

## RESOLUTION NO. R21-15

### **A RESOLUTION GRANTING A VARIANCE TO THE MINIMUM LOT SIZE REQUIREMENT FOR PROPERTY LOCATED WITHIN THE CITY OF LAUREL'S COMMUNITY COMMERCIAL ZONING DISTRICT FOR PROPERTY LOCATED AT 503 FIR AVENUE/1313 E. MAIN STREET, WITHIN THE CITY OF LAUREL.**

WHEREAS, the current owner of property located at 503 Fir Avenue/1313 E. Main Street, Laurel, Montana, seeks a variance from the 6000 square feet minimum lot size requirement for single family homes located within the Community Commercial Zoning District as provided in the Laurel Municipal Code ("LMC") 17.16.020; and

WHEREAS, the property owner has two single family homes constructed on one lot that is 10,593 square feet in size, who desires to split the lot into two separate lots in order to rehabilitate and sell one of the homes currently utilized as a rental home; and

WHEREAS, the property owner's current lot cannot be split into two separate lots due to the size requirement contained in the City's Zoning Ordinance and as a consequence, the property owner must first obtain a variance from the City Council prior to splitting his one lot into two separate lots; and

WHEREAS, the Laurel City-County Planning Board acting as the City's Zoning Commission held a public hearing on the variance application on February 17, 2021 at 5:35 pm. The Zoning Commission received two public comments submitted in writing in opposition to the request, and no comments in support of the requested variance other than the son of the applicant; and

WHEREAS, the Zoning Commission's record and decision is contained in the City-County Planning Board meeting minutes which are incorporated as part of this resolution as well as all documents submitted into the record by the applicant and City's Planning Director; and

WHEREAS, the Zoning Commission considered all of the documentary evidence in the record, City Staff recommendation, and the public comments presented at the public hearing, and recommends the City Council approve the requested variance subject to the conditions recommended by the City Staff; and

WHEREAS, the City Council held a public hearing concerning this matter on March 9, 2021.

WHEREAS, based on the evidence contained in the record, including the Zoning Commission's File, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to allow and approve the requested variance since:

1. granting the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. granting the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the property owner's variance request is hereby approved for the property located at 503 Fir Avenue/1313 E. Main Street, Laurel, Montana, as requested and described in the application and the City Council Record; and

BE IT FURTHER RESOLVED, the approval is subject to the following conditions:

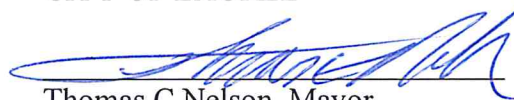
1. Division of the lots of 503 Fir Ave and 1313 E. Main Street will be filed within six (6) months of variance approval.
2. Lots shall be maintained in good condition.
3. All applicable permits and approvals for construction, driveway accesses, and other ingress and egress points shall be applied for.
4. No residential or commercial uses shall take place on the subject properties that are in violation of Chapter 17 of the Laurel Municipal Code.
5. No commercial kennel or other pet-related enterprise shall be established on the parcel.

Introduced at a regular meeting of the City Council on March 9, 2021 by Council Member Herr.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 9<sup>th</sup> day of March 2021.

APPROVED BY THE MAYOR this 9<sup>th</sup> day of March, 2021.

CITY OF LAUREL

  
Thomas C Nelson, Mayor

ATTEST:

  
Bethany Langve, Clerk/Treasurer

APPROVED AS TO FORM:

  
Sam S. Painter, Civil City Attorney



## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board  
FROM: Nicholas Altonaga, Planning Director  
RE: Johnson Variance Request for 503 Fir Ave  
DATE: February 12, 2021

#### DESCRIPTION OF REQUEST

A variance to the Laurel Municipal Code was requested by Zene Johnson on behalf of Brian Johnson for 503 Fir Avenue/ 1313 E. Main Street. The variance application form and justification letter were submitted on January 22, 2021. The variance requested pertains to the minimum lot size requirement for a single dwelling unit on an individual lot. 503 Fir Avenue/ 1313 E. Main Street contains two detached single-family dwellings. The Applicant would like to split the lot and sell one of the parcels, due to a lack of time and ability to maintain the second unit as a rental.

The property is located within the Community Commercial (CC) zoning district. Single and two-family residences in the Community Commercial district follow the requirements of the Residential Limited Multi-Family district. A variance is required because the lots would not conform to the requirements of RLMF zoning. The district requires a minimum of 6,000sqft for a single dwelling unit. The lot is currently 10,593sqft, which is not enough area to accommodate two legal lots.

Owner: Brian R. Johnson  
Legal Description: NUTTING SUBD, S10, T02 S, R24 E, BLOCK 14, Lot 10 - 12, LESS 198' FOR TURN LANE (07)  
Address: 503 Fir Ave/1313 E. Main Street  
Parcel Size: 10,593 sqft  
Existing Land Use: Two Single Family Dwellings  
Proposed Land Use: Two Single Family Dwellings (separation of parcels)  
Existing Zoning: Community Commercial

## BACKGROUND AND PROCEDURAL HISTORY

- The Planning Director met with the Applicant in the Summer and Autumn of 2020 to discuss the situation and available options.
- Variance Application submitted on January 22, 2021.
- A Public Hearing is scheduled at the February 17, 2021 Planning Board meeting to receive public comment and vote on recommendations to be provided to City Council.
- A Public Hearing is scheduled at the City Council meeting on March 9, 2021 to receive public comment and approve, approve with conditions, or deny the variance requests.

