



NOTICE TO THE PUBLIC

Citizens are invited to:

. Review the Agenda Packet on the City's website at: [Agendas and 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: [PLNOnline@billingsmt.gov](mailto:PLNOnline@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). 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 the Planning Division 406-657-8247

**Call the meeting to order.**

Introduction of New Board Member Denise Joy, Board of Adjustment Members, and Planning Department Staff

**Public Comment**

**Approval of Meeting Minutes**

Minutes of March 4, 2026

**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:**

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

**Public Hearings:**

- City Variance 1393 – 715 Commerce Way Building 2– Sign size** - A variance from Section 27-1407.F.2 referencing Section 27-1407.B requiring a maximum sign size of 100 square feet to allow a maximum sign size for one sign at 406 square feet, and three signs at 210 square feet each in a Public, Civic, and Institutional (P2) zone, on Lots 3A-5A, Block 1, of Amended Plat of Lots 3A-1A, 3A-4, & 3A-5 Block 1 of Popelka Commerce Center Subd., Second Filing, S08, T01 S, R26 E, a parcel of land approximately 2.03 acres. The purpose of the variance is to allow an increase in sign size for all four walls signs for the Signal Peak Ice Arena. Tax ID: A35427

- b. **City Variance 1394 – 1005 Main St. – Pole sign size and height** - A variance from Section 27-1400, Table 27-1400.11 requiring a maximum size of 100 square feet, and a maximum height of 25 feet to allow a sign size of 150 square feet and a height of 58 feet 6 inches, in a Heavy Commercial (CX) zone, on Lot 11A, Block 5, Amended Plat of Lot 16-A, Amended Plat of lots 15 and 16, Block 5, Wanigan Subd., and Lots 10, 11 and 12 Block 5 Wanigan Subdivision, S22, T01 N, R26 E, a parcel of land approximately 29,733 square feet. The purpose of the variance is to allow a freestanding pole sign to be taller and larger than allowed in the district. Tax ID: A19438

## **Other Business/Announcements**

### **Adjournment**

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

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 the Planning Division at 406-657-8247

□  
**City Board of Adjustment**

**Meeting Date:** 05/06/2026

**SUBJECT:**

**PRESENTED BY:** Brenda Berns

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**Information**

**REQUEST**

Minutes of March 4, 2026

**RECOMMENDATION**

**APPLICATION DATA**

**OWNER:**

**AGENT:**

**LEGAL DESCRIPTION:**

**ADDRESS:**

**CURRENT ZONING:**

**EXISTING LAND USE:**

**PROPOSED USE:**

**SIZE OF PARCEL:**

**SURROUNDING LAND USE & ZONING**

**NORTH:**

Zoning:  
Land Use:

**SOUTH:**

Zoning:  
Land Use:

**EAST:**

Zoning:  
Land Use:

**WEST:**

Zoning:  
Land Use:

**BACKGROUND**

**RECOMMENDATION**

Staff recommends

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**Attachments**

Minutes of March 4, 2026

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Wednesday, March 4, 2026 at 4:30 PM

Board members		01/07/2026	02/04/2026	03/04/2026	04/01/2026	05/06/2026	06/03/2026	07/01/2026	08/05/2026	09/02/2026	10/07/2026	11/04/2026	12/02/2026	
Josh Sayer	<b>Chairman</b>	1	1	1										
Michael Bruschwein	<b>Vice Chair</b>	A	1	A										
George Warmer	Member	V	1	1										
Chris Hayes	Member	1	1	1										
Elizabeth Shumaker	Member	1	1	1										
Denise Joy	Member	-	-	1										
Vacant	Member	-	-	-										
<b>TOTAL NUMBER OF APPLICATIONS 2026</b>		<b>01/07/2026</b>	<b>02/04/2026</b>	<b>03/04/2026</b>	<b>04/01/2026</b>	<b>05/06/2026</b>	<b>06/03/2026</b>	<b>07/01/2026</b>	<b>08/05/2026</b>	<b>09/02/2026</b>	<b>10/07/2026</b>	<b>11/04/2026</b>	<b>12/02/2026</b>	<b>TOTAL</b>
<b>Variance</b>		1	2	1										4
<b>Appeal</b>														

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 4:40 PM.

