



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, August 2, 2023, 6:00 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: bartleyr@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Administrative Secretary Robbin Bartley at bartleyr@billingsmt.gov or 406-247-8676

Call the meeting to order.

Introduction of City Board of Adjustment Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of June 7, 2023.

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **City Variance 1368 -- 3903 Palisades Park Drive -- Variance from Section 27-1209 to allow an 8-foot fence on the side property line** - A variance from BMCC Section 27-1209.C.2(b) requiring a minimum 5-foot side yard setback for any fence or wall over 6 feet in height to allow a fence up to 8 feet tall on the rear property line in a Suburban Neighborhood (N3) zone, on Lots 4A and 4B of Block 8, Palisades Park Subdivision, 2nd Filing, a 10,195 square foot parcel of land. The purpose of the variance is to allow taller fence on a shared side property line.

Other Business/Announcements

Adjournment

A public comment phone line is available for on-line viewers to provide testimony during the specific Public Comment periods announced by the Chairman during the hearings. The call in phone number is (406) 237-6165. All callers will be in a

queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. **Written comments may also be sent to Board via email to husmank@billingsmt.gov or bartleyr@billingsmt.gov before 1:00 PM on August 2, 2023.** All emails 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 2825 3rd Ave N -- 4th Floor.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the 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 Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@billingsmt.gov

City Board of Adjustment
Meeting Date: 08/02/2023

Information

Subject

The minutes of the Board meeting of June 7, 2023.

Attachments

BBOA_2023_0607

CITY BOARD OF ADJUSTMENT
MINUTES June 7, 2023

Name	Title	2023												TOTAL
		01/04/2023	02/01/2023	03/01/2023	04/05/2023	05/03/2023	06/07/2023	07/05/2023	08/02/2023	09/06/2023	10/04/2023	11/01/2023	12/06/2023	
David Mitchell	Member	1	E	-	R	E	S	I	G	N	E	D	-	
Dave Hagstrom	Member	1	1	1	1	-	1							
George Warmer	Member	E	1	1	1	-	E							
Jeff Bollman	Vice Chair	1	1	E	E	-	1							
Oscar Heinrich	Chair	Z	1	1	Z	-	1							
Chris Hayes	Member	1	E	1	1	-	1							
Josh Sayer	Member	1	1	1	1	-	1							
TOTAL NUMBER OF APPLICATIONS 2023		01/04/2023	02/01/2023	03/01/2023	04/05/2023	05/03/2023	06/07/2023	07/05/2023	08/02/2023	09/06/2023	10/04/2023	11/01/2023	12/06/2023	TOTAL
Variance		1	4	3	4*	-	2							13
Appeal					1	-								1

* Returning variance

Chair Heinrich called the meeting to order at 6:00p.m.

Chair Heinrich introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I and Robbin Bartley, Administrative Assistant.

Attending: Mitch Bucsis, Lisa, Bucsis, Scott Aspenlieder, Marla Reed, Jim Wooljhuud, Tim Hayes

Public Comment

Chair Heinrich opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting.

Approval of Meeting Minutes

Meeting minutes for April 5, 2023 -APPROVED

Disclosure of Exparte Communications: NONE

Disclosure of Site Visits: HEINRICH ALL

Disclosure of Conflict of Interest: NONE

Public Hearings

City Variance 1366 – 2280 Richards Rd. – Allow a detached accessory structure in the front yard - A variance from Section 27-305, Table 27-300.4 – A.7 (Rear Yard Location for Accessory Building) in a Residential Manufactured Home (RMH) zone, on Lots 23-24 of Lakeview Subdivision, an 11,491 square foot parcel of land. The purpose of the variance is to allow construction of a detached garage in the front yard of the property.

Recommendation:

Planning Staff is recommending conditional approval based on draft findings of the review criteria for variances:

- 1) **There is a hardship with the property** that is not applicable to other lands in the same district. The lot is oddly shaped and narrow with the residential home almost centered. The rear yard is not easily accessible or practical for the placement of a detached garaged.

- 2) **Denying the variance might deprive this owner of similar rights** enjoyed by others in the area. There are other detached structures within the surrounding area, that are in the front or side yard. Granting this variance would be consistent with limitations placed on other lots in the same zoning district.

- 3) **Granting the building location variance will not confer a special privilege to this applicant.** Any variance has the potential to grant a special privilege to an owner. Based on the analysis of the surrounding zoning history, and the existing development pattern in the area, staff does not find the variance to be a special privilege.

- 4) **Granting the variance will be in harmony with the purposes of zoning and growth policy.** Granting of this variance application is compatible with the goals of the 2016 Growth Policy. Allowing continued investment in residential property supports a use that is compatible with the neighborhood. Granting this variance should also be in harmony with the general purpose and intent of the Zoning Regulations.

