CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, May 7, 2025, 6:00 p.m.
City Council Chambers, 5th Floor
316 N 26th St, Billings MT

NOTICE TO THE PUBLIC

Citizens are invited to:

- Review the Agenda Packet on the City's website at: https://ci.billings.mt.us/117/Agendas-Minutes

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 the Board via email before 12:00 pm on the meeting date. All emails received prior to this time will be entered into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, PO Box 1178, Billings MT 59103
- Email: bernsb@billingsmt.gov
- NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. 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 Brenda Berns, Planning Clerk at 406-247-8610 or email: bernsb@billingsmt.gov

Call the meeting to order.

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

Public Comment

Approval of Minutes:

Meeting Minutes of February 5, 2025

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

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 1379 - 403 Main Street - One additional wall sign** - A variance from 27-1407.C - Table of Allowed Attached Signs allowing only one wall sign on a single tenant structure to allow a second wall sign in a Corridor Mixed Use 2 (CMU2) zone, on Lot 2, Block 1 of Heights Town Center Sub, a 12-acre parcel of land. The purpose of the variance is to allow replacement of existing wall signs with new signs. Tax ID: A17029A

Other Business/Announcements

Adjournment

Additional information on this application is available on-line at https://www.billingsmt.gov/2361/Current-Zoning-Applications

Date: 05/07/2025
Title:
Presented by:
Department: Planning & Community Services
Presentation:

Information

RECOMMENDATION
The minutes of the Board meeting of February 5, 2025

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

ALTERNATIVES
City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of February 5, 2025

City Board of Adjustment

WEDNESDAY, FEBRUARY 5, 2025 AT 6:00pm

Board members		01/08/2025	02/05/2025	03/05/2025	04/02/2025	05/07/2025	06/04/2025	07/02/2025	08/06/2025	09/03/2045	10/01/2025	11/05/2025	12/03/2025
Josh Sayer	Chairman	1	1										
Oscar Heinrich	Vice Chair	1	1										
George Warmer	Member	1	1										
Michael Bruschwein	Member	1	A										
Chris Hayes	Member	1	1										
Dave Hagstrom	Member	1	1										
Brian Roush	Member	1	1										

TOTAL NUMBER OF APPLICATIONS 2024	01/08/2025	02/05/2025	03/05/2025	04/02/2025	05/07/2025	06/04/2025	07/02/2025	08/06/2025	09/03/2025	10/01/2025	11/05/2025	12/03/2025	TOTAL
Variance	1	1											2
Appeal	-	-	-	-									

Please note: "A" stands for excused absence, "1" stands for present, "V" stands for Zoom participation

Call the Meeting to Order: Chairman Sayer called the meeting to order at 6:00 PM.

Attending Staff:
Nicole Cromwell, Zoning Coordinator; Anna Vickers, Planning Division Manager; Karen Husman, Planner; Brenda Berns, Planning Clerk

Participants: Jeff Wollschlager, Aline Drafting and Design

Public Comment
Chairman Sayer opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were no comments from the public.

Disclosure of Ex Parte Communication – Board members and Staff
Disclosure of ExParte Communications - None
Disclosure of Site Visits – Board member Heinrich
Disclosure of Conflict of Interest – None

Approval of Meeting Minutes
Meeting minutes for January 8, 2025 – Chairman Sayer addressed a correction regarding the motions and votes on Variance 1377.

Motion Amendment - Variance 1377

- **Motion 1:**
  Motion made by Board member Hagstrom to recommend approval as presented by staff.
  Seconded by Board member Roush. No Vote.
  Motion 2:
  Substitute Motion made by Board member Warmer to delay for 30 days.
  Vote: Motion to delay did not pass with 3 in favor, 4 opposed.
- **Motion 3:**
  Board deferred to original motion made by Board member Hagstrom to recommend approval as presented by staff.
  Seconded by Board member Roush.
  Vote: Motion to recommend approval did not pass with 3 in favor, 4 opposed.
- **Variance 1377 was denied.**

Motion
Board member Heinrich moved to approve the minutes of January 8, 2025, as amended. The motion was seconded by Board member Hayes. The motion passed unanimously.