## STAFF FINDINGS

The Applicant is requesting a variance to Table LMC 17.16.020 which presents the zoning requirements for Residential districts. The RLMF zoning jurisdiction (which the CC district uses as the requirements for one and two-family dwellings) requires a minimum of 6,000sqft for a single dwelling unit. The Applicant seeks to split the property, creating two lots each with a single-family home.

- ❖ The Applicant has provided a justification letter regarding the Variance request.
- ❖ Parcel contains two single-family dwellings on a 10,593sqft lot.
- ❖ The current owner would like to split the lots and sell 503 Fir Avenue to someone who can provide proper attention and care to the property.
- ❖ The current owner of the parcel does not have the time and ability to maintain both dwelling units due to family obligations.
- ❖ Dividing the lot would create two lots that are approximately 5,296sqft in size.
- ❖ This lot size is roughly equivalent to many lots in the neighboring area.
- ❖ The property deeded approximately 200sqft of the lot to the Montana Department of Transportation in 2006 for additional right-of-way.
- ❖ The public noticing requirements have been met.

## PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

The City-County Planning Board shall act as a zoning commission in order to recommend the boundaries of the various districts and appropriate regulations to be enforced.

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
3. Unless the basis is something more than a mere financial loss to the owner;
4. Unless the hardship was created by someone other than the owner;
5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
6. Unless the variance would not affect adversely or injure or result in injustice to others; and
7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

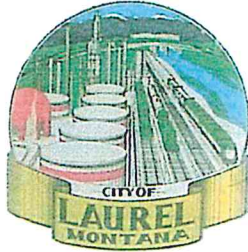
### RECOMMENDATIONS

The Planning Director recommends that the Planning Board approve the variance request. The Planning Director has prepared drafted conditions of approval which are presented below.

1. Division of the lots of 503 Fir Ave and 1313 E. Main Street will be filed within six (6) months of variance approval.
2. Lots shall be maintained in good condition.
3. All applicable permits and approvals for construction, driveway accesses, and other ingress and egress points shall be applied for.
4. No residential or commercial uses shall take place on the subject properties that are in violation of Chapter 17 of the Laurel Municipal Code.
5. No commercial kennel or other pet-related enterprise shall be established on the parcel.

### ATTACHMENTS

1. Variance Application
2. Justification Letter
3. Concept Plan for lot division
4. Overhead map with 300ft buffer
5. List of adjacent property owners
6. Public hearing notice
7. Bargain and Sale Deed (MDT)
8. LMC 17.16 – Residential Districts
9. LMC 17.20 – Commercial – Industrial Use Regulations



### Laurel Variance Request Application

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This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: BRIAN JOHNSON
2. Name of Applicant if different from above: ZENE JOHNSON
3. Phone number of Applicant: 406-591-4774
4. Street address and general location: 503 FIR & 1317 E MAIN
5. Legal description of the property: NUTTING SUBD BLOCK 14 LOT 10
6. Current Zoning: COMMUNITY COMMERCIAL
7. Provide a copy of covenants or deed restrictions on property.

I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: \_\_\_\_\_

Date of Submittal: \_\_\_\_\_

Zene Johnson  
1-15-21

January 15, 2021

TO: City-County Planning

RE: Laurel Municipal Code Chapter 17.60.020  
503 Fir – 1313 E. Main- Block 14, Lot 10, Nutting Subd.

I am asking that a variance be granted for this property. My mother Patty Johnson, who was well known in Laurel having lived there for more than 30 years, died May 12, 2020. I subsequently inherited the property, which consists of two houses and a couple of storage sheds. My family now lives in the house at 1313 E. Main. It had been extensively remodeled after a fire 6 or 7 years ago and a car crashing into it 3 or 4 years ago. Therefore, it is a better fit for me, my wife and 3 small children.

The house at 503 Fir has been used as a rental for many years and having a rental is something neither my wife nor I want or have time for. We have two special needs children and would like to split the property and sell the 503 Fir house to people who can devote time, attention and love to it.

Because the lot is 10,953 sq ft, it would make the lots slightly under the regular 6,000 sq, ft. lots consistent with the area. However, there are several lots in the area smaller so this should be hopefully an acceptable variance. It would certainly make our lives a lot easier.