**Attending Staff:**

Karen Husman, Zoning Coordinator; Brenda Berns, Planning Clerk

**Public Comment:** There were no speakers.

## Approval of Meeting Minutes – February 4, 2026

### Motion

Motion by Board member Hayes to approve the meeting minutes of February 4, 2026 as submitted, second by Board member Shumaker. Motion carried unanimously.

### Conflicts of Interest Disclosure for Members and Staff

Disclosure of Ex Parte Communications – There were none.

Disclosure of Site Visits – There were none.

Disclosure of Conflict of Interest – There were none.

### Regular Business

Karen Husman, Zoning Coordinator, read the rules and procedures for conducting a public hearing.

### Public Hearing

Chairman Sayer opened the Public Hearing.

**a. City Variance 1392 – 1201 N Broadway – Sign Variance** – A Variance request from Section 27-1407, Table 27-1400.13 restricting the size of an attached wall sign to a maximum of 250 sq. ft. to allow a sign on the north side of the newly constructed hospital building of 639 sq. ft. and on the south side of the building of 665 sq. ft., for property located on Lots 1-48, Block 9, North Side Addition, Third Filing, Tracts 1 and 2, COS 934, Lots 1-21, Block 1 and Lots 1-4, 12-15, Block 2, Normal Subd., Lots 10-A, 11-B, and 11B, Block 2, Amended plat of Lots 10 and 11, Block 2, Normal Subd., Lots 22-4C, Block 1, Normal Subd., Second Filing, Lot 2, Block 1, Normal Subd., Third Filing, in S32, T01 N, R26 E., a combined area of approximately 9.53 acres. The purpose of the variance is to allow a sign on the north side of the newly constructed hospital building of 639 sq. ft. and on the south side of the building of 665 sq. ft.

Dave Green provided an overview of the variance request. The building is a 14-story structure, approximately 737,000 square feet in size, with frontage along 10th Avenue, Poly Drive, and Airport Road from 27th Street. The applicant is requesting a variance to increase the maximum allowable sign size from 250 square feet to 639 square feet on the north- and south-facing elevations.

### Recommendation

Planning staff recommends conditional approval based on draft findings of the review criteria for variances:

- **Denying the variance might deprive this owner of similar rights** enjoyed by other large buildings that have received approval for their signs that are over maximums defined in zoning.
- **Granting the variance will not confer a special privilege to this applicant.**  
This ensures the applicant is treated comparably to other properties in the Billings who have requested large signs.
- **Granting the variance will be in harmony with the purposes of zoning and growth policy.**  
The variance request is in harmony with the general purposes and intent of the Growth Policy and zoning code, in that it is encouraging uniformity with larger buildings having larger signs that are more in scale to the size of the building. Successful businesses that provide local jobs benefit the community.

## Alternatives

The Board may find one of the following Alternatives to Staff's recommendation:

- Approve the requested Variance 1392 and adopt the staff's recommended findings of fact of the criteria and conditions of approval;
- Approve the requested Variance 1392 and adopt the staff's recommended findings of fact of the criteria;
- Deny the requested Variance 1392 and adopt new findings of fact of the criteria;
- Allow the applicant to withdraw the variance request; or
- Delay action on the variance application to a future Board of Adjustment meeting.

## Proposed Conditions

**In granting the variance the BOA may impose appropriate conditions.** Planning staff recommends the following conditions:

1. The variance is for a maximum sign area of 639 square feet on the north façade and 665 square feet on the south façade. No other variance is intended or implied by this approval.
2. The variance applies to Lots 1-48, Block 9, North Side Addition, Third Filing, Tracts 1 and 2, COS 934, Lots 1-21, Block 1 and Lots 1-4, 12-15, Block 2, Normal Subd., Lots 10-A, 11-A, and 11B, Block 2, Amended plat of Lots 10 and 11, Block 2, Normal Subd., Lots 22-4C, Block 1, Normal Subd., Second Filing, Lot 2, Block 1, Normal Subd., Third Filing, in S32, T01 N, R26 E.
3. The proposed building will be located and oriented in substantial conformance with the submitted site plan. Minor adjustments to the site plan are allowed.
4. Prior to installation and within five (5) years of Board of Adjustment approval of the variance, the applicant will apply for the sign permit.
5. Failure to begin or complete actions required by this approval within the time limit set forth shall void this variance.
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.