Public Hearing:

City Variance 1378 – 1445 Granite Ave. – Zero side setback for pool deck – A variance from Section 27-306, Table 27-300.5(A)5, requiring a minimum 5-foot side setback to allow a zero-side setback for the extension of a pool deck with a garage space below in a Suburban Neighborhood Residential (N3) zone, on Lot 2, Block 5 of Lee Heights Subdivision 2nd filing, a 9,600 square foot parcel of land. The purpose of the variance is to allow the reconstruction and extension of an existing pool deck that will be 30 inches or more above grade and to allow an enclosed garage space below the deck.

Karen Husman, Planner, provided an overview of the variance request. Ms. Husman stated the surrounding zoning to the north is Public and to the southeast is N3.

Recommendation
Planning staff are recommending denial based on draft findings of the review criteria for variances, as submitted with the staff report.

Board Questions
Chairman Sayer inquired whether the addition is primarily a garage. Ms. Husman clarified that the upper deck is being extended to provide both additional storage and a garage, effectively serving dual purposes.

Board member Heinrich sought clarification regarding the ownership of the adjacent property. Ms. Husman confirmed that the property is owned by the applicant.

Ms. Husman also noted that a similar request was made in 2001 under Variance 850, which also had a zero setback. She further mentioned that one neighbor supported the variance, and there were no recorded objections.

Applicant's Agent
Mr. Jeff Wollschlager explained that he applied for a variance due to the limited space available for the pool equipment in the current setup. He is working with the existing pool grade and topography, which is at the lowest point. He also mentioned that excavation for the footings is required and that he intends to carry out the work in a way that will not disturb the neighbors. Mr. Wollschlager believes these improvements will add value to the property.

Board Questions
Board member Hagstrom stated originally the house was at a12-foot setback.

Board member Roush clarified there was already a deck on the east side, extending to the lot line.

Nicole Cromwell provided additional clarification, explaining that open decks less than 30 inches above grade do not require setbacks. However, since this deck is attached to the house, the setback rules for the house apply.

Chairman Sayer closed the public hearing.

Motion
Board member Hagstrom made a motion to accept staff's recommendation of Denial of Variance 1378, seconded by Board member Heinrich. Motion to Deny Variance 1378 passed unanimously.

Other Business

Ms. Cromwell advised the board there will not be a meeting in the month of March.

ADJOURNMENT: The meeting adjourned at 6:33 PM.

Brenda J Berns, Planning Clerk

Regular

Board of Adjustment

Date:	05/07/2025
Title:	City Variance 1379 - 403 Main Street - Target - 2nd wall sign
Presented by:	Nicole Cromwell
Department:	Planning & Community Services
Presentation:	Yes

Information

RECOMMENDATION

Planning staff recommends conditional approval and adoption of the findings of the review criteria for Variance 1379.

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

This is a variance request from Section 27-1407.C -- Table of Allowed Attached Signs -- allowing only one wall sign on a single-tenant structure to allow a second wall sign in a Corridor Mixed Use 2 (CMU2) zone, on Lot 2, Block 1 of Heights Town Center Sub, a 12-acre parcel of land. The purpose of the variance is to allow the replacement of the existing wall sign with a new Target wall sign and a second sign to inform customers of the new pickup and load out area in the parking lot. Additional attached signs are allowed such as projecting signs, awning or canopy signs and window signs up to 25% of the window area. The applicant and agent were advised of the compliant regulatory options including the placement of this sign on a canopy structure, installation of an awning to hold this sign, or configure the sign into a projecting sign (limited to 48 square feet). Target has chosen to pursue the variance to allow a second wall sign.

The same application was submitted and conditionally approved by the Board of Adjustment at the end of 2022 (Variance 1351). The time to start and complete the project lapsed and this triggers a new application for the variance.

The Target store was constructed in 2000 under the prior zoning of Highway Commercial and site development codes. The previous code allowed any amount of setback from the front property line and any amount of parking in any location on the property. The current zoning of CMU2 requires new buildings to be within a short distance from the street frontage (10 to 20 feet) with parking to the side or rear of the structure. The street facade of the Target structure is over 600 feet from the closest vehicle travel lane of Main Street. The Target store has over 125,000 square feet enclosed store space and existing parking is well over the minimum number of parking spaces required by the new off-street parking code. The new sign code allows only one wall sign per tenant per street frontage but does allow other types of attached signs to accommodate additional information for businesses. For example, an awning sign is allowed for each awning and a canopy sign is allowed for each canopy. A wall sign that projects more than 24 inches from the plane of the wall is considered a projecting sign as well as the standard type of projecting sign that is hung perpendicular to the plane of the wall.