Section 27-1627.E

Planning staff recommends the following conditions:

1. This approval is to allow the placement of a detached garage in a front yard. No other variance is intended or implied.
2. The variance is limited to Lots 23-24 of Lakeview Subdivision, generally located at 2280 Richards Rd.
3. The applicant will apply for and receive approval for a building permit within 6 months and complete construction within 1 year of BOA approval. Failure to meet the time limits of this condition will void the variance.
4. There will be no construction activities before 7 a.m. or after 8 p.m. daily.
5. The applicant shall meet all other city code requirements in place at the time of construction except for the variance granted herein.

6. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns.

A time limit for action on the variance shall be prescribed.

See conditions above

No variance may allow a use not otherwise allowed or be inconsistent with other limits on uses in the district.

The proposed use –detached garages are allowed in the district.

Questions for staff: NONE

Public Hearing opened at 6:05 PM

Applicant: NONE

Questions for Applicant:

In Favor: None

Opposed: None

Public Hearing closed at 6:06 PM

Discussion:

Motion

Board Member Sayer made a motion and Board Member Bollman seconded the motion to **approve** the **City Variance 1366 with staff conditions and recommendations.**

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
Vacant				
Dave Hagstrom	X			
George Warmer				X
Jeff Bollman	X			
Oscar Heinrich	X			
Chris Hayes	X			
Josh Sayer	X			

The motion to **approve** City Variance 1366 passed with a 5-0 vote.

Public Hearings

City Variance 1367 – Ping Circle – Allow a a variance from max garage width on the front façade and from the build-to zone - A variance from Sec. 27-305 (Table 27-300.4) from the required Front Build-To zones to allow the front door and living area of a new residence to be more than 50 feet from the front property line, and allow garage entry door width cover more than fifty percent (50%) of the front façade in an N2 zone, on Lots 5, 6, 10 & 11, Block 1, Founders Park Subdivision. These four lots total 35,689 square feet of land. The purpose of the variance is to allow construction of homes on four unique shaped parcels in the Founders Park Sub.

Recommendation:

Planning staff recommends conditional approval of Variance 1367 and adoption of the findings of the review criteria.

Recommended Conditions:

1. The build-to zone variance is limited to Lots 5, 6, 10 & 11, Block 1, Founders Park Subdivision, located on Ping Circle.
2. The variance is from Section 27-305 (Table 27-300.4) requiring a build-to zone range of 10 feet to 20 feet from the front property line to allow a portion of the front facade of the new residences to be more than 50 feet from the front property line in an N2 district. No other variance is intended or implied.
3. The structure will be built in substantial conformance to the site drawings submitted with this variance request.
4. Construction activity will not occur prior to 7 am or after 8 pm daily.
5. The applicant/developer shall apply for the first building permit within six months of Board approval and complete construction of the first unit within one year of Board approval.
6. Failure to begin or complete the project according to the time periods within this approval will void the variance.
7. The applicant shall meet all other city code requirements for the proposed single family homes, with the exception of this variance.
8. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns.

Questions for staff: NONE

Public Hearing opened at 6:16 PM

Applicant: Scott Aspenlieder, PEC, Agent
Triangular lots have difficulty meeting code

Questions for Applicant: NONE

In Favor: NONE

Opposed: NONE

Public Hearing closed at 6:23 PM

Discussion:

Motion

Board Member Bollman made a motion and Board Member Hagstrom seconded the motion to **approve City Variance 1367 with staff findings and recommendations, AMENDING #2, TO INCLUDE GARAGE ENTRY DOOR MORE THAN 50% OF FRONT, AND AMEND #5, PERMITS IN 6 MONTHS, FINISHED IN 10 YEARS.**

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
Vacant				
Dave Hagstrom	X			
George Warmer				X
Jeff Bollman	X			
Oscar Heinrich	X			
Chris Hayes	X			
Josh Sayer	X			

The motion to approve City Variance 1367 passed with a 5-0 vote.

Other Business: NO MEETING IN JULY 2023

ADJOURNMENT: The meeting adjourned at 6:27 PM.

**ATTEST: DRAFT. To be approved by a motion at the next regularly scheduled meeting.
Robbin Bartley, Administrative Assistant.**

Board of Adjustment

Date: 08/02/2023
Title: City Variance 1268- 3903 Palisades Park Dr.- Fence Height
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends conditional approval of Variance 1368 and adoption of the findings of the review criteria.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Variance 1368 -- 3903 Palisades Park Drive -- Variance from Section 27-1209 to allow an 8-foot fence on the property line - A variance from BMCC Section 27-1209.C.2(b) requiring a minimum 5-foot side yard setback for any fence or wall over 6 feet in height to allow a fence up to 8 feet tall on the side property line in a Suburban Neighborhood (N3) zone, on Lots 4A and 4B of Block 8, Palisades Park Subdivision, 2nd Filing, a 10,195 square foot parcel of land. The purpose of the variance is to allow taller fence on a shared side property line. Tax ID: C03167

APPLICATION DATA

OWNERS: David & Norma Sellers
PURPOSE: Fence height of 8 feet on the property line
LEGAL DESCRIPTION: Lots 4A and 4B of Block 8, Palisades Park Subdivision, 2nd Filing
ADDRESS: 3903 Palisades Park Dr.
EXISTING LAND USE: Residential
PROPOSED LAND USE: Same
EXISTING ZONING: N3 - Suburban Neighborhood

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Variance 1295; 3410 Flagstone- Fence Height to 8 feet. Approved - July 3, 2019.

SURROUNDING ZONING & LAND USE

NORTH: Zoning: N3
Land Use: Residential
SOUTH: Zoning: N3
Land Use: Residential
EAST: Zoning: N3
Land Use: Residential
WEST: Zoning: N3
Land Use: Residential

Planning staff is recommending approval based on the review criteria for variances.

STAKEHOLDERS

Planning staff has not received any comments on the application as of the date of this report. The Board of Adjustment will hold a public hearing prior to acting on the request.

ALTERNATIVES

The Board of Adjustment may:

- Conditionally approve the request variance and adopt the recommended findings of the review criteria; or
- Deny the variance and adopt different findings of the review criteria; or
- Delay action on the variance to the next scheduled Board meeting; or
- Allow the applicant to withdraw.

Four votes in favor are required to approve any variance. If a variance is denied, the applicant must wait one year to reapply for the same variance.

FISCAL EFFECTS

The Planning Division budget will not be effected by the Board's decision on this variance.

SUMMARY

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances (Sec. 27-1627.D and E.), as outlined below, have been satisfied:

Section 27-1627.D1)

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;
There are special circumstances that exist in this situation. The subject property is at an elevation lower than the properties to the north side (rear of the property). A six-foot fence does not give the owner the same privacy as it would if the adjacent property were level with the property. Additionally, the subject property has an inground swimming pool in the rear yard and requires a fence for safety. The location of the pool and the pool cover apparatus, limits the ability to place the fence at the required 5 foot setback from the property line.

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;
There has been at least one fence height variance in the area with topographical similarities. There is at least one other tract in the district that has a fence that obstructs the view of their yard and provides a privacy the subject property does not have due to the higher elevation of the neighboring property.

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;
The variance will not allow the applicant any special privileges. The circumstances in this situation show the eight foot fence would allow the property owner the same privacy as other properties that have adjacent property at the same grade level.

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;
Granting of this variance application is compatible with the goals of the 2016 Growth Policy. Allowing continued investment in residential property supports a use that is compatible with the neighborhood. Granting this variance should also be in harmony with the general purpose and intent of the Zoning Regulations. As stated in criteria 1, the parcel has unique features that would not allow placement of an 8 foot fence the required 5 foot setback from the property line.

Board of Adjustment Review and Decision Making (BMCC 27-1627.E)

1) Whenever the City Board of Adjustment grants an application for a variance, the minutes shall specifically state the criteria upon which the variance is granted.

2) In granting any variance, the BOA may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code.

Staff is recommending the following conditions for the variance request:

1. The variance from Section 27-1209 to allow an 8-foot fence on the property line. No other variance is intended or implied with this approval.
2. The fence shall be placed at least one foot (12 inches) to the inside of the subject property's rear property line, this condition in no way indicates the neighboring property owner can claim these 12 inches as their property.
3. The variance is limited to Lots 4A and 4B of Block 8, Palisades Park Subdivision, 2nd Filing.
4. The applicant shall meet all other city code requirements with the exception of this variance.
5. The property owner must submit and receive approval of a fence permit within 6 months of approval of this variance, and complete construction within one year.
6. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

3) The BOA shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

The property owner shall complete construction of the new fence within one year of approval of this variance.

4) Under no circumstances shall the BOA grant a variance to allow a use not permissible under the terms of this chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.
The granting of this variance would not allow a use that is not allowed in the zoning district -- fences are allowed in the district.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter

Zoning Map & Site Photos





North



North east



East



Looking south west across Palisades Park Dr.



APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1368 - Project # P2X 23-00122

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

PROPERTY TAX ID # C03167 CITY ELECTION WARD # 4

Legal Description of Property: LOT 4A, Block 8 of Palisades Pk Subdivision
2nd Filing (R-96) Zone.

Address or General Location (If unknown, contact City Engineering): 3903 Palisades Pk Dr
Billings MT 59102

Zoning Classification: R-96

Size of Parcel (Area & Dimensions): 10,195 sq. ft Parcel

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: FENCE HGT to 8'

Facts of Hardship: (attach letter) See Attached Hostile Neighbors

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

Owner(s): DAVID A. SELLER & NORMA J. SELLERS

(Recorded Owner) 3903 Palisades Pk Dr 59102

(Address) 406-896-9999 CertFred224@gmail.com

(Phone Number) (email)

Agent(s): _____

(Name)

(Address)

(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.

Signature: A. Seller

(Recorded Owner)

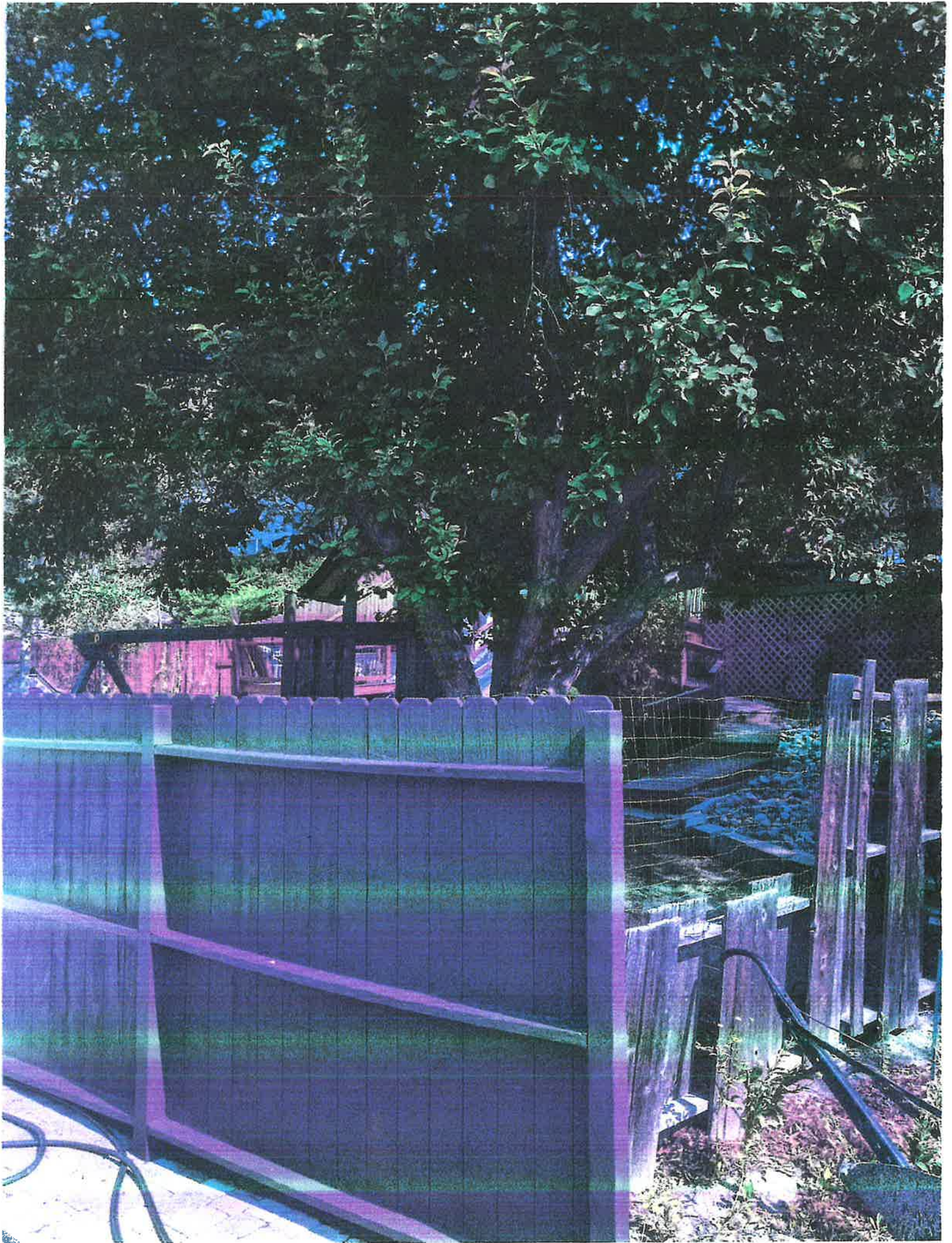
Date: June 1, 2023



Date Stamp



CODE NO.	SUBJECT	SEE ALSO...	EXTERNAL FILE	LOCATION IN A/Z FILE
	August 2022			
Shows	* Pic of fence that Dave Sellers Stained. Start of the fence that Loos' Removed.			
	* Note the "Old" fence Along the Loos' Neighbor to the West (Troy & Cynthia) maybe Gina should focus on that fence? Why Attack & Remove my fence? me my peace my privacy my security! my Fence?			
	* Note the Wire Fencing installed by Troy & Cynthia (Loos' neighbors to the west) For security & Barrier to Assault / Keep Dogs etc From jumping Fence!			