Chairman Sayer closed the Public Hearing.

## Motion

A motion was made by Board member Warmer to Approve Variance 1392 and adopt the findings of the review criteria and recommended conditions as presented within the staff report. Second by Board member Shumaker. Motion carried unanimously.

**Variance 1392 is Approved. Vote: 5:0**

## Other Business

Ms. Husman stated there are no items coming before the board in April.

**ADJOURNMENT:** The meeting adjourned at 4:55 PM

*Brenda J Berns, Planning Clerk*

City Board of Adjustment

Meeting Date: 05/06/2026

SUBJECT: City Variance 1393 - 715 Commerce Way - Signal Peak Energy Arena Sign Variance

THROUGH: David Green

PRESENTED BY: David Green

Information

REQUEST

City Variance 1393 – 715 Commerce Way Building 2– Sign size - A variance from Section 27-1407.F.2 referencing Section 27-1407.B requiring a maximum sign size of 100 square feet to allow a maximum sign size for one sign at 406 square feet, and three signs at 210 square feet each in a Public, Civic, and Institutional (P2) zone, on Lots 3A-5A, Block 1, of Amended Plat of Lots 3A-1A, 3A-4, & 3A-5 Block 1 of Popelka Commerce Center Subd., Second Filing, S08, T01 S, R26 E, a parcel of land approximately 2.03 acres. The purpose of the variance is to allow an increase in sign size for all four walls signs for the Signal Peak Ice Arena. Tax ID: A35427

RECOMMENDATION

Planning staff is recommending conditional approval and adoption of the findings of the criteria for Variance 1393.

APPLICATION DATA

OWNER: Signal Peak Energy Arena

AGENT: Sign Pro

LEGAL DESCRIPTION: Lots 3A-5A, Block 1, of Amended Plat of Lots 3A-1A, 3A-4, & 3A-5 Block 1 of Popelka Commerce Center Subd., Second Filing, S08, T01 S, R26 E, a parcel of land approximately 2.03 acres.

ADDRESS: 715 Commerce Way, Building 2

CURRENT ZONING: P2 Public, Civic and Institutions

EXISTING LAND USE: Park

PROPOSED USE: Signal Peak Energy Arena

SIZE OF PARCEL: 2.03 acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

See attached zoning 'History.'

SURROUNDING LAND USE & ZONING

NORTH: Zoning: P2  
Land Use: public, civic, and institutional

SOUTH: Zoning: CMU1  
Land Use: Retail Businesses and medical offices and clinics

EAST: Zoning: CMU1 and P2  
Land Use: Retail Businesses and Parkland

WEST: Zoning: P2  
Land Use: public, civic, and institutional

BACKGROUND

This request is for a variance from Section 27-1407.F.2, which references Section 27-1407.B of the City Code, limiting wall signs to a maximum size of 100 square feet in the Public, Civic, and Institutional (P2) zoning district. The applicant is seeking approval to exceed this standard to allow one wall sign of approximately 406 square feet and three additional wall signs of approximately 205 square feet each for the Signal Peak Ice Arena. The proposed building has frontage along King Avenue East, Southgate Drive, Simpson Street, and Commerce Way, with building façades oriented to the north, south, east, and west. The applicant proposes four wall-mounted signs, one on each façade. The south-facing sign, oriented toward King Avenue East, is approximately 406 square feet. The remaining three signs, facing north toward Simpson Street and Amend Park, east toward Southgate Drive, and west toward Commerce Way and the primary parking and entrance area, are each approximately 205 square feet.