The proposed new wall signs for the Target location are within the maximum area for all wall signs (250 sf total wall sign area per building street facade). The second wall sign is intended to notify customers of the proximate location of the assigned parking spaces for pickup/drive-up orders. This is a new customer feature for most retailers since the start of the pandemic. This retail feature allows customers to shop online and pick up their order without entering the store itself. It has become a standard offering in Billings and other markets. The second wall sign for the pickup/drive up is 77.1 square feet. The replacement sign for the existing main Target sign will be 150.5 square feet - about 20 square feet less than the existing sign.

The Board has issued few sign variances since 1972 under the various iterations of the sign code. The Board did approve this variance with conditions in 2022. The time to start and finish the project has lapsed so a new variance review is required. The most common sign variance is to allow a larger sign area. Sign area is limited based on the sign type and the zone district. Other than the previous variance for this location, the most recent variance was for the Coca-Cola bottling plant (Var 1341 - March 2022) on S Frontage Road near the Zoo Drive interchange with I-90. This variance allowed a wall sign of 456 square feet that is normally limited to 250 square feet. Other sign variances include sign height, number of signs allowed and similar numerical limitations on signs. Most sign variance requests have been approved due to specific building or location challenges such as the bulk of the building, the location of the building related to the street frontage and other similar geographic and architectural challenges. Not all variances have been approved, particularly where an alternative type of sign can provide the same result as a variance from the code limitations.

This location has a geographic challenge compared to buildings located closer to the street frontage. A canopy or awning sign will appear to be the same as a wall sign from the perspective of the Main Street traffic, although both of these sign types are allowed and can accomplish the intended result. Main Street traffic at this location is complex and drivers will not have much time to make safe decisions based on signage on the building itself. The function of this sign will be most

effective for drivers who have already entered the Target parking lot and can help them choose where to go based on their shopping choices. Traffic volume on Main Street is 42,000 vehicle trips per day. In comparison, the section of Lake Elmo Dr south of Target only handles about 2,500 vehicle trips per day.

APPLICATION DATA

OWNER: Target Corporation, Matthew Flansburg
AGENT: Kimley Horn, Meghan Chachra
PURPOSE: To allow the placement of a second wall sign of 77.1 square feet for an existing Target store
LEGAL DESCRIPTION: Lot 2, Block 1, Heights Town Center Subdivision
ADDRESS: 403 Main St
SIZE OF PARCEL: 12 acres
ZONING: Corridor Mixed Use 2 (CMU2)
EXISTING LAND USE: Target store
PROPOSED LAND USE: same

SURROUNDING ZONING & LAND USE

NORTH: Zoning: Mixed Residential 3 (NX3) & Corridor mixed-use (CMU1)
Land Use: Riverwalk Apartments, Dotty's Casino
SOUTH: Zoning: Corridor mixed-use and commercial centers (CMU2) & Public 1 (P1)
Land Use: Office Depot, Party America and parkland along the Yellowstone River
EAST: Zoning: Large Lot Suburban Neighborhood Residential (N4 - County), Mid-century neighborhood residential (N2), & Mixed Residential 2 (NX2)
Land Use: Residential
WEST: Zoning: CMU1/ & CMU2
Land Use: McDonald's, MacKenzie River Pizza, Starbucks

Planning staff is recommending conditional approval based on the very limited BOA history of granting similar variances for similarly situated buildings and property, and because property within the immediate vicinity enjoys the same type and size of signage without a variance. Several conditions are recommended to ensure the new signage has less of an impact on the surrounding property. Planning staff finds the same circumstances that applied to the previous variance (1351) still apply to this location.

STAKEHOLDERS

The Planning staff publiched a legal ad, posted the property, mailed notification to owners within 150 feet and put the application information on its Current Zoning Application webpage. The Planning staff has not received any comments from surrounding owners prior to the preparation of this report.

ALTERNATIVES

The Board of Adjustment may:

- Conditionally approve the requested variance as recommended by Planning staff and adopt the recommended findings of the review criteria; or
- Deny the requested variance and adopt different findings of the review criteria; or
- Allow delay of the application until the next scheduled meeting; or
- Allow the applicant to withdraw the variance.

