



City/County  
Planning Division

Billings Metropolitan  
Planning  
Organization

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[plnonline@billingsmt.gov](mailto:plnonline@billingsmt.gov)

February 13<sup>th</sup>, 2026

**County Variance 303**  
**Project Number: PZX-26-00022**

Dear Property Owner:

This is to inform you of the following request submitted to City/County Planning:

**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 public right-of-way. Tax ID: D01979B

**The County Consolidated Zoning Commission will hold its public hearing on March 12, 2026,** starting at 4:00 pm in **City Council Chambers, 5<sup>th</sup> Floor City Hall at 316 N 26<sup>th</sup> St.** All interested persons are invited to attend in person or view the meeting on the City Facebook page posted after conclusion of the meeting.

Written comments may also be sent to the Board via email before NOON on March 12, 2026. All written correspondence and emails ([paulm@billingsmt.gov](mailto:paulm@billingsmt.gov) or [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov)) received prior to this time will become part of the record for the public hearing.

Additional information on this application is available on-line at <https://www.billingsmt.gov/2361/Current-Zoning-Applications> or in the Planning Offices at City Hall, 316 N 26th St, 5th Floor.

Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in 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 Brenda Berns, Planning Clerk, at 247-8610 or e-mail at [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov)

Sincerely,

**The Staff of the City-County Planning Department**

**Board of Adjustment (Consolidated Yellowstone County Zoning Commission) Criteria for  
Variances**

**Zoning Regulations – Yellowstone County**

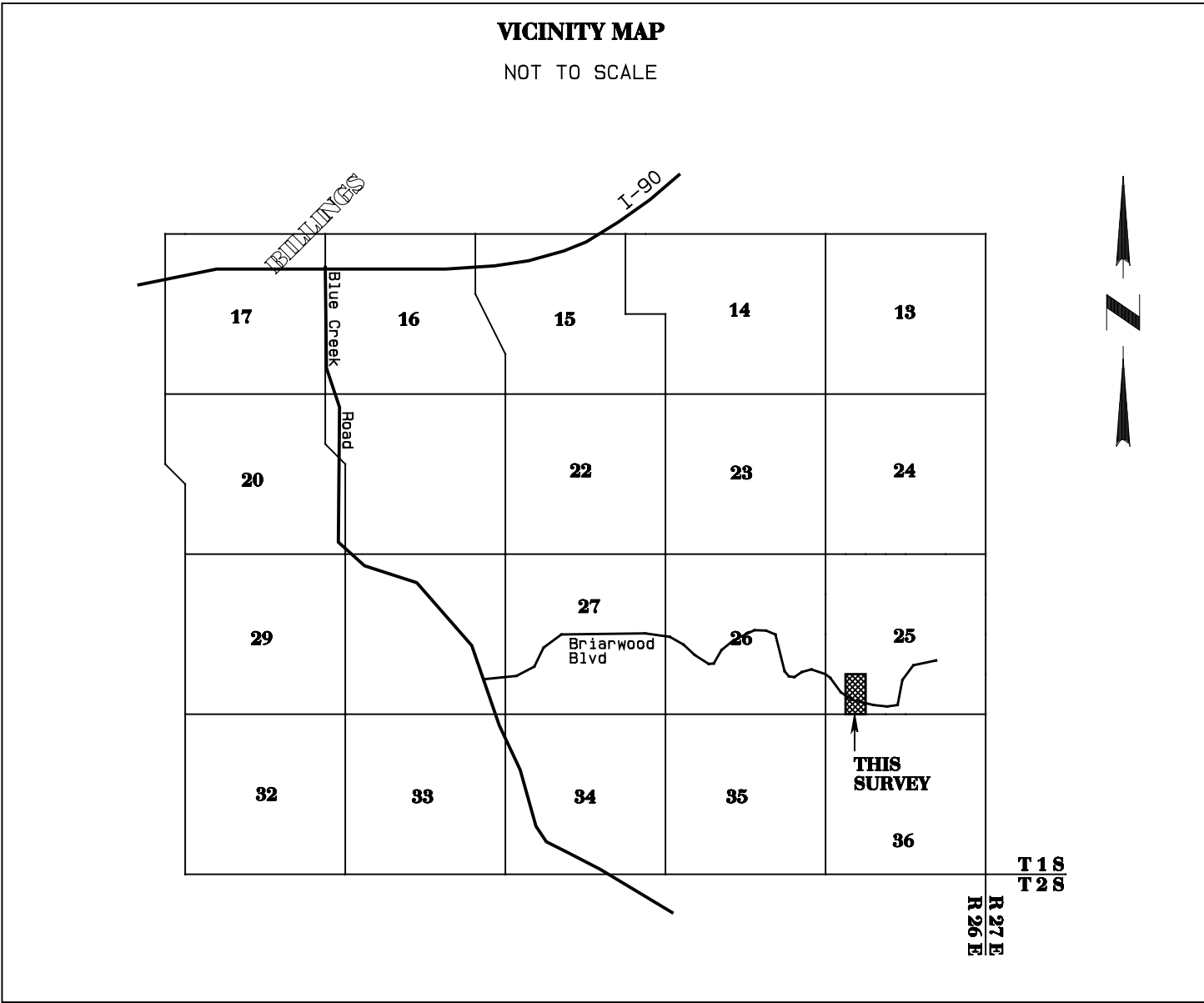
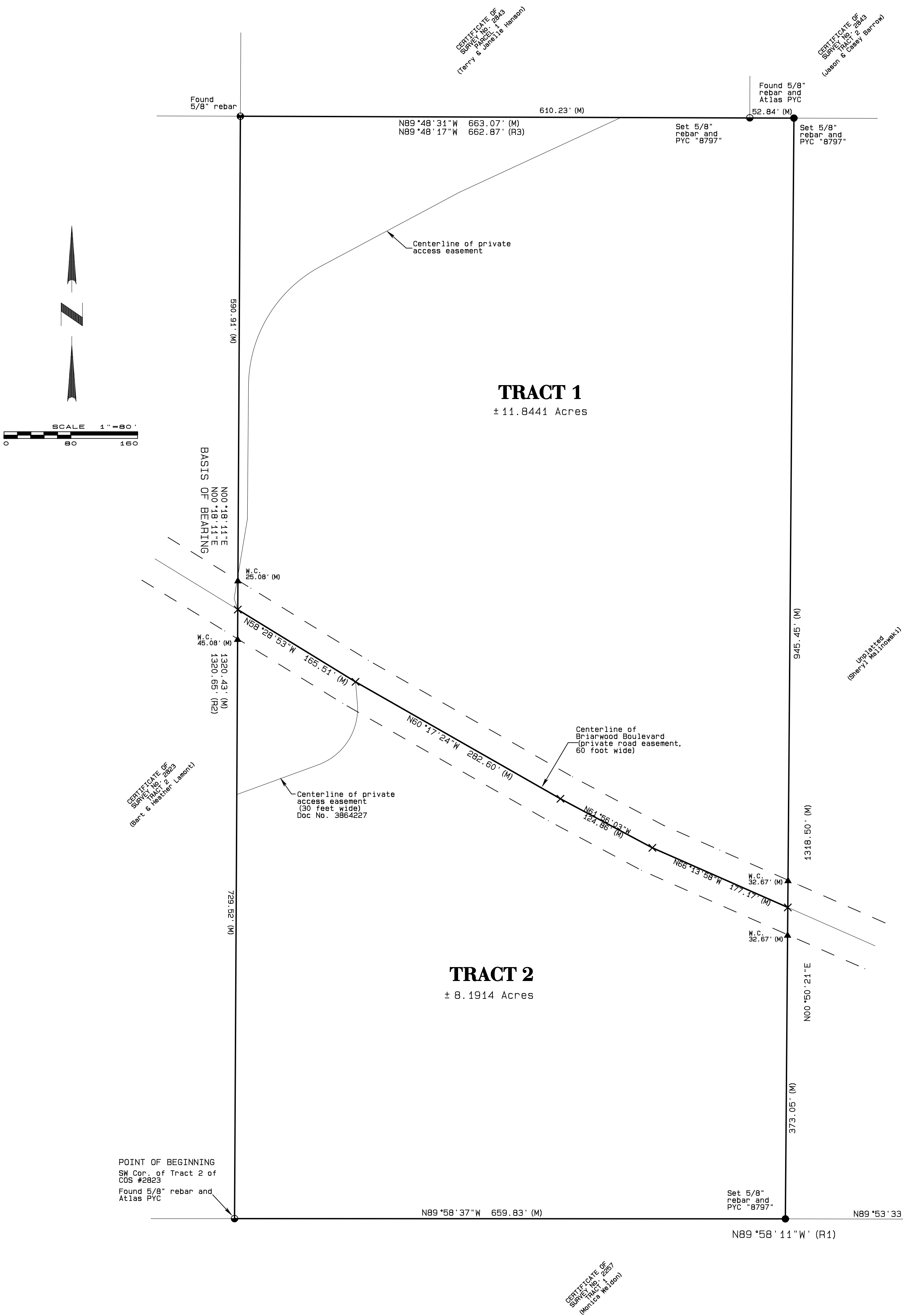
Section 27-1626(D) *County Board of Adjustment action:* The County board of adjustment, before it grants a variance shall determine:

- (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 chapter 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 chapter 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 chapter and with the comprehensive plan.