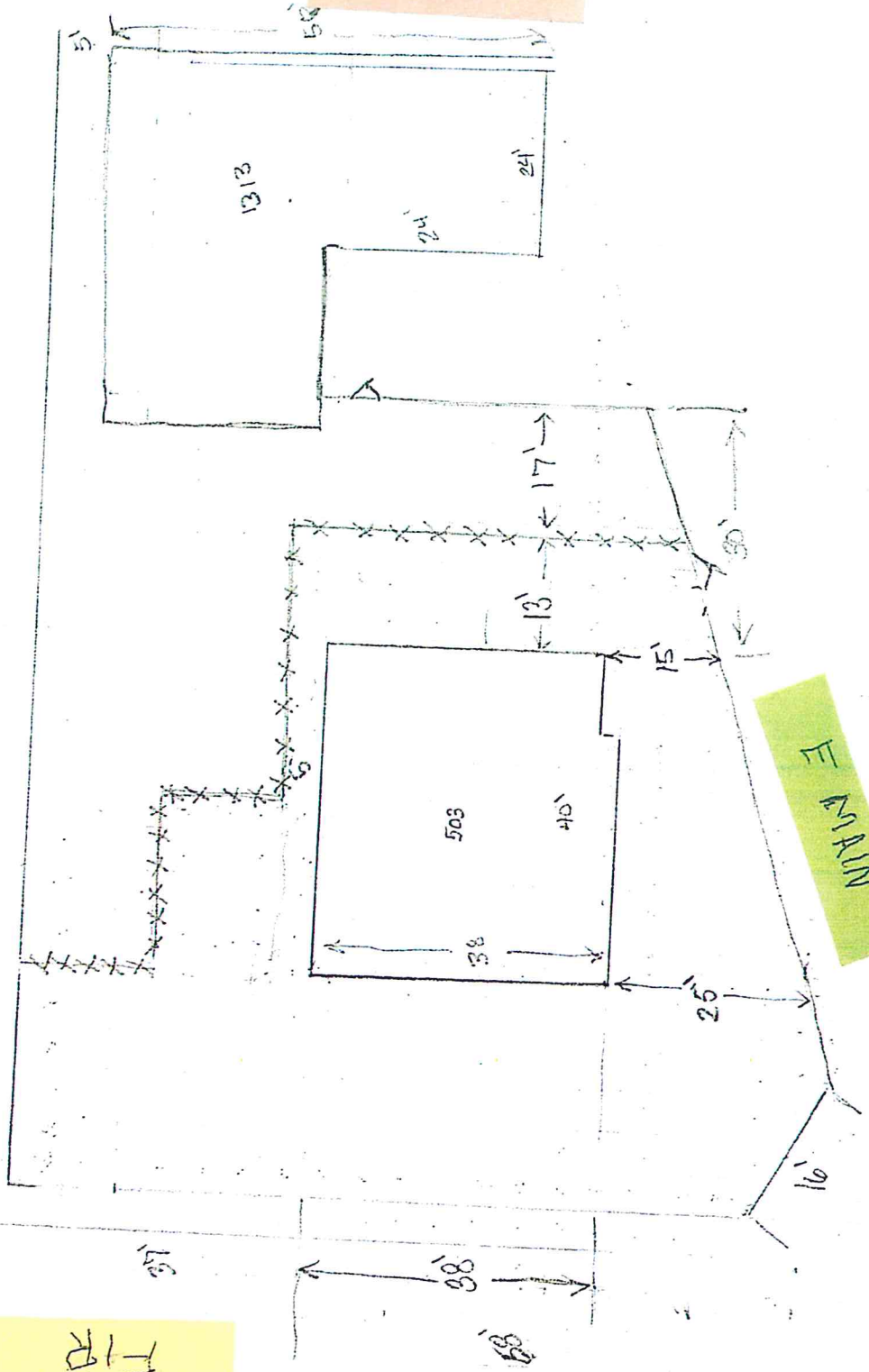
That being the case, we respectfully request that you recommend this variance to the Laurel City Council.

Thank you.

Brian Johnson

A handwritten signature in black ink, appearing to read "Brian Johnson", is written over a horizontal line. The signature is cursive and somewhat stylized.