Any variance application must have four votes in favor of the request for approval to be granted. Any variance request that is denied, must wait one year to re-submit the same variance request for the property. Denial of this variance would require the applicant to pursue other sign types - e.g. the canopy sign, awning sign or projecting sign - to place additional signage on the building.

FISCAL EFFECTS

Action on this variance will have no effect on the Planning Division budget.

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.D

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 which are peculiar to the lot that are not applicable to other lots in the same district. The property has an unusual shape and is not oriented in a way to address traffic on Main Street. The building is over 600 feet from the closest travel lane on Main Street. While this is not uncommon under the previous suburban development style, the new sign code was intended to work well with the new commercial zone district requirements that bring buildings to the street. Customers enter the property using the freestanding sign as a locator for the entry driveway on Main Street. Once on the property, drivers will note and be able to read the attached signs on the building. Because of the distances involved, it is not likely a viewer will notice the difference between a wall sign, a canopy sign, or an awning sign. There is no current architectural design on the building such as a canopy or awning for the applicant to use for additional attached signs. The applicant would have to add a canopy or awning structure.

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.
The Board of Adjustment has granted at least three sign area variances in the past decade, including one for this property identical to this request in 2022. Two variances for the number of allowed signs on a property were granted prior to 1999. Sign variances are rare and very specific to conditions and buildings. Of the 1350+ variances of record, only about 17 applications for sign variances have been processed. Similar property in the area has also been developed under the previous sign code that allowed any number of wall signs on any wall as long as the total attached sign allowance was not exceeded. Under the previous sign code, the attached sign budget was generous at 3 sf for each linear foot of street facing building facade. In the case of Target, this would have amounted to over 1,100 square feet of wall sign area allowed on any facade of the building. The sign code was amended to address this context insensitive approach and to define and allow other types of attached signs - not just wall signs as a generic term for all types of attached signage. Denying this one additional wall sign could be depriving this owner of rights commonly enjoyed by other property in the same area and district.

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.
Granting this variance will not confer on the applicant a special privilege because the Board of Adjustment has granted a limited number of variances from the code limitation on the number or types of signs for other land in the same or similar district. Developments in the area also have numerous wall signs, although some have installed awning signs and canopy signs in addition to wall signs. This will be the first sign variance of this type under the new code requirements limiting the number of wall signs.

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 Policy.
Granting this variance will meet the general purposes and intent of the zoning regulations and the 2016 Growth Policy. The Growth Policy guidelines state that local economic prosperity should be supported and sustained. Allowing this one additional wall sign enables Target to continue adapting to the changing retail marketplace.

Section 27-1627.E

2) In granting any variance, the Board 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 7 conditions for the variance request:
1. The variance is for one additional wall sign (attached sign type). No other variance is intended or implied by this approval.
2. The variance applies to Lot 2, Block 1, Heights Town Center Subdivision, generally located at 403 Main Street.
3. The proposed location of the additional wall sign will be in substantial conformance with the submitted site plan. Minor adjustments to the site plan are allowed.
4. The applicant will apply for a sign permit for the additional wall sign within 6 months of the Board of Adjustment approval.
5. The additional wall sign will be installed within 1 year of Board of Adjustment approval.
6. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
7. 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.

3) The Board 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.
Staff is recommending the applicant/agent have 6 months to submit a sign permit application and 1 year to complete installation. Sign permits once approved are only valid for a few months.

4) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this zoning code in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district.