CERTIFICATE OF SURVEY No. \_\_\_\_\_

SITUATED IN SECTION 25 ,TOWNSHIP 1 SOUTH, RANGE 26 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

DATE: JANUARY, 2026  
PREPARED FOR: MARK & CHRISTINE BOONE  
PREPARED BY: JOE KEHL & ASSOCIATES, INC.



- LEGEND:**
- = Found a 5/8" rebar (no cap)
  - = Found a 5/8" rebar and 1.5" plastic yellow cap stamped "8865"
  - = Set a 5/8" rebar and plastic yellow cap stamped "8797LS" - this survey
  - ▲ = Witness Corner - set a 5/8" rebar and plastic yellow cap stamped "8797LS" - this survey
  - × = Nothing found on set
  - (M) = Measured bearing and distance - this survey
  - (R) = Record bearing and distance - previous surveys as noted

**PREVIOUS SURVEYS:**

(R1) = Certificate of Survey No. 2257, Document No. 1310027  
(R2) = Certificate of Survey No. 2823, Document No. 1759785  
(R3) = Certificate of Survey No. 2843, Document No. 1780671

**BASIS OF BEARING:**

Geodetic determined by GPS observations using survey grade equipment on found monumentation along the East line of Tract 2, C.O.S. No. 2823.

All distances are given in ground distance.

**CERTIFICATE OF EXEMPTION & LEGAL DESCRIPTION:**

We, the undersigned property owner, do hereby certify that we caused to be surveyed and platted into tracts as shown by this plat hereunto included, the following described tract of land, to wit: We further certify that the purpose of this survey is to create Tract 1 for transfer of ownership as a family gift on sale and that no prior family gift on sale has been conveyed to Mark P. Boone, husband, that this exemption complies with all conditions imposed on its use. Therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(b), MCA, and the Yellowstone County subdivision regulations. divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family"

**SANITARY APPROVALS - EXEMPTIONS:**

TRACT 1:  
DEQ Permit No. \_\_\_\_\_  
Date: \_\_\_\_\_

TRACT 2:  
Tract 2, is exempt from review for the Department of Environmental Quality pursuant to ARM 17.36.605(2) (a):  
The reviewing authority may exclude the following parcels created by divisions of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part: "a parcel that has no facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal, if no facilities will be constructed on the parcel".

**LEGAL DESCRIPTION:**

Situated in the SW1/4 of Section 25, Township 1 South, Range 26 East, P.M.M., Yellowstone County, Montana and being more particularly described as follows:

The herein Point of Beginning being the SE corner of Tract 2 of Certificate of Survey No. 2823, marked by a 5/8" rebar and plastic yellow cap stamped "Atlas"; thence N00°18'11"E a distance of 1350.43 feet along the East line of said Tract 2 to the NE corner of said Tract 2 and the SW corner of Tract 1 of Certificate of Survey No. 2843, marked by a 5/8" rebar; thence S89°48'31"E a distance of 663.07 feet on and along the South line of said Tract 1 to a point, marked by a 5/8" rebar and plastic yellow cap stamped "8797LS"; thence S00°26'39"W a distance of 1318.50 feet to a point, marked by a 5/8" rebar and plastic yellow cap, stamped "8797LS"; thence N89°58'37"W a distance of 659.83 feet on and along the North line of Tract 2 of Certificate of Survey No. 2257 to the Point of Beginning.

Said tract containing 20.0355 acres, more or less, and all according to the attached Certificate of Survey and subject to all easements and/or rights-of-way of record, apparent on the ground or reserved per this survey.

The above described tracts of land is to be known and designated as TRACT 1 and TRACT 2, Certificate of Survey No. \_\_\_\_\_, Yellowstone County, Montana.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Christine Boone (Property Owner) Mark P. Boone (Property Owner)

STATE OF MONTANA )  
County of Yellowstone )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public in and for the State of Montana, personally appeared Mark P. Boone and Christine Boone, owners, and known to me to be the persons who signed the foregoing instrument and who acknowledged to me they executed the same.

Witness my hand and seal the day and year herein above written.

