricultural environment, encourage agricultural pursuits, and protect environmental concerns."

The requested variance would compromise these objectives by increasing the non-conforming lot size within an area designated for agricultural use. The intent of the Agricultural district excludes suburban residential uses to maintain its focus on agricultural preservation. This reduction could potentially disrupt the agricultural integrity of the zone and conflict with the overarching goals of the Growth Policy and Zoning Regulations.

Per Section 27-1626 (E): The following also apply:

- 1. Whenever the County Board of Adjustment grants an application for a variance, the minutes shall specifically state the criteria upon which the variance is granted.*
- 2. In granting any variance, the BOA may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code.*

Staff has no conditions with a recommendation of denial; however if the BOA makes findings to approve the variance, staff has the following draft conditions prepared.

1. The variance is from YC 27-903.A -- Table 27-900.1 requiring a minimum lot are of 10 acres per parcel to allow a proposed 1.8-acre parcel in a Agriculture (A) zone, on Parcels 4 & 5 of C/S 699, an 20-acre parcel of land. The purpose of the variance is to allow the division of the two parcels to create a small lot for an existing dwelling at 547 S 56th St W to be sold separately from the main parcel for White Aspen Ranch horse facility (481 S 56th St W). No other variance is intended or implied with this approval.
2. The variance is limited to Parcels 4 & 5 of C/S 699, 547 S 56th St. W.
3. The applicant shall complete the exempt plat process within 1 year from the Board of Adjustment approval date.
4. The applicant shall meet all other state and county code requirements with the exception of this variance.
5. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns.

3. The BOA shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

No time frame is required with a recommendation of denial. If the Board chooses to approve the variance request, the recommended time limit is identified above in criteria number 2 as item number 3 which requires one year to complete the relocation.

4. Under no circumstances shall the BOA grant a variance to allow a use not permissible under the terms of this chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

Approval of this variance will not allow a use that is restricted under the terms of this chapter. The "use" itself of residential is allowed in the district.

RECOMMENDATION

Planning Staff has reviewed this application and is forwarding a recommendation of denial based on the determinations for review within this report.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Site Plan
History





Looking South



Looking North

Application & Applicant Letter

COUNTY APPLICATION FORM
COUNTY VARIANCE County Variance # 301 - Project # PZX-24-00278

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

PARCEL TAX ID # 03-0926-09-3-14-01-0000 COUNTY COMMISSIONER DISTRICT # _____

Legal Description of Property: Certificate of Survey No. 699, Tracts 4 and 5

Address or General Location (If unknown, contact County Public Works): _____
481 S 56th Street West Billings, Montana 59102 Primary address of White Aspen Ranch facility

Lot to be created has dwelling as 547 S 56th St W

Zoning Classification: AG

Size of Parcel (Area & Dimensions): See Plat 20 acres for Tracts 4 & 5 - proposed lot to be .934 acres

Variance(s) Requested (detail what you are asking for; ie; setbacks, building size/height, etc.):
Variance to allow a tract less than 10 acres in an AG zoning designation

Facts of Hardship: (attach letter)

Owner wishes to sell the boarding and barn business and sell the house to an employee that has been living in the house.

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

Owner(s): White Aspen Ranch LLC, Dru Cederberg
(Recorded Owner)

620 Highland Park Drive, Billings, MT 59102-1947
(Address)

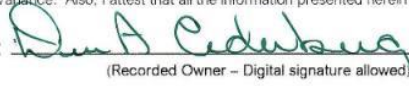
406-860-2091
(Phone Number) (email)

Agent(s): _____
(Name)

620 Highland Park Drive, Billings, MT 59102-1947
(Address)

406-860-2091
(Phone Number) (email)

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:  Date: 4-18-24
(Recorded Owner - Digital signature allowed)



2611 Gabel Road
Billings, MT 59102-7329
406 245 5499
KLJENG.COM

11/19/2024

Yellowstone County Board of Adjustment
Billings, MT

Re: 2414-00939 White Aspen Ranch Zoning Variance

Dear Board Members,

Thanks again for considering this variance for allowing a smaller tract in an AG zoning designated property.

My client, Dru Cederberg, owns the horse stables at 481 56th West that is known as White Aspen Ranch. Dru is in the process of selling the property and would like to sell the house that is on one of the tracts to her long-time employee, who has been living in the residence for many years.

I am in the process of working on a plat to separate the house from the rest of the property. The property is zoned AG and has a restriction of 10-acre tracts. The house is in close proximity to other smaller tracts that are residential in the area. We are requesting a variance from the 10-acre requirement to less than an acre for the area around the house. The remainder of the property would remain as AG and the use would not change for the smaller tract that would be created.