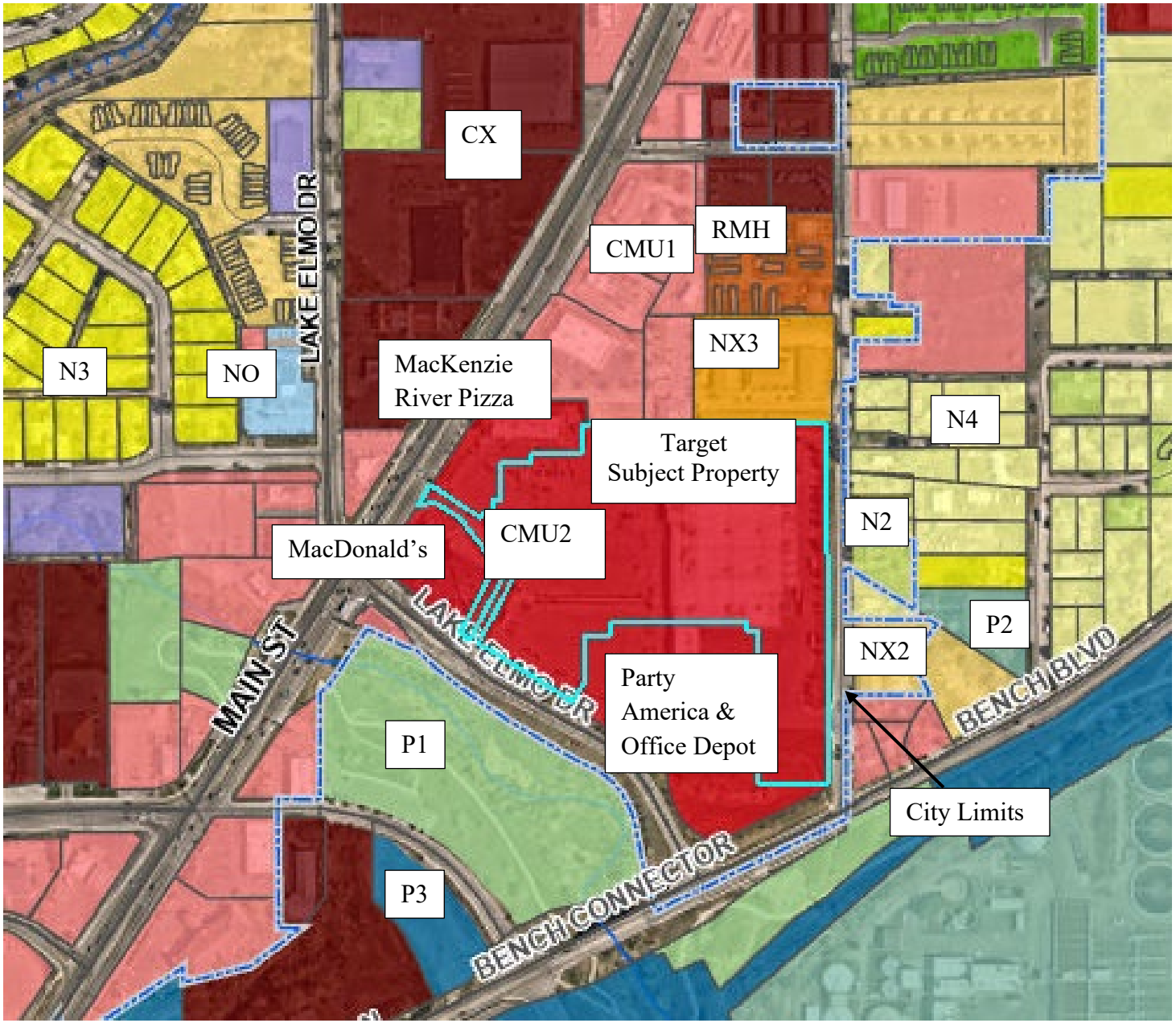
The granting of this variance would not allow a use that is not allowed in the zoning district. Retail establishments are allowed in the CMU2 zone.

Attachments

Zoning Map and Site Photos Var 1379
Chart of Zoning History Var 1379
Applicant Letter Var 1379
Site Plan and Elevations Var 1379

City Variance 1379 – Target – 403 Main Street

Zoning Map and Site Photos



EMERALD DR
LAKE ELMO DR
MAIN ST
>600 ft
LINCOLN LN
ORILLA ST
CROSS ST
GRIFFING DR
LAKE ELMO DR
BENCH BLVD
SWORDS LN
BENCH CONNECTOR