ALLEY



APPROXIMATE

F IR

F MAIN





MONTANA RAIL LINK  
D13144C  
PO BOX 16624  
MISSOULA, MT 59808-6624

MONTANA RAIL LINK  
D13144C  
PO BOX 16624  
MISSOULA, MT 59808-6624

MONTANA RAIL LINK  
D13144C  
PO BOX 16624  
MISSOULA, MT 59808-6624

THIEL, LARRY V TRUSTEE  
B00855  
1328 RIDGE DR  
LAUREL, MT 59044-1816

THIEL, LARRY V TRUSTEE  
B00855  
1328 RIDGE DR  
LAUREL, MT 59044-1816

THIEL, LARRY V TRUSTEE  
B00855  
1328 RIDGE DR  
LAUREL, MT 59044-1816

HINES, MICHAEL J  
B00854  
504 FIR AVE  
LAUREL, MT 59044

HINES, MICHAEL J  
B00854  
504 FIR AVE  
LAUREL, MT 59044

HINES, MICHAEL J  
B00854  
504 FIR AVE  
LAUREL, MT 59044

ROMEE, MICHAEL P & JUDY ANN  
B00853  
619 E 5TH ST  
LAUREL, MT 59044-2710

ROMEE, MICHAEL P & JUDY ANN  
B00853  
619 E 5TH ST  
LAUREL, MT 59044-2710

ROMEE, MICHAEL P & JUDY ANN  
B00853  
619 E 5TH ST  
LAUREL, MT 59044-2710

ATKINSON, RITA R  
B00852  
510 FIR AVE  
LAUREL, MT 59044

ATKINSON, RITA R  
B00852  
510 FIR AVE  
LAUREL, MT 59044

ATKINSON, RITA R  
B00852  
510 FIR AVE  
LAUREL, MT 59044

BUREAU, RONALD W & DARLA J  
B00851  
518 FIR AVE  
LAUREL, MT 59044

BUREAU, RONALD W & DARLA J  
B00851  
518 FIR AVE  
LAUREL, MT 59044

BUREAU, RONALD W & DARLA J  
B00851  
518 FIR AVE  
LAUREL, MT 59044

FRANK, TANCY  
B00850  
8522 DANFORD RD  
LAUREL, MT 59044-8317

FRANK, TANCY  
B00850  
8522 DANFORD RD  
LAUREL, MT 59044-8317

FRANK, TANCY  
B00850  
8522 DANFORD RD  
LAUREL, MT 59044-8317

SMITH, BRAD M  
B00849  
524 FIR AVE  
LAUREL, MT 59044

SMITH, BRAD M  
B00849  
524 FIR AVE  
LAUREL, MT 59044

SMITH, BRAD M  
B00849  
524 FIR AVE  
LAUREL, MT 59044

MEISNER, GLEN ALAN  
B00862  
523 ELM AVE  
LAUREL, MT 59044

MEISNER, GLEN ALAN  
B00862  
523 ELM AVE  
LAUREL, MT 59044

MEISNER, GLEN ALAN  
B00862  
523 ELM AVE  
LAUREL, MT 59044

GIERKE, GUY W  
B00861  
519 ELM AVE  
LAUREL, MT 59044

GIERKE, GUY W  
B00861  
519 ELM AVE  
LAUREL, MT 59044

GIERKE, GUY W  
B00861  
519 ELM AVE  
LAUREL, MT 59044

YODER, JOHN ARLEN  
B00860  
513 ELM AVE  
LAUREL, MT 59044

YODER, JOHN ARLEN  
B00860  
513 ELM AVE  
LAUREL, MT 59044

YODER, JOHN ARLEN  
B00860  
513 ELM AVE  
LAUREL, MT 59044

FOSTER, JEREMY  
B00859  
509 ELM AVE  
LAUREL, MT 59044

FOSTER, JEREMY  
B00859  
509 ELM AVE  
LAUREL, MT 59044

FOSTER, JEREMY  
B00859  
509 ELM AVE  
LAUREL, MT 59044

STEINMASSEL, TERRY A & TRACY  
B00858 B00857  
519 W 11TH ST  
LAUREL, MT 59044

STEINMASSEL, TERRY A & TRACY  
B00858 B00857  
519 W 11TH ST  
LAUREL, MT 59044

STEINMASSEL, TERRY A & TRACY  
B00858 B00857  
519 W 11TH ST  
LAUREL, MT 59044

FIECHTNER, BRIAN K  
B00856  
4215 HILLCREST RD  
BILLINGS, MT 59101

FIECHTNER, BRIAN K  
B00856  
4215 HILLCREST RD  
BILLINGS, MT 59101

FIECHTNER, BRIAN K  
B00856  
4215 HILLCREST RD  
BILLINGS, MT 59101

SUMMERS, DIANE MARIE & DELORES  
SCHIED  
B00866 B00865  
2202 WILLOWBROOK WAY  
BILLINGS, MT 59102-2880

SUMMERS, DIANE MARIE & DELORES  
SCHIED  
B00866 B00865  
2202 WILLOWBROOK WAY  
BILLINGS, MT 59102-2880

SUMMERS, DIANE MARIE & DELORES  
SCHIED  
B00866 B00865  
2202 WILLOWBROOK WAY  
BILLINGS, MT 59102-2880

TINNES FAMILY TRUST  
B00864  
7974 ROBIN RD  
PARKER, CO 80138

TINNES FAMILY TRUST  
B00864  
7974 ROBIN RD  
PARKER, CO 80138

TINNES FAMILY TRUST  
B00864  
7974 ROBIN RD  
PARKER, CO 80138

PAUL, JAMES J & RIKKI  
B00863  
7263 FOLSOM RD  
BILLINGS, MT 59106-2536

PAUL, JAMES J & RIKKI  
B00863  
7263 FOLSOM RD  
BILLINGS, MT 59106-2536

PAUL, JAMES J & RIKKI  
B00863  
7263 FOLSOM RD  
BILLINGS, MT 59106-2536

GEORGE, MIKE R & STEPHANIE A  
B00871  
1304 E 6TH ST  
LAUREL, MT 59044

GEORGE, MIKE R & STEPHANIE A  
B00871  
1304 E 6TH ST  
LAUREL, MT 59044

GEORGE, MIKE R & STEPHANIE A  
B00871  
1304 E 6TH ST  
LAUREL, MT 59044

HOLYCROSS, DAVID A & FLORENCE  
B00870  
801 E 4TH ST  
LAUREL, MT 59044-2801

HOLYCROSS, DAVID A & FLORENCE  
B00870  
801 E 4TH ST  
LAUREL, MT 59044-2801

HOLYCROSS, DAVID A & FLORENCE  
B00870  
801 E 4TH ST  
LAUREL, MT 59044-2801

THURMAN, MITCHELL R  
B00869  
515 FIR AVE  
LAUREL, MT 59044

THURMAN, MITCHELL R  
B00869  
515 FIR AVE  
LAUREL, MT 59044

THURMAN, MITCHELL R  
B00869  
515 FIR AVE  
LAUREL, MT 59044

GORDON, VIRGINIA F  
B00868  
509 FIR AVE  
LAUREL, MT 59044

