

Consolidated Yellowstone County Zoning Commission
Thursday, March 12, 2026



The Commission met at 4:00 PM in the 5th Floor Council Chambers
Location: 316 N 26th St. Billings MT

	Position	12/11/2025	01/08/2026	02/12/2026	03/12/2026	04/09/2026	05/14/2026	06/11/2026	07/09/2026	08/13/2026	09/10/2026	10/08/2026	11/12/2026
Tyler Bush	Chairman	1	1	1	1								
Pam Ellis	Vice Chair	1	1	1	1								
Carlotta Hecker	Commissioner	V	1	1	1								
Vacant	Commissioner	-	-	-	-								
Vacant	Commissioner	-	-	-	-								

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

Staff Present

Karen Husman, Zoning Coordinator; Makayla Paul, Planner; Brenda Berns, Planning Clerk

Others in Attendance

Mark & Tina Boone 1835 Briarwood Blvd, Billings

Reading of the Rules

Karen Husman read the rules for the procedure by which the public hearings will be conducted.

Public Comment

Chairman Bush asked if anyone would like to make a comment regarding items not on the agenda. There were no speakers.

Approval of Prior Meeting Minutes

The Board expressed concern regarding approval of prior meeting minutes for meetings at which members were not present. Commissioner Hecker requested that Anna Vickers, Planning Division Manager, provide written confirmation from Mark English with the County Attorney’s Office, stating that board members who were not present at prior meetings may still vote on the meeting minutes. Ms. Vickers informed the board members that she had multiple communications with County Attorney, Mark English. He had confirmed that

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the board members could approve previous meeting minutes even though they were not present at those meetings. Members were advised prior to the meeting that they may review the recordings of the meetings and the minutes prior to voting, as encouraged. Alternatively, if board members were still uncomfortable, they may abstain from voting. Commissioner Hecker affirmed her request to have this in writing, at which point she would agree to vote.

Motions

A motion was made by Commissioner Bush to approve the February 12, 2026, and September 8, 2025 meeting minutes as submitted, second by Commissioner Ellis.

Motion carried unanimously, 3–0

A motion was made by Commissioner Bush to approve July 14, 2025, and January 9, 2025 meeting minutes as submitted, second by Commissioner Hecker. Commissioner Ellis abstained from voting.

Motion carried 2–0, with 1 abstention

Disclosure of Conflict of Interest. There were no disclosures.

Disclosure of Ex Parte Communication. There were no disclosures.

Chairman Bush opened the Public Hearing.

New Business

a. County Variance 303 - 1835 Briarwood Blvd - Lot Area A variance from Section 27-903.A, Table 27-900.1 of the zoning code, which requires a minimum lot area of 10 acres within the Agriculture (A) zoning district, to allow a reduced lot area of 8.1914 acres for one of two tracts being created. The request applies to an unplatted portion of land located in S25, T1S, R26E, within a parcel containing approximately 20 acres. The variance is requested to facilitate a family transfer and to create two parcels that are currently separated by a private road easement, Briarwood Boulevard.
Tax ID: D01979B.

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Karen Husman, Zoning Coordinator, read the legal description of the variance. This is a variance request to allow a reduced lot size from 10 acres to 8.194 acres to facilitate a family transfer and create two parcels that are currently separated by a private road easement.

Makayla Paul, Planner 1, completed a brief presentation of the variance that included the proposed exempt plat, staff's recommendation, and the review criteria.

Recommendation

Planning staff recommends conditional approval of Variance 303 and adoption of the findings of the review criteria.

Planning staff are recommending conditional approval based on draft findings of the review criteria for variances:

- **There is a hardship with the property that is not applicable to other lands in the same district.**
Briarwood Boulevard bisects the parcel into two tracts is unique to the applicant and the surrounding properties and is an unnecessary hardship.
- **Denying this variance might deprive this owner of similar rights enjoyed by others in the district.**
Splitting the parcels along Briarwood Boulevard create a simpler path for livestock fencing and allow the applicant to continue using the land for grazing. The applicant would also like maintain the existing structure to the north of Briarwood Boulevard.
- **Granting the variance will not confer a special privilege to this applicant.**
There are three other parcels along Briarwood Boulevard that are under the 10-acre minimum.
- **Granting the variance will be in harmony with the purposes of zoning and growth policy.**
The proposed variance would not compromise the objectives of agriculture uses as the land would continue to be used for agriculture.