Subject property from primary entry driveway off Main Street

View southwest across Main Street

View east from entry driveway

View north along Main Street

View of Target façade from west end of parking lot

View west across Main Street - Starbucks

SUBJECT PROPERTY	VARIANCE #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
403 Main Street	**1351**	12/7/2022	No. of Wall Signs	Y	expired
SURROUNDING PROPERTY	**VARIANCE #**	**DATE**	**FOR**	**APPROVED (Y/N)**	**ADDITIONAL DATA**
503 Wicks	731	3/5/1996	Sign Height/Size	Y	Double the height and area
2139 Broadwater	753	10/7/1992	Sign Height, setback, area, clearance	Y	More than double sign height and area
2201 St John's	762	4/7/1998	Sign height and area	Y	3 times sign height and area
2244 Central	777	9/1/1998	Number of signs and spacing	Y	3 signs granted
415 Broadwater	779	9/1/1998	Sign height	Y	Broadwater Elementary
2376 Main St	799	6/1/1999	Sign Height and area	Y	40 ft and 227 sf
1737 King Ave W	807	9/7/1999	Sign Height	Y	50 ft
1111 24th St W	810	10/5/1999	Sign Height, number and area	Y	22.5 ft, 2 signs, 149 sf
310 N 27th St	819	7/5/2000	Sign Height and separation	Y	10 ft and 65 ft separation
4432 S Frontage Rd	897	6/12/2003	Reduce sign setback	Y	2 ft setback
1145 N 19th St	901	7/1/2003	Sign area	N	St Vs Hospital 173 sf
1824 King Ave W	907	8/5/2003	Sign height	N	Texas Roadhouse 45 ft height
106 N 28th St	967	10/4/2005	Sign projection over public sidewalk	Y	The Soup Place now Stacked
517 Shiloh Rd	1097	6/1/2011	Sign height, illumination and area	N	Faith Chapel
1101 Shiloh Crossing Blvd	1112	12/7/2011	Sign Area	Y	Scheels 544 sf
2612 Belknap Ave	1124	7/11/2012	Sign Area and Height	Y	Vegas Hotel 170 sf and 50 ft height
1830 Harnish Blvd	1341	3/2/2022	Sign Area	Y	Coca-Cola

Kimley»Horn

To: Town of Gilbert, Permit Services

From: Joanna Graham
Kimley-Horn and Associates, Inc.

Date: March 18,2025

Subject: ***Target Store T 1333 – Remodel***

PROJECT DESCRIPTION

The proposed Target store is located at 403 Main St., Billings, MT 59105. The project aims to implement a Signage and Remodel program at this Target in Billing Heights. The exterior paint and signage will receive a refresh with new paint and wall signage. The project will not affect the land use, site access, traffic patterns, utilities, public facilities, site soils, or geology in the area. Employees required at the store will remain in the same, as will the hours of operation.

ZONING REGULATION CONFORMANCE

Per the City of Billing's Zoning Regulation Section 27-1400.6, one wall sign per street frontage per tenant is allowed in the CMU2 (Corridor Mixed-Use and Commercial Centers) zone district. The Signage and Remodel program proposes three wall signs, a 7-foot white bullseye with "target" lettering (replacing the existing bullseye with target lettering sign), a 7-foot white bullseye, and a Drive-Up sign, along the street frontage. The proposed Drive-Up sign is needed along the street frontage to direct customers to the correct Drive-Up location and indicate the existing Target store supports the Drive-Up program. The building face is 393-feet in width. The additional bullseye is needed to provide signage on the right portion of the front façade from Lake Elmo Drive.

Demolition of the existing site is not required. A new Drive-Up wall sign and bullseye sign will be added to the building face in addition to the replacement Target wall sign.

Thank you,

Joanna Graham, Development Services
Kimley-Horn | 111 East Broadway, Suite 600, Salt Lake City, Utah 84115
Direct: (**385) 429.8103 |** www.kimley-horn.com

