

Attachments for Variance 1394

CITY VARIANCE APPLICATION FORM

CITY VARIANCE : Billings Variance # 1394 - Project # _____

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

PARCEL TAX ID # A19438 CITY ELECTION WARD # 2

Legal Description of Property: _____
See attached sheet

Address or General Location (If unknown, contact City Engineering): 1005 Main Street, Billings, MT

Zoning Classification: CX (Heavy Commercial)

Size of Parcel (Area & Dimensions): Appx. 123' x 241' (29,643 s.f.)

Variance(s) Requested: From Table 27-1400.11: to allow pole sign height of 50' from 25'; and (2) to allow

150 s.f. of sign area per side from 100 s.f.

Facts of Hardship: (attach letter)

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

Owner(s): Bodner Billings MS LLC, ATTN: Bruce Bodner, Manager

(Recorded Owner)

9860 Westpoint Drive, Suite 500, Indianapolis, IN 46256

(Address)

317-710-9700 (cell)

brucebodner@icloud.com

(Phone Number)

(email)

Agent(s): Bruce A. Bodner

(Name)

9860 Westpoint Drive, Suite 500, Indianapolis, IN 46256

(Address)

317-710-9700 (cell)

brucebodner@icloud.co

(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: Bruce A. Bodner Date: 3/30/2026

(Recorded Owner – digital signature allowed)

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FACTS OF HARDSHIP IN SUPPORT OF VARIANCE APPLICATION

We respectfully submit the following facts in support of our request for a variance to increase the allowed height of a proposed pole sign from 25 feet to 58'6" and to increase the size of the sign on both sides from the allowed 100 square feet to 150 square feet:

1. The Sherwin-Williams Company ("S-W") operates a store for the sale of paint in the building at this location. It joins almost 5,000 stores which S-W operates company wide, giving it a depth of experience with signage, parking and internal traffic flow. Its customers are diverse, ranging from very large contractors to homeowners. They arrive in various types of vehicles, including box trucks, pick-up trucks, SUVs, vans and cars; some of the trucks will be big.
There is roughly 40 feet from Main Street to the front of the building. A drive of about 20' separates Main Street from the rear of most parked cars and less for trucks and longer vehicles, depending on their size. Most vehicles arrive from Main Street and pull in to park in front of the building (west side). To exit, vehicles often backup around other parked vehicles, careful to avoid protrusion into the eastern lane of north-bound Main Street traffic, and exit at the Main Street approach after

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transiting along the internal drive ; some vehicles depart to the east via Shawnee Dr. at the east end of the property via the internal drive.

An allowed pole sign anywhere on the west side of the property, even if placed at the far north or south end, will complicate and at times interfere with vehicles maneuvering to exit, especially for large trucks or when they predominate and affect other vehicles; more often just the pole will be hit and damaged, but at times even the sign itself may be hit. This isn't to say this will be a frequent occurrence but over many trips such damage may happen, both to the pole, the sign and the vehicle.

2. LaMar has advised us that within about 60 days they will permanently remove their billboard now existing toward the west end of the property at the north end of the building. We want to locate our pole sign around that area, somewhere where we feel it will be out of the way of maneuvering vehicles. S-W had identified the billboard as its "pole sign" until learning late in the process that local law would not allow them to place their sign on it.

Our dual variances if granted will permit the sign faces to be reasonably visible given their position and height relative to neighboring obstructions. We observe the Tire-Rama sign on a nearby property has characteristics reminiscent of our request suggesting they faced possibly similar concerns.