The total wall area of each façade is as follows: the north façade is approximately 9,587.5 square feet, the south façade is 8,250 square feet, the east façade is 9,750 square feet, and the west façade is 8,125 square feet. The proposed sign areas represent approximately 2.1 percent of the wall area on the north, east, and west elevations, and approximately 4.8 percent on the south elevation. Under current P2 zoning regulations, the maximum allowable wall sign area is 100 square feet per

sign, regardless of building size or street frontage. By comparison, properties zoned Corridor Mixed Use 2 (CMU2) across King Avenue East are permitted wall signs up to 250 square feet. If the subject property were located within the CMU2 district, the requested variance would be required for only one sign rather than all four.

The Board of Adjustment has previously approved similar sign variances for large-scale buildings where strict application of the code would not proportionately accommodate building size. In March 2026, the Board approved a variance for Intermountain Health St. Vincent Regional Hospital, where sign sizes averaged approximately 1.7 percent of the wall area. Additionally, in 2022, a variance was approved for the Coca-Cola bottling facility located near Zoo Drive, allowing a 456-square-foot wall sign on a building with approximately 12,000 square feet of wall area (3.8 percent). Earlier examples include the Scheels building in Shiloh Crossing, approved under prior sign regulations that allowed wall signage based on building frontage, resulting in larger permitted sign areas. Historically, prior City and County sign codes allowed wall signage up to three square feet per linear foot of building frontage, resulting in larger signs for buildings with significant street exposure. Similar large-scale properties in the vicinity continue to exhibit signage reflective of those previous standards. The applicant's request is intended to provide signage that is proportionate to the scale of the Signal Peak Ice Arena and visible from multiple surrounding roadways.

## STAKEHOLDERS

Planning staff notified owners by mail, posted the property and published the legal ad as required. As of the date of this staff report, no comments or concerns have been registered with the Planning Division.

## ALTERNATIVES

The Board of Adjustment may:

- Approve the requested variance with conditions as recommended by the Planning staff;
- Approve the requested variance with amended conditions;
- Approve the requested variance with no conditions;
- Deny the requested variance with amended findings of fact of the criteria; or
- Allow the applicant to withdraw the variance request. The applicant has not requested a withdrawal at this time.

## 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 unique circumstances associated with the proposed building and its location, as the site is situated behind other commercial businesses along King Avenue East. Due to the scale of the building, smaller signs permitted under the current code would appear disproportionately small relative to the building's size and massing. The three smaller proposed signs represent approximately 2.1 percent of the total wall area on the north, east, and west elevations, while the larger south-facing sign represents approximately 4.8 percent of the wall area. These proportions are consistent with maintaining visual balance between the signage and the building façade. The proposed sign sizes will enhance visibility for visitors, particularly those unfamiliar with the area who are attempting to locate the facility for events. Adequately sized and well-designed signage contributes to clear communication and wayfinding. Signs that are too small or difficult to read may require prolonged attention from drivers, potentially increasing distraction from surrounding traffic conditions.

***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 historically granted a limited number of similar sign area variances, typically under circumstances where the size, scale, and context of a development warranted deviation from the standard code requirements. These approvals have been infrequent and carefully considered, generally tied to unique site conditions or unusually large building massing that could not be reasonably accommodated under the existing sign regulations. Several comparable large-scale developments in the Billings area have incorporated significantly larger wall signage to address similar challenges. These larger signs help maintain proportionality with expansive façades and improve visibility from adjacent high-volume transportation corridors. Notable examples include the Intermountain Health St. Vincent Regional Hospital, the Coca-Cola bottling facility, and the Scheels retail building, each of which features wall signage approaching or exceeding 500 square feet.

These precedents demonstrate a consistent recognition that standard sign size limitations may not adequately serve large institutional or commercial buildings, particularly those located along heavily traveled roadways or set back from primary street frontages. In such cases, increased sign area has been found necessary to ensure effective identification and wayfinding for the public. If the requested variance is denied, the applicant could be placed at a disadvantage relative to similarