

APPLICATION FORM

COUNTY VARIANCE County Variance # ~~XXXX~~ - Project # P2X-23-00086

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 ID- 03092702304170000
PROPERTY TAX ID # D01225

COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S02, T01S, R26E, C.O.S. 1406
PARCEL 13, AMD GEO Code - 03-0927-02-3-04-17-0000

Address or General Location (If unknown, contact County Public Works): 330 CHARLENE ST

Zoning Classification: CX

Size of Parcel (Area & Dimensions): 1.26 ACRES

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance Requested: _____

Facts of Hardship: Appeal for Digital Conversion Application
SEE ATTACHED

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

Owner(s): WAYNE AND BARBARA TEYLER
(Recorded Owner)
542 TARRIZ DR BILLINGS MT 59105-2814
(Address)
406-855-9571 (Phone Number) (email)

Agent(s): THE LAMAR COMPANIES (LAMAR OUTDOOR)
(Name)
7505 ENTRYWAY DR. BILLINGS MT 59101
(Address)
406-252-7181 (Phone Number) KStrobel@lamar.com / ACarley@lamar.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.

Signature: Alicia Carley (Recorded Owner) Date: 4/21/23



MAXON R. DAVIS
GREGORY J. HATLEY
PAUL R. HAFFEMAN
JOSEPH M. SULLIVAN*
STEPHANIE A. HOLLAR
TRAVIS A. CUSHMAN
DENNIS J. TIGHE (Retired)

LAW OFFICE OF
DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.
THE MILWAUKEE STATION, THIRD FLOOR
101 RIVER DRIVE NORTH
P. O. BOX 2103
GREAT FALLS, MONTANA 59403-2103

TELEPHONE
(406) 761-5243
FAX
(406) 761-4126
E-Mail
max.davis@dhhlaw.com

*Also admitted to practice in Oregon & Washington

April 27, 2023

Yellowstone County Board of Adjustment
c/o Planning and Community Services
2825 3rd Ave. North, 4th Floor
Billings, MT 59101

Re: *Application No. PLNX-23-00301*
Address—330 Charlene St.

Dear Board Members:

We represent Lamar Advertising Company of Montana. On behalf of Lamar, we are hereby requesting a variance for the replacement of static billboards at the above location with two billboards that will contain electronic messages. Lamar understands that its application for this change was denied by your staff in an email message to Lamar's Kelly Strobel from the County's zoning coordinator Nicole Cromwell on March 6, 2023 (copy attached).

As a first point, Lamar respectfully disagrees with Ms. Cromwell that an ESM billboard is prohibited by the County's existing sign ordinance, such that a variance is even necessary. Billboards are specifically addressed by § 27-1409 of the Sign Code. It contains no prohibition on the use of billboards with electronic messages. In the absence of such a prohibition, it is our view that this new ESM technology is permitted for billboards that are authorized by § 27-1409. The billboard location at issue is in the Interstate Corridor. We are likewise unaware of any problem with the existing billboards at the 330 Charlene Street location. Those billboards have been in place since the permit for them was approved back in 1999 – a period of twenty four years.

Lamar understands and appreciates that Yellowstone County has addressed EMD signs in § 27-1405(c) of the Sign Code. However, we read that section as wholly inapplicable to billboards. The description in § 27-1405(c)(3)(b) to a limitation on EMD's per "developed parcel" makes no sense to billboards along the interstate corridor, as described in § 27-1409.

That said, if the staff's denial is not simply reversed for the reasons noted above, Lamar does hereby request a formal variance be granted for it to install electronic messaging on its existing billboards at 330 Charlene Street. A completed application for

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such a variance executed by Lamar is my second attachment. The basis for this variance request is the same as set forth above. Lamar's check for \$182.00 is enclosed. Per § 27-1626(D)(1-4), Lamar states that there will be no construction required beyond the installation of the EMD technology on its existing billboards, which in fact is less intrusive than the replacement of existing static signs, which itself has occurred periodically since the installation of its billboards at that location, after the permit approval back in 1999. In further support of this request for a variance, Lamar notes, as per the supplemental information appended to this application, that Lamar has replaced static billboards with EMD ones at multiple locations in Montana and has encountered no problems with any of those billboards following the use of this new technology.

Lastly, per your Variance Review Application instructions, Lamar's Kelly Strobel will contact you within five (5) days of the date of this letter to arrange for an application review appointment.

Very truly yours,

DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.

By

A handwritten signature in black ink, appearing to read "Maxon R. Davis". The signature is written in a cursive, somewhat stylized font. The first name "Maxon" is written in a larger, more prominent script, followed by "R." and "Davis".

MRD:lj

cc: Client