Aug - Sept 2022

Picture showing the stretch of fencing removed by Loos. * Note the posts

have been spitefully cut down eliminating my being able to secure my property & exposing me to extreme liability with my pool.

(David Sellers)
NOTABLE ^{Necessary} ✓ to have privacy or peaceful Domane



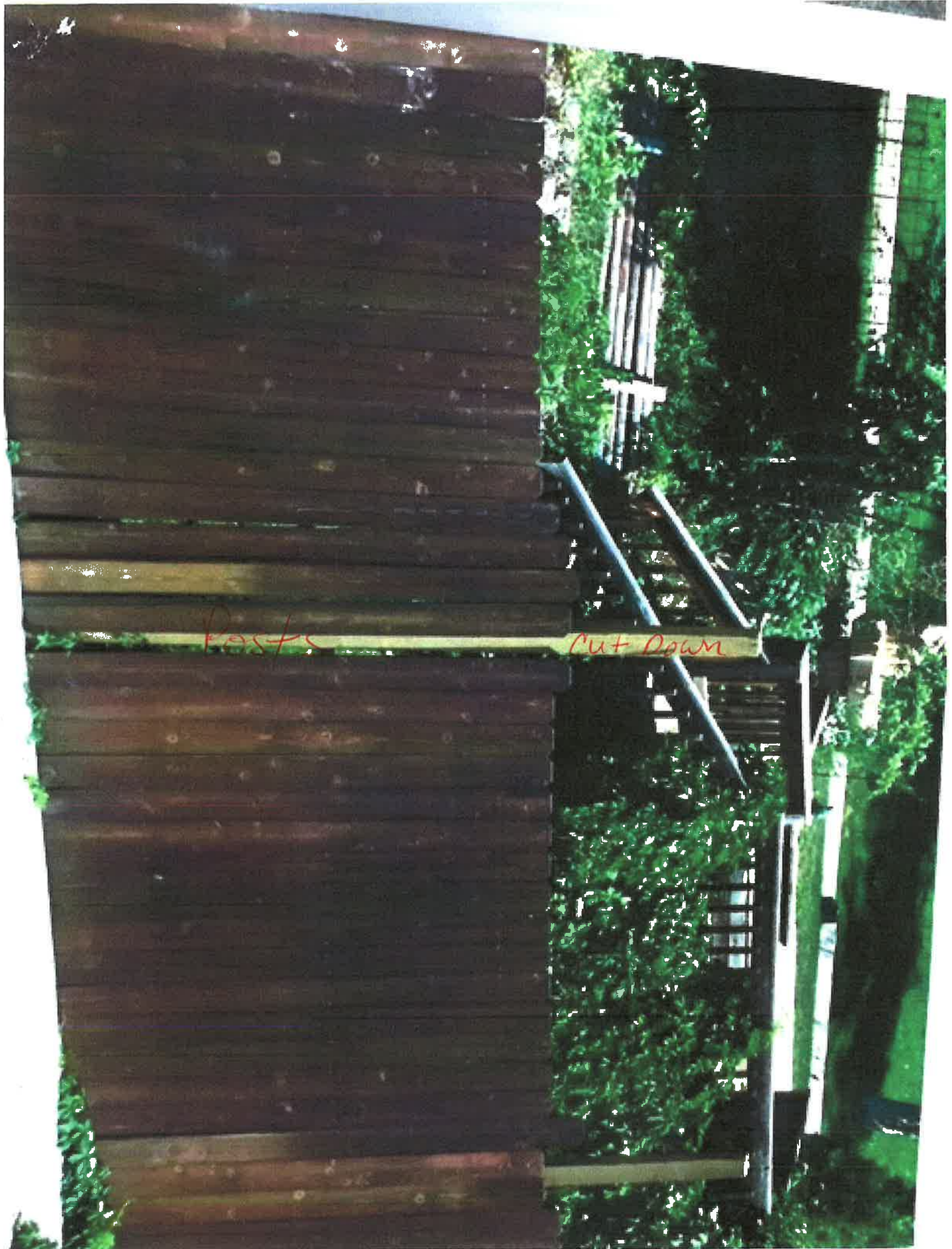


Pic of Replacement posts & fencing (from original fence put up by Dave & Norma Sellers (LATE 90s))

* Location of posts & Fence Remains UnAltered from ORIGINAL Fence 1989 — on to present.

* Needed for pool security & privacy!
~~0.6~~ ^{0.6"} foot posts to support Privacy Trellaces

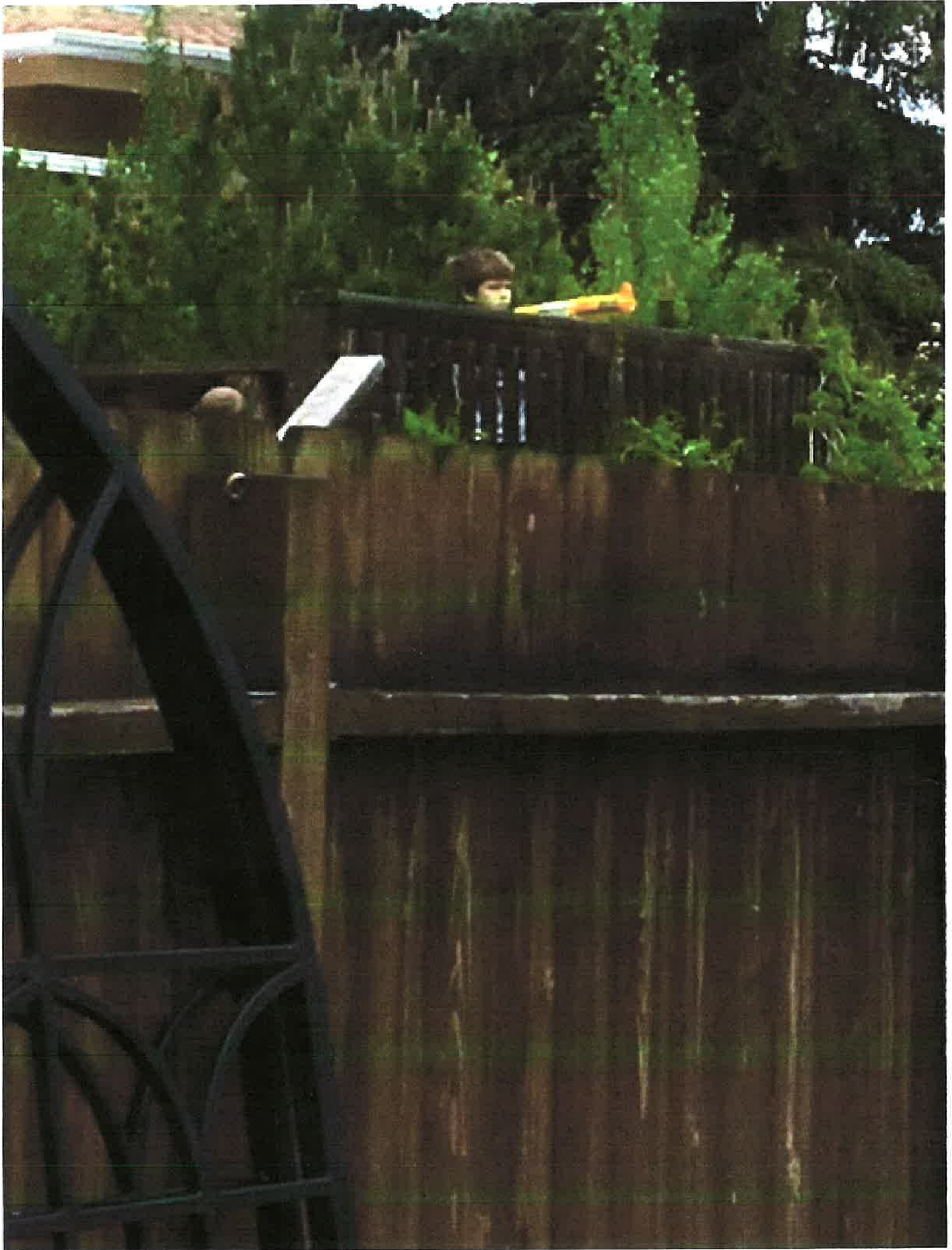
* Request for 8' Fence/Pergola upgrade denied by City (DAVID & Norma were not in attendance to refute false claims & statements by John & Gina Loos!



CATEGORY

1st pic is AROUND 2014-2015Before 2015 storm
Damage

CODE NO.	SUBJECT	SEE ALSO...	EXTERNAL FILE	LOCATION IN A/Z FILE
	* A Picture taken from DAVE & Norma Sellers backyard pool AREA.			
	* Shows the observation deck built by John & Gina Loos just after DAVE & Norma Sellers built the 6' foot fence shown. <u>PAID for</u>			
	* Reason for 8' fence. Privacy, security, safety. Peaceful Domain?			
	* Second set of pic is of the 2 nd fence. Replaced from the 1 st fence damaged in 2015. (Ins ^{urance} claim) Fence is unfinished due to conflict w/ Loos' 2015-2016. CLAIMS MADE to Billings Permitting <u>WARRANTAGE</u> by Gina Loos			





✓
Aug 18⁺ - Sept 2022

Gina & John Loos Vandalized/Removed the fence boards AS DAWN Sellers was in the process of pressure washing treating shared fence! All Prep work was completed the morning of Aug 18th. Damage was from July Hail Storm (July 25? 2022) returned from Home Depot w/ stain to be applied. Shocked to find Gina Loos had removed large sections of the shared fence prohibiting my maintenance & progress. I hollered to her AS I noticed her in the back yard. She ignored me and SCURRIED into her back Door!



