

# Application & Applicant Letter



## ZONING VARIANCE REQUEST



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

Check one:  City of Billings Variance  Yellowstone County Variance

Address 2801 3rd Avenue N

Legal Description Billings Original Town Bloc 45, Lot 1A

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

1. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements? *Variance from Section 27-705(c)3.a.1 and 27-705(c)3.a.3 - requiring an EMD wall sign to be immediately adjacent to a permanent graphic wall sign.*

2. Why is there a need for the intended use of the property at this location?

3. Statement to Chairperson of the Board Adjustment. What is intended to be done with the property, including new construction or change in the use of the property and why the variance is being sought.

### Required Project Uploads

--Site Plan

--Signed Application and Statement (Variance Questions)

--Radius Map & Certified List of Property Owners

--Typed Mailing Labels Certified Surrounding Property Owners

Online Access: <https://services.billingsmt.gov/citizenaccess/>

*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 Request for a Variance. Also, I attest that all the information presented herein is factual and correct.*

Recorded Owner(s) FOX THEATRE CORP

Owner's Address P.O. Box 1556 Billings, MT 59103

Owner's Phone Number 406-256-8915 (E-mail)

*jdietrich@albertabairtheater.org*

Applicant/Agent Sign Products, Tony Duncan

Applicant/Agent's Address 1425 Monad Road

Applicant/Agent's Phone Number 252-6348

(E-mail) *tduncan@signproductsinc.com*

Signature of Recorded Owner(s) *Janis R. Dietrich*

Date *8/20/2020*

AUTHORITIES: Procedures and review Criteria for Variance requests Billings Montana City Code (BMCC) 27-1506 et seq. (SEC. 27-1506. **CITY VARIANCES, CITY BOARD OF ADJUSTMENT** a) Authority. The City Board of Adjustment shall have the authority to grant a variance from the terms of this chapter in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to City Variance 2020-2021 updated Nov 8, 2019 the lot shape or topography, a literal enforcement of the provisions of the chapter would result in unnecessary hardship.

AUTHORITIES: Procedures and Review Criteria for County Variance requests: Unified Zoning Regulations Section 27-1511 et seq. SEC. 27-1511. **COUNTY VARIANCES, YELLOWSTONE COUNTY BOARD OF ADJUSTMENT** a) Authority. The County Board of Adjustment shall have the authority to grant a variance from the terms of the chapter in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to the lot shape or topography, a literal enforcement of the provisions of the chapter would result in unnecessary hardship.

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

ZONING VARIANCE REQUEST – STATEMENT Q & A

- 1- What reasons prevent you from using this property in conformance with the Zoning Regulation requirements? (Variance from Section 27-705(c)3.a.3 – requiring an EMD sign to be immediately adjacent to a permanent graphic wall sign.)

**-The architectural design of the building does not allow for permanent signs to be installed next to the EMD's. The permanent existing signage is in close proximity of the EMD's as shown in the "Color Rendering" attachment.**

- 2- Why is there a need for the intended use of the property at this location?

**-The modern design of the Alberta Bair Theater renovation uses the EMD's to better promote the shows and events at the theater.**

- 3- Statement to Chairperson of the Board Adjustment

**-see "Statement to the Board of Adjustment" attachment.**