GORDON, VIRGINIA F  
B00868  
509 FIR AVE  
LAUREL, MT 59044

GORDON, VIRGINIA F  
B00868  
509 FIR AVE  
LAUREL, MT 59044

JOHNSON, BRIAN RICHARD  
B00867  
503 FIR AVE  
LAUREL, MT 59044

JOHNSON, BRIAN RICHARD  
B00867  
503 FIR AVE  
LAUREL, MT 59044

JOHNSON, BRIAN RICHARD  
B00867  
503 FIR AVE  
LAUREL, MT 59044

ARROYO SECO GROUP INC &  
B00873  
7308 EL NIDO  
LA VERNE, CA 91750-1127

ARROYO SECO GROUP INC &  
B00873  
7308 EL NIDO  
LA VERNE, CA 91750-1127

ARROYO SECO GROUP INC &  
B00873  
7308 EL NIDO  
LA VERNE, CA 91750-1127

FRANCO, CAROL  
B00874  
1404 E 6TH ST  
LAUREL, MT 59044

FRANCO, CAROL  
B00874  
1404 E 6TH ST  
LAUREL, MT 59044

FRANCO, CAROL  
B00874  
1404 E 6TH ST  
LAUREL, MT 59044

PROPIEDAD LLC  
B00774  
PO BOX 20853  
BILLINGS, MT 59104-0853

PROPIEDAD LLC  
B00774  
PO BOX 20853  
BILLINGS, MT 59104-0853

PROPIEDAD LLC  
B00774  
PO BOX 20853  
BILLINGS, MT 59104-0853

RATCLIFF, RANDALL C & RANA  
B00773 1003415  
2807 LYNDAL LN  
BILLINGS, MT 59102-1439

RATCLIFF, RANDALL C & RANA  
B00773 1003415  
2807 LYNDAL LN  
BILLINGS, MT 59102-1439

RATCLIFF, RANDALL C & RANA  
B00773 1003415  
2807 LYNDAL LN  
BILLINGS, MT 59102-1439

STOEBE, ROBIN RODNEY  
1003055  
4206 WATERFORD DR  
BILLINGS, MT 59106-1723

STOEBE, ROBIN RODNEY  
1003055  
4206 WATERFORD DR  
BILLINGS, MT 59106-1723

STOEBE, ROBIN RODNEY  
1003055  
4206 WATERFORD DR  
BILLINGS, MT 59106-1723

## PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a variance application submitted by Zene Johnson regarding the property at 503 Fir Ave for lot coverage requirements. The Zoning Commission hearing is scheduled for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, February 17<sup>th</sup>, 2021.**

Additionally, the City Council has scheduled a public hearing for the consideration of the variance request. The City Council hearing is scheduled for **6:30 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Tuesday, March 9<sup>th</sup>, 2021.**

The applicant seeks to split the parcel at 503 Fir Avenue into two parcels. The lot is 10,953 square feet in size. This property is zoned Community Commercial (CC). The Community Commercial zoning district requires a minimum lot size of 6,000 square feet. The splitting of the lot into two parcels would create a nonconforming lot and is not allowable. The applicant requires a variance approval by the Laurel City Council to have a lot which conforms to Laurel City Code.

It is the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest where a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship.

**Public comment is encouraged and can be provided in person at the public hearings on February 17<sup>th</sup> and March 9<sup>th</sup>.** Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1<sup>st</sup> Street Laurel, MT 59044. A copy of the variance application and supporting documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628.4796 ext. 5302, or via email at [cityplanner@laurel.mt.gov](mailto:cityplanner@laurel.mt.gov).



8-80865

ROW\Forms\Pin\521


Revised 9/29/06

**State of Montana**  
**Department of Transportation**  
Right-of-Way Bureau  
2701 Prospect Avenue  
PO Box 201001  
Helena, MT 59620-1001

Project ID: HSIP 4-2(32)55 Parcel No.: 13 County: Yellowstone  
Designation: 2002 - TURN LANE - LAUREL  
Project No.: 5304-032

**Bargain and Sale Deed**

This Deed, made this 7<sup>th</sup> day of JUNE, 2007, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, witnesses that,

Patricia A. Johnson  
503 Fir Ave: 1313 EAST MAIN ST.   
Laurel, MT 59044-2828

does hereby grant, bargain, sell and convey to the City of Laurel, Montana, the following-described real property:

Parcel No. 13 on Montana Department of Transportation Project HSIP 4-2(32)55, as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana. Said parcel is also described as a tract of land in Lot 10, in Block 14, of Nutting Subdivision, in the City of Laurel, Yellowstone County, Montana, according to the official plat thereof, on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana, as shown by the shaded area on the plat, consisting of 1 sheet, attached hereto and made a part hereof, containing an area of 198 sq. ft., more or less.

RW:D2:5304:p13:JC



Bargain And Sale Deed  
Project ID: HSIP 4-2(32)55  
Designation: 2002 - TURN LANE - LAUREL

Parcel No.: 13

Excepting and reserving to Grantor(s), however, all gas, oil and minerals beneath the surface of the above-described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right, the surface thereof shall not be disturbed, interfered with or damaged. This exception and reservation does not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the Grantor(s), her heirs, successors and assigns, all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and all other indicia of water, water right and ditch ownership, or any interest therein appurtenant to the land described therein, save and except groundwater for the use, benefit and purposes of the Grantee(s).

The Grantor(s) further expressly waives and relinquishes all rights, as owner or successor in interest provided under law, for any preference to repurchase all or a portion of this property should it be determined no longer to be necessary for highway purposes.

To have and to hold the above-described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the City of Laurel, Montana, and to its successors and assigns forever.

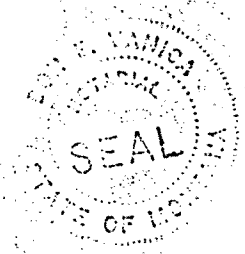
This Deed was executed on the date of its last acknowledgment.

*Patricia A. Johnson*

State of MONTANA )  
County of YELLOWSTONE )

This instrument was acknowledged before me on JUNE 7, 2007  
(date)

by PATRICIA A. JOHNSON  
(Grantor(s))



(Seal)

*Don E. Vanica*

Notary Signature Line

DON E. VANICA

Notary Printed Name

Notary Public for State of MONTANA

Residing at: BILLINGS, MONTANA

My Commission Expires: 5 MAY 4, 2008

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_  
(date)

by \_\_\_\_\_  
(Grantor(s))

Notary Signature Line

(Seal)

Notary Printed Name

Notary Public for State of \_\_\_\_\_

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Recording Information

THIS PLAN IS PREPARED FROM THE MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS AND IS RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED.

NOTES:  
1. THE PROPOSED R/W LINE WERE A SPREAD RATHER THAN A CONTRACTING CURB CURVE.  
2. ALL STATIONS AND OFFSETS FOR R/W BORDERS ARE IN REFERENCE TO THE R/W BASELINE.

GRID STATE PLANE COORDINATES  
THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ARE IN FEET AND DIMENSION, WHICH IS RECORDED.  
THE COMBINATION SCALE FACTOR IS 0.99950767

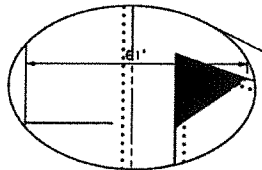
LEGEND  
MONTANA DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY EXHIBIT  
YELLOWSTONE COUNTY  
SCALE 1"=50'

STATE MONTANA  
RIGHT OF WAY  
R/W NO. 156-4-218215  
MONTANA PROJECT NO. 5304-032  
2002 - TURN LANE - LAUREL

FOR EXISTING R/W RETRACTIONMENT, SEE COS. NO. 3291

PARCEL 13 DETAIL  
NOT TO SCALE

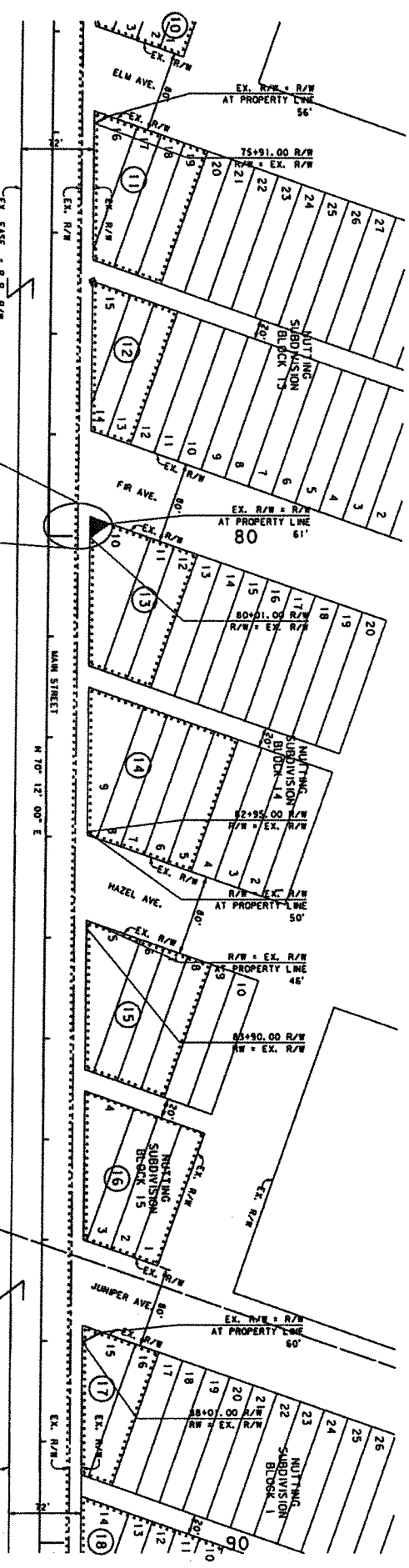
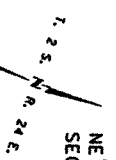
P. O. T. 80+00.00 IS N 45° 41' 21" E  
2724.15' FROM THE SW CORNER  
OF SECTION 10, T40N, R.24E, CLM#1