Proposed Conditions

Planning staff recommends the following conditions:

1. The variance from Section 27-903.A, Table 27-900.1 of the zoning code, which requires a minimum lot area of 10 acres within the Agriculture (A) zoning district, to allow a reduced lot area of 8.1914 acres for one of two tracts being created. The request applies to an unplatted portion of land located in S25, T1S, R26E within a parcel containing approximately 20 acres. The variance is requested to facilitate a family transfer and to create two parcels that are currently separated by a private road easement. No other variance is intended or implied with this approval.
2. The variance is limited to S25, T01 S, R26 E, E2SW4SW4, generally described as 1835 Briarwood Boulevard.
3. The applicants will complete the filing of the exempt plat process within six months of Consolidated Yellowstone County Zoning Commission approval.
4. The applicant shall meet all other state and county code requirements with the exception of this variance.
5. Provided all conditions of approval are met, the approval shall run with the land described herein and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs, and assigns. Failure to meet these conditions will void this variance.

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Review Criteria

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

Questions

Board members asked for clarification regarding other parcels that were under the 10-acre minimum along Briarwood Boulevard and whether they were reflected on the map. Staff confirmed that two parcels to the north were included and were split in 1986 into lots under 10 acres (approximately 9.996 and 9.99 acres). An additional parcel was split in 2015, resulting in a lot of approximately 9.256 acres. Further clarification was provided that these divisions were created through certificates of survey and do not constitute a formal subdivision.

Owner/Applicant

Tina Boone 1835 Briarwood Blvd. – Ms. Boone stated that she and her husband moved to the property as their long-term residence, understanding there were existing foundation issues related to bentonite soils. She explained they had no initial plans to subdivide; however, they are now considering future financial flexibility, including the potential to subdivide and build a home for family members. She noted they understand the land division process can be lengthy and have taken a cautious approach, including hiring a surveyor for guidance and becoming familiar with the 10-acre requirement. Ms. Boone stated they evaluated options, including creating two approximately 10-acre parcels, potentially incorporating the existing shop. She added that they made efforts to consider neighboring properties and believe their proposal would be minimally disruptive. She acknowledged receiving some verbal support from neighbors, while others have expressed concerns.

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Questions for Owner/Applicant

Board members asked questions regarding the placement of existing structures and the proposed land division. The applicant confirmed the shop was constructed on the property and noted that the location was selected based on soil conditions and site suitability, following the builder's recommendation. The applicant stated they were not initially aware of the 10-acre requirement. It was confirmed the property exceeds 20 acres, and the proposed division is influenced by the existing road and the location of neighboring homes, with the road serving as a natural boundary. The applicant also clarified that cattle are not permitted on the property, though horses are allowed.

There were no members of the public to speak in favor or opposition to Variance 303

Discussion

Board discussion reflected differing viewpoints on the request. One member expressed support for denial, stating the request did not meet required criteria, including minimum lot size, and could grant a special privilege while not being in harmony with surrounding regulations. It was noted that the property contains sufficient acreage to accommodate a residence without the need for a variance. Another member indicated no opposition and expressed support for the request, noting the availability of acreage and the proposal to accommodate family members. A third member expressed concerns similar to those supporting denial, stating the property could be divided in a manner that meets the 10-acre requirement and that approving a smaller parcel could set an undesirable precedent.

Chairman Bush closed the Public Hearing for Variance 303

Motion

A motion was made by Commissioner Ellis to deny Variance 303 based on the following findings:

- The criterion #1 – There is not a hardship with the land as described and this criteria is not met because the evidence presented indicates the special conditions and circumstances are not peculiar to the land.
- The criterion #3 - Granting the variance will confer a special privilege to the applicant because other property owners are not afforded the same privilege.
- The criterion #4 – The variance is not in harmony with the intent of the zoning code, as there are no other properties in the district that have deviated from the zoning code lot requirements.

Second by Commissioner Bush.

Vote: 2:1 – Variance 303 Denied

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Other Business

- a. Board Discussion. Update to the Agenda – Board Member Ellis

The Board requested that the staff memo be attached to the agenda for both Board members and the public. The Board also discussed including the public hearing procedures on the agenda as line items to better clarify the process for the public. The agenda will be amended as follows:

7.B. Reading of rules for the procedure by which the public hearings will be conducted.

- *The Chair will open the Public Hearing*
- *Staff Presentation*
- *Questions from the Board to Staff*
- *Agent/Owner Presentation*
- *Questions from Board to Agent/Owner*
- *Public Testimony in Favor of Application*
 - *Name (required) and Address (optional) for the Record*
 - *Limited to 3 minutes per person*
- *Public Testimony in Opposition of Application*
 - *Name (required) and Address (optional) for the Record*
 - *Limited to 3 minutes per person*
- *Agent/Owner to Provide Rebuttal After All Public Comment*
- *Board Discussion and Votes on the Motion*

Motion

Motion by Commissioner Ellis to modify future agendas to clearly reflect the sequence of proceedings and to include the staff memorandum, or at minimum the applicable criteria from the staff memorandum, attached to the written agenda, made available at the meeting. Second by Commissioner Bush.

Motion carried unanimously.

Other Business/Announcements

Ms. Husman advised the board that there will be two Zone Changes to come before them April 9th

Adjourned 4:49PM

Brenda Berns, Planning Clerk