Aug 2022

Picture showing the fence posts I installed in 2015 RePAMing. 1st fence I built.

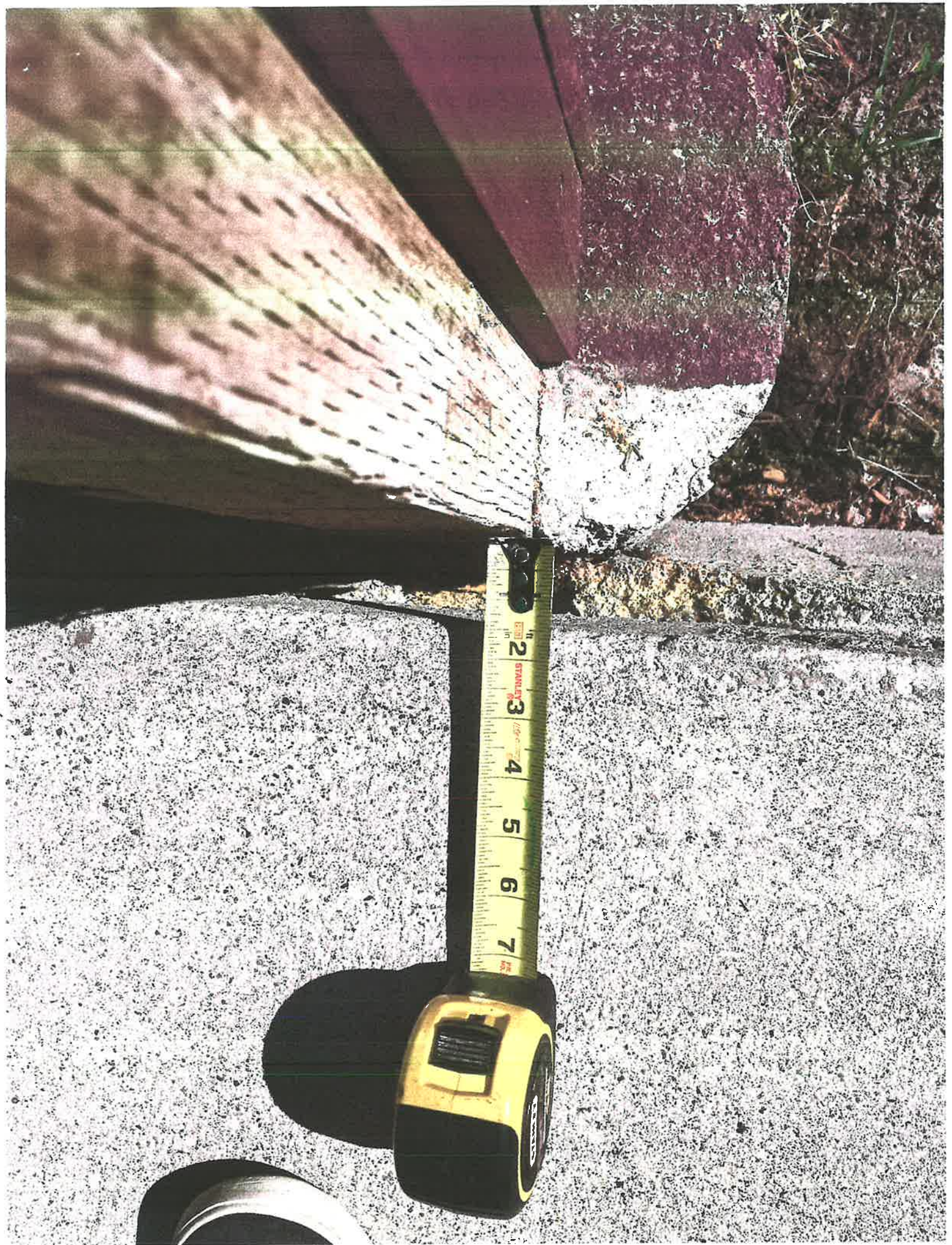
John & Gina Loos cut down all my posts the next day, ^{August 2022} prohibiting me from securing my pool & yard with new cross supports & fence slats I recovered from my

fence Aug 19, 2022. John & Gina Loos stole my fence posts after cutting

them down. High quality pressure treated 4" x 6" \$30+ each verified personally

Sept 15, 2022 AT Home Depot
by Dave Sellers

* Concrete Bases were installed by Dave Sellers to "Eliminate" the backfill soil placed against original pressure treated posts installed by Dave Sellers 1998 - [Posts Failed due to Rot]
From Back Fill & Moisture



Possible Option/Design 8' Fence w/ Addition! Topping!
*o 6" Fill open space w/ artificial
Vine!