1

NE 1/4 SW 4  
SEC. 10

NW 1/4 SE 4  
SEC. 10



LAUREL

PARCEL 13, SHEET 1 OF 1



## 17.16.020 - Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020.

Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								
One unit	7,500	6,000	6,000 <sup>1</sup>	6,000 <sup>1</sup>	6,000 <sup>3</sup>	See	5 acres	1 acre
Two units		7,500	7,500	7,750		Chapter		
Three units		8,500	8,500	9,500		17.32		
Four units			10,000	11,250				
Five units				13,000				
Six units or more				Add 2,500 each additional unit				
Minimum yard – setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 <sup>5</sup>	25
Side	5	5 <sup>4</sup>	5 <sup>4</sup>	5 <sup>4</sup>	5		5 <sup>5</sup>	5
Side adjacent to street	20	20	20	20	20		10 <sup>5</sup>	10
Rear	5	5	5	5	5		25 <sup>5</sup>	25
Maximum height for all buildings	30	35	35	40	30		30	30
Maximum lot coverage (percentage)	30	30	40	45	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

<sup>1</sup> Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

<sup>2</sup> NA means not applicable

<sup>3</sup> The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

<sup>4</sup> Zero side setbacks may be permitted if approved through the special review process.

<sup>5</sup> All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

**17.20.020 - Zoning classified in districts.**



Zoning for commercial — industrial use is classified in and subject to the requirements of Table 17.20.020.  
(Prior code § 17.32.020)

Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front <sup>(a)</sup>	NA	20	20	NA	20	20	20	20	20
Side <sup>(b)</sup>		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear <sup>(b)</sup>		0	0		0	0	0	0	0
Maximum height for all buildings <sup>(c)</sup>	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

## Laurel City Planner

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**From:** RITA ATKINSON <ritarose71@msn.com>  
**Sent:** Sunday, February 14, 2021 7:30 PM  
**To:** Laurel City Planner  
**Subject:** Fw: Variance application for 503 Fir

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**From:** RITA ATKINSON  
**Sent:** Sunday, February 14, 2021 7:20 PM  
**To:** cityplanner@laurel.my.gov <cityplanner@laurel.my.gov>  
**Subject:** Variance application for 503 Fir

I live at 510 Fir, across the street from this address. Although it has been zoned commercial for decades, I can see no reason for this variance. There are 2 residences on this lot. Exactly what commercial enterprise would be situated here? At the moment, there are 3 cars on what once was a lawn and 1 on the street that haven't moved in months. The small back yard is being used by large dogs that I believe is a breeding operation for a mix of Great Danes and German Shepards. There is usually between 4 to 8 large dogs and this fall also 3 puppies. There is now more chain link kennels and a shed in the back. The police have been called on these dogs numerous times for incessant barking and once for what appeared to be a deceased dog in the yard. The only thing that has changed since these calls are that the dogs are more restricted for space. If the variance is permitted, the lot gets even smaller. Having had German Shepards all of my life, this whole situation is so unfair to those dogs that I have considered calling the Humane Society and having them check to see if this breeding operation was reported in Nevada before it moved here to our neighborhood where everyone has a dog or even two, but they are never treated like this.

Decades ago, when the back building was a glass shop, there was only one residence there and I do understand that when the shop was converted to a house, the commercial zoning was probably grandfathered in but at this point in time, it has created a hardship for everyone in this whole neighborhood. We have residents that work at night, but the dogs bark at all different times of the day and well into the evening. Sometimes they are quiet for hours and sometimes they bark for hours. I have always thought that in the city of Laurel, you could only have 3 dogs unless you have a kennel license. After all the calls to the police, and nothing being done about the number of dogs at that residence, is it being allowed for that reason? And if the parcel is split, can they double the amount of dogs and cars on the lawn?? If it were allowed, the parcel should go back to residential, there is no reason to have a commercial business on that lot.

For this reason not only am I opposed to this variance, but vehemently opposed to this variance.

Sincerely,

Rita Atkinson  
510 Fir  
Laurel, Mont.

## Laurel City Planner

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**From:** Ron Bureau <RDBU1003@msn.com>  
**Sent:** Sunday, February 7, 2021 1:19 PM  
**To:** Laurel City Planner  
**Subject:** Public hearing 503 Fir Ave.

Hello,

My husband and I are concerned with the idea of 503 Fir Ave being split into a nonconforming lot.

We have lived at 518 Fir Ave for 26 years. Our concern is, if allowing the variance change to occur, will this permit the current residents to establish a commercial dog kennel. This property does not conform to the zoning district requirements. The splitting of the lot into two lots will create, as the City had pointed out, a non-conforming lot and is not allowable. We have no problem with the splitting of lot as long the variance states these lots are to be residential rather than commercial.