Sign: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Notary Public for the State of Montana

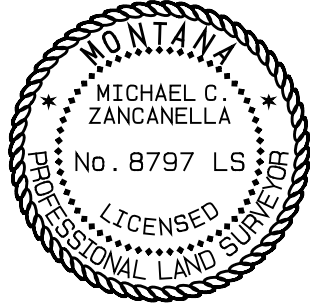
Residing at: \_\_\_\_\_

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

**CERTIFICATE OF SURVEYOR:**

I, the undersigned Michael C. Zancanella, Registered Land Surveyor, Montana Registration No. 8797LS, do hereby certify that during the month of August, 2025 a field survey was conducted under my direct supervision of a tract of land situated in the SW1/4 of Section 25, Township 1 South, Range 26 East, P.M.M., Yellowstone County, Montana, said description of boundaries and dimensions and the monuments found and on set are of the character and occupy the positions shown hereon.

Michael C. Zancanella  
Dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Montana Registration No. \_\_\_\_\_



**CERTIFICATE OF COUNTY TREASURER:**

I hereby certify, pursuant to Section 76-3-611(i) (b), MCA, that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land described on this Certificate of Survey Plat and encompassed by the proposed division have been paid.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Deputy Treasurer of Yellowstone County

**CERTIFICATE OF COUNTY ATTORNEY:**

This document has been reviewed by the County Attorney's office and is acceptable as to form.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Reviewed by: \_\_\_\_\_

**CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT:**

This Plat has been reviewed and approved by Riverstone Health.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Health Officer or Authorized Representative  
Yellowstone City/County Health Department  
dba Riverstone Health

**COUNTY VARIANCE** **COUNTY APPLICATION FORM**  
**County** Variance # \_\_\_\_\_ - Project # \_\_\_\_\_

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 # D01979B COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: E1/2SW1/4SW1/4 Section 25, Township 01 South, Range 26 East.,

P.M.M., Yellowstone County, MT

Address or General Location (If unknown, contact County Public Works): 1835 Briarwood Blvd, Billings, MT 59101

Zoning Classification: Non- qualified Ag

Size of Parcel (Area & Dimensions): 20.0355 acres total: 11.8441 & 8.1914 for the 2 tracts in the submitted exempt COS

Variance(s) Requested (detail what you are asking for; ie; setbacks, building size/height, etc.):

Need variance for the 8.1914 acre tract since it is below the 10 acre threshold in for the non-qualified ag zoning for this area.

Facts of Hardship: (attach letter)

submitted in online application

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

Owner(s): Mark P. & Christine Boone

(Recorded Owner)

1835 Briarwood Blvd, Billings, MT 59101

(Address)

406-698-4639

(Phone Number)

vxranch@hotmail.com

(email)

Agent(s): Randy Kehl

(Name)

1835 Briarwood Blvd, Billings, MT 59101

(Address)

406-698-4639

(Phone Number)

vxranch@hotmail.com

(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.

Mark P. Boone

Signature: \_\_\_\_\_ Date: 01/28/2026

(Recorded Owner – Digital signature allowed)

To: Consolidated Yellowstone County Zoning Commission

- A. The Boone family decided to submit a Family Transfer Certificate of Survey to the County so that they could split the property into 2 tracts of land and transfer one of those tracts to a spouse. In this case, the property is split completely into Northern and Southern parts due to Briarwood Blvd. running across the property from West to East. The logical split of this land for the Family Transfer C.O.S. is along said Briarwood Blvd., giving both sides having access to each parcel along the entire length of the road, which is important since the topography is not level but traversed by gullies. By placing the boundary line between the Northern Tract and the Southern Tract along Briarwood Blvd., the acreages for each Tract differ in size with the Northern Tract having 11.8441 acres (above the minimum 10 acre requirement) and the Southern Tract having 8.1914 acres (slightly below the minimum of 10 acres).

Since there is an existing barn/garage, which lies just to the North of Briarwood Blvd and sits at the East edge of the property as it exists now, the possible solution of a shape change becomes very challenging since the owners do not want to move or demolish the barn/garage. Also, to get the Southern Tract to 10 acres would require a very narrow (75 foot wide) strip of land running from Briarwood Blvd and parallel to the East line of the property all the way up to the Northern boundary line, which would not be reasonable for any normal land usage.

- B. The couple wants a separate piece of land for financial planning in case of a spouse passing or unforeseen reasons. They also may gift or sell to a child in the future. Finally, the land to the South of Briarwood Blvd is not very useful to the main house and the area to the North. Fencing for animals would become much more cumbersome if both sides of Briarwood Blvd was to be fenced.
- C. No structures will be destroyed or moved are intended for this property.