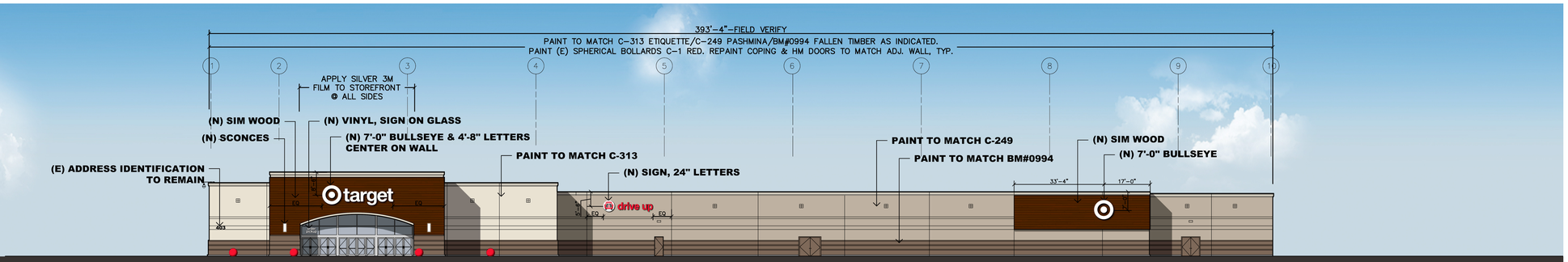
N

target

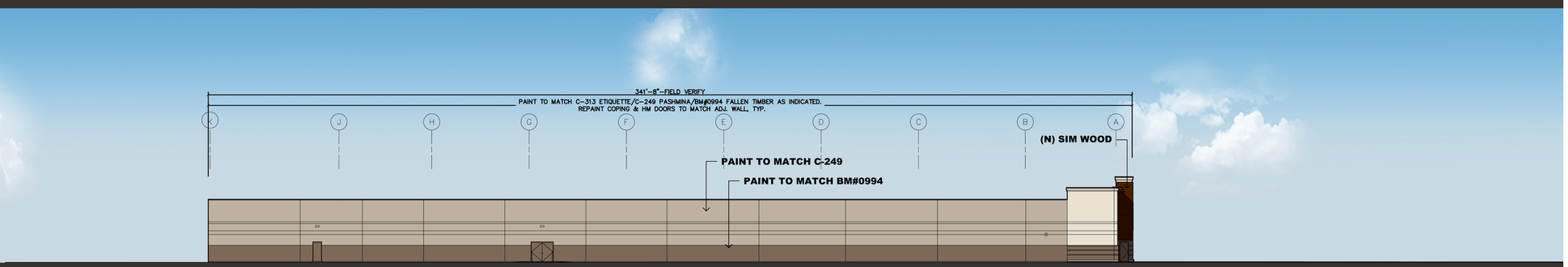
T-1333 Billings East, MT: Remodel - Exterior Design

RSP Architects Ltd.

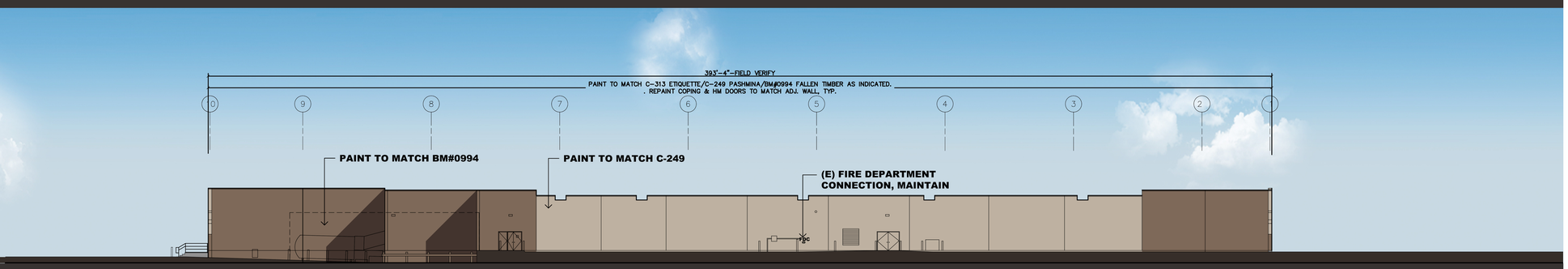
January 23, 2025



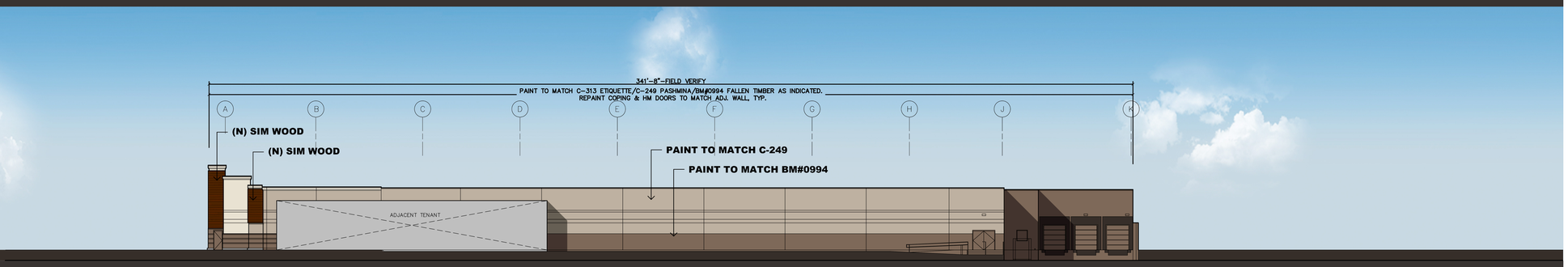
West Elevation



North Elevation



East Elevation



South Elevation

COLOR KEY:

- C-313 (BM #AF-50) ETIQUETTE
- C-249 (BM #AF-100) PASHMINA
- C-250 (BM #AF-155) WEIMARANER
- BM#0994 FALLEN TIMBER
- C-1 RED

NOTE:

*ALL SIGNAGE UNDER SEPARATE PERMIT

*EXISTING PREFINISHED METAL AREA -DO NOT PAINT.

NEW OCL NEWPORT SCONCES @ EXISITNG SCONCE LOCATIONS.

*STORE EXTERIOR WALLS ARE PRIMARILY CMU

*BEN-2 : MODERN, COLOR.....SILVER

GENERAL NOTE

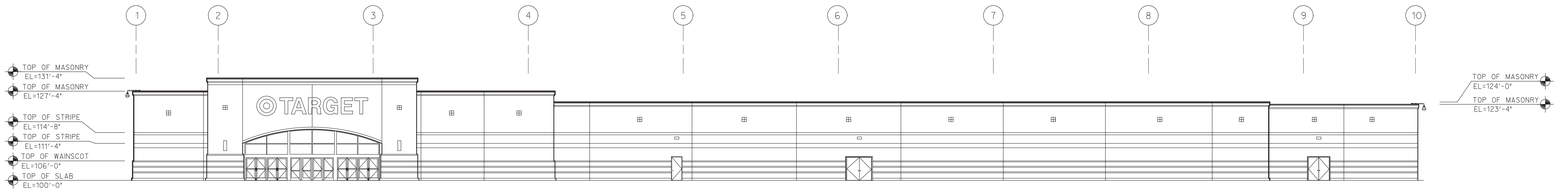
* AREA TO BE PAINTED STARTS AT TOP OF CURB OR REVEAL AND CONTINUES TO TOP OF PARAPET/FLASHING OR REVEAL. PAINT COLOR AND FINISH TRANSITIONS OCCUR AT EXISTING VERTICAL CONTROL JOINTS OR AT INSIDE BUILDING CORNERS, U.N.O.
* ALL EXISTING WALL-MOUNTED ITEMS TO BE PAINTED TO MATCH ADJ. WALL SURFACE, U.N.O.
* PATCH ALL VISIBLE HOLES FROM MOUNTING OF REMOVED SIGNS WITH LIKE MATERIALS. RESTORE WALL SURFACE TO ' LIKE NEW' APPEARANCE.

target

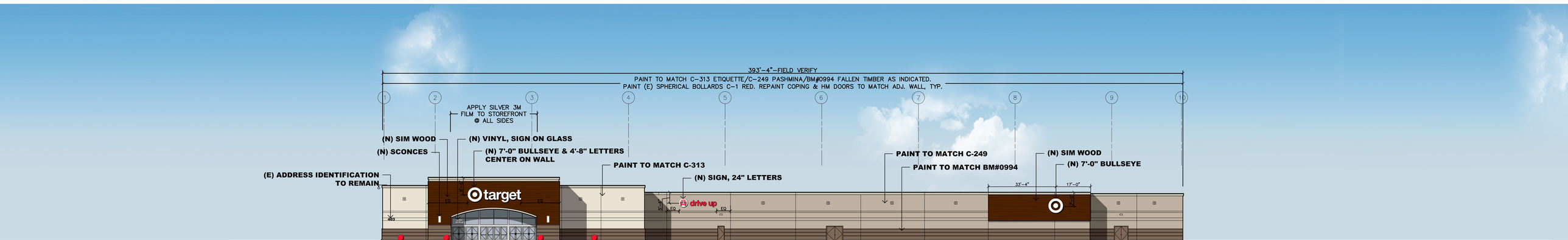
T-1333 Billings East, MT: Remodel - Exterior Design

RSP Architects Ltd.

January 23, 2025



Existing Condition



Front Elevation

target

T-1333 Billings East, MT: Remodel - Exterior Design

RSP Architects Ltd.

January 23, 2025