



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 unplatte 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.



**COUNTY APPLICATION FORM****COUNTY VARIANCE** **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

vxranch@hotmail.com

(Phone Number)

(email)

**Agent(s):** Randy Kehl

(Name)

1835 Briarwood Blvd, Billings, MT 59101

(Address)

406-698-4639

vxranch@hotmail.com

(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.

**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.