Some of our neighbors as well as us have called the Laurel Police due to the constant noise from all the barking dogs. The barking goes on for hours at a time, literally all day and night. This being a residential area, will affect all residences within a two-block area if not more. At one point, Laurel had a City Ordinance that permitted no more than 3 dogs permitted at any one residence.

503 Fir Ave currently has approximately 10-11 dogs (that we have counted on a few occasions. The dogs are Great Dane and German Shepards). The barking is an annoyance for the current and future residents on Fir Ave to have to deal with.

Please decline the request for the variance change as stated in the notice to 503 Fir Ave.

Thank you.

Sincerely,  
Ronald and Darla Bureau  
518 Fir Ave

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MINUTES  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, FEBRUARY 17, 2021  
5:35 PM  
CITY COUNCIL CHAMBERS

**Public Input:** *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

1. Roll Call

The chair called the meeting to order at 5:35PM

Evan Bruce  
Roger Giese  
Jon Klasna  
Gavin Williams  
Dan Koch  
Judy Goldsby

**General Items**

2. Approve Meeting Minutes: January 20, 2021

Dan Motioned to approve the minutes from January 20, 2021  
Evan Seconded.  
Motion Carried.

3. Public Hearing: Variance Request for 503 Fir Ave

Nick provided the staff report and findings for the Variance request for 503 Fir Ave/1313 E. Main Street.

The Chair called for Proponents.

Zene Johnson – 1908 9<sup>th</sup> Street West, Billings, 59102. Sister of former owner (passed). Patti (prior owner) previously had wanted to split the lot and spoke with the Planning Department about this item years ago. Brian, Patti's son who inherited the property and his wife have two special needs children. Brian has to spend a lot of time with the children would like to split the lot because he does not want to be a landlord and manage a rental property. The parcel would then be put into the hands of someone able to take care of it. This would allow an owner who is somebody who could appreciate it.

Judy: The owner lives at the 1313 E. Main house?

- Yes he does.

The Chair called for Proponents.

The Chair called for Proponents.

The Chair Called for Opponents.

The Planning Director provided emails from two nearby property owners who object to the variance due to worries about a commercial dog kennel being established on the new lot. The Planning Director explained that these concerns are valid but any commercial kennel would need to go through the Special Review process at Planning Board and Council and would face questioning on its impacts to the neighborhood.

The Chair Called for Opponents.

The Chair Called for Opponents.

Mike, the son of applicant Zene Johnson owns the dogs in question. He plans to move the dogs off premises once the variance request is approved. They have gone through permitting the dogs at the 503 Fir Ave house for now. Mike and his wife are temporarily living at the 503 Fir Ave home in order to remodel the house. Will move out once the variance takes place and the house is rehabilitated. Mike and his wife and dogs will be moving out ASAP.

Evan: Parking for both residences?

There is a garage attached to the 1313 E. Main St. home. Curb cut exists for 503 Fir Ave.

Dan: Would the second lot be buildable?

It already has an existing home that is being renovated.

Judy provided background as to the 503 Fir Ave house that was previously used as a glass shop.

Gavin Motioned to approve the variance with the conditions presented by the Planning Director and additional motion noted on the attached staff report.

Dan Seconded.

Motion Carried.

The Chair closed the Public Hearing.

#### 4. Public Hearing: Zone Change Request for Lots within the Iron Horse Station Subdivision

Nick provided the summary of the situation for Planning Board. Nick provided answers to questions about access and density changes, details about the change.

Jon: What will the parking situation be like?

Most likely will be on-lot, similar to the duplexes.

Members discussed access needs for the abandonment of Short Line Drive. Discussion of the adjacent right of way.

The Chair called for Proponents.

The Chair called for Proponents.

The Chair called for Proponents.

The Chair called for Opponents.

Wilton Olson. Concerned about the density of the new houses as well as the closed nature of the agreement between the developer. Questioned the Planning Director's statement of agreeing with more density within the subdivision and that area of the city.

The Chair called for Opponents.  
The Chair called for Opponents.

Gavin motioned to approve the Zone Change for Iron Horse Station Subdivision as presented.  
Jon Seconded.  
Motion Carried.

### **New Business**

#### 5. Sign Review: Sunlight Properties

Members reviewed the design for the Sunlight Properties sign. Nick provided a color image version of the black and white image provided in the packet.

Gavin motioned to approve the Sunlight Properties sign as designed and presented.  
Evan Seconded.  
Motion Carried.

### **Old Business**

#### **Other Items**

#### 6. Ongoing Projects

Nick provided some details on ongoing projects within Laurel and its Planning and Zoning jurisdiction.

- Cherry Hills 3<sup>rd</sup> Filing
- Goldberg Sporting Estates
- Dyer PUD – 8<sup>th</sup> Street
- 8<sup>th</sup> Avenue
- Burger King Lot
- Zoning Code Update
- Zoning Jurisdiction Expansion

Evan suggested that a new zoning code update include language banning certain refrigerants in new construction.

Dan Wells – Regal Community Park?  
No updates on the situation yet.  
Nick will follow-up with Dan Wells

### **Announcements**

#### 7. Adjourn Meeting

The Chair adjourned the Meeting at 6:43PM.

#### 8. Next Meeting: March 17, 2021

**The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.**

**[DATES TO REMEMBER](#)**