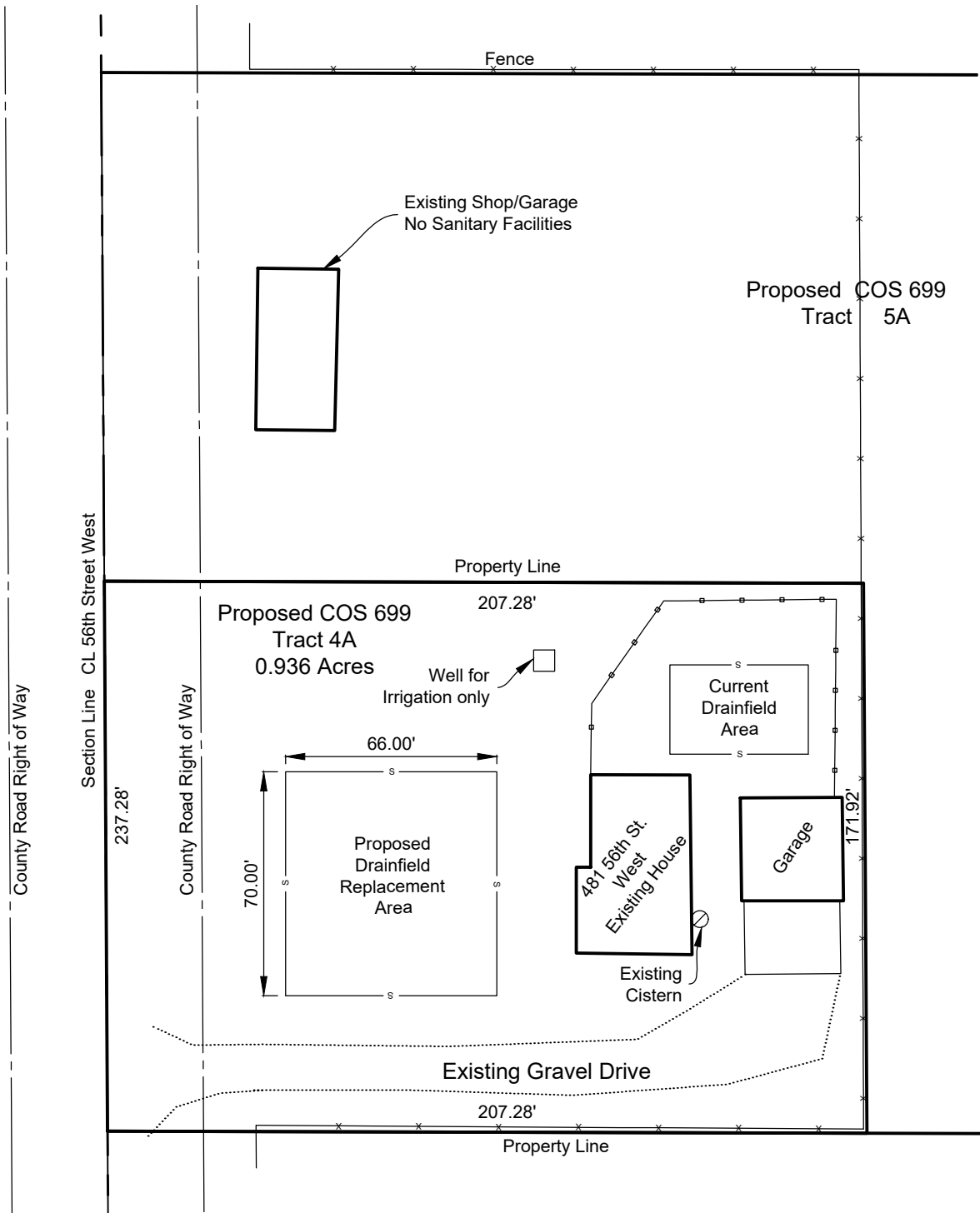
Thanks for your consideration on this matter.

Sincerely,

KLJ

A handwritten signature in blue ink that reads "Darryl E. Magnuson". The signature is fluid and cursive, with a long horizontal line extending from the end.

Darryl Magnuson, PLS
Survey Manager
Enclosure(s):
Project #: 2414-00939
cc:



Proposed Site Plan For Variance Tract 4A

White Apsen Ranch
Billings MT

COS 699 Tract 5A, 481 56th St. West

DRAFTED	RH
REVIEWED	DM
PROJECT NUMBER	2414-00939
ISSUE DATE	11/18/2024



Lot Size Variances Approvals in Agriculture Zone

SUBJECT PROPERTY	Variance	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
481 S 56 th St W	None				
APPLICABLE HISTORY	Variance	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Broadwater Ave (West of Zimmerman Tr)	256	2/14/2008	Smaller than 10 acre parcel created in A zone	Y	Was land purchased by the city for a right of way for the Arnold Drain. 1.8 acres
Long Subdivision Lot 5 Block 1	261	3/15/2011	Smaller than 10 acre parcel created in A zone	NA	Allowed to split existing county junk vehicle yard from 65 acres being sold to the City. LUCZ
3605 Grand Ave	264	8/9/2012	Smaller than 10 acre parcel created in A zone	Y	Divided 20 acre parcel into 7 acres used for ag and 13 acres which was an existing cemetery
1810 and 1824 Lendhardt Ln	273	4/2/2015	Smaller than 10 acre parcel created in A zone	Y	Split lot into two parcels one being 8.365 acres and the other 3.290 acres. Lots previously had odd layouts and shapes.
1412 Sagebrush Rd	278	12/3/2015	Smaller than 10 acre parcel created in A zone	Y	Approved in order to allow easier access to subdivision to the west
North of Central Ave at about 44 th	283	10/6/2016	Smaller than 10 acre parcel created in A zone	Y	Court ordered.
335 S 48 th St W	299	9/12/2024	Smaller than 10 acre parcel created in A zone	Y	Approved for 2.37 acres.