Bufftech[®]

Property Solutions Guide

*This is the Height
Fence Requested.*

- * Safety
- * Security
- * Privacy

- * Hail Proof
- * NO MAINTENANCE



8' - 8 1/2"

JARES FENCE COMPANY, INC.
10640 SOUTH FRONTAGE ROAD
BILLINGS, MT 59101
PH (406) 652-1924

CertainTeed
SAINT-GOBAIN



JARES FENCE COMPANY, INC. 10640 S. FRONTAGE ROAD
 BILLINGS, MT 59101 (406) 652-1924

PROPOSAL/CONTRACT

09/26/2022

Customer Information:

Dave Sellers
 (406) 896-9999
 3903 Palisades Park Dr
 BILLINGS, MT 59102

Job Information:

certified224@gmail.com
 64' of 6' Tall Estate W/
 Brown Composit Pickets

Notes:

Thank you for allowing Jares Fence Company to bid your fencing project. Please call or email me if you have any questions.

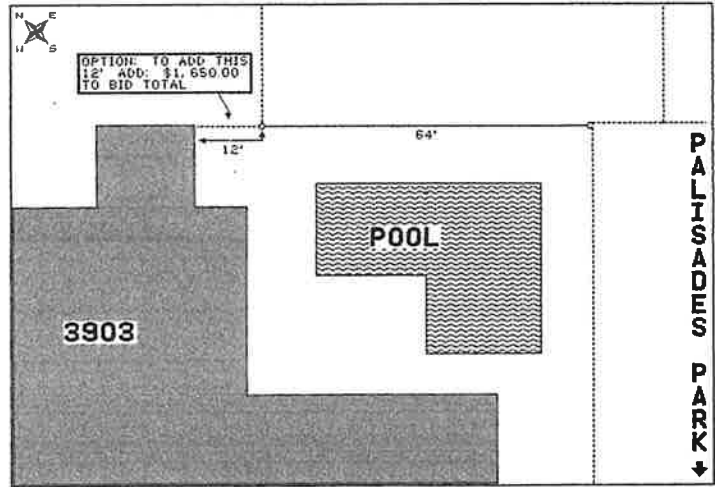
Thanks, Bryson

6' Estate Fencing
 Posts 3x3 Steel
 Panels 72" x 94" Steel
 Pickets Composite Brown
 Line Post Spacing 8' Max

Materials and Labor as Shown:

- 64' of 6' Tall Estate W/ Brown Composite Pickets
- Concrete
- Installation

 NOTE: ESTATE ONLY COMES IN 6' TALL



Jares Fence Company, Inc. agrees to guarantee above fence to be free from defects in materials and workmanship for one year. Jares Fence Company, Inc. shall advise the customer as to local zoning regulations but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. Jares Fence Company, Inc. will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstance does Jares Fence Company, Inc. assume any responsibility concerning property lines or in any way guarantee their accuracy. If property pins cannot be located it is recommended that the customer have the property surveyed.

Jares Fence Company, Inc. will assume the responsibility for having underground public utilities located and marked. However, Jares Fence Company, Inc. assumes no responsibility for unmarked sprinkler lines, or any other unmarked buried lines or objects. The customer will assume all liability for any damage caused by directing Jares Fence Company, Inc. to dig in the immediate vicinity of known utilities. The customer will assume all responsibility for excavated materials. The final billing will be based on the actual footage of fencing built and the work performed.

Partial billing for materials delivered to the job site and work completed may be sent at weekly intervals. Adjustments for material used on this job and adjustments for labor will be charged or credited at the currently established rates. Additional charges for any extra work not covered in this contract that was requested by the customer will also be added. The full amount of this contract along with any additional charges will become payable upon completion of all work whether or not it has been invoiced. A finance charge of 1 1/2% per month (or a minimum of \$1.00), which is an annual percentage rate of 18%, shall be applied to accounts that are not paid within 10 days after completion of any work invoiced. All materials will remain the property of Jares Fence Company, Inc. until all invoices pertaining to this job are paid in full. The customer agrees to pay all interest and any costs, including reasonable attorney fees, incurred in the collection of this debt. It is agreed that if there is any litigation relating to this contract that the proper venue is Yellowstone County, Montana.

Approved & Accepted for Customer:

_____ Customer _____ Date

Accepted for JARES FENCE COMPANY, INC.:

_____ Salesperson _____ Date

Contract Amount: \$ 11739.00
 Down Payment Required: \$ _____
 Balance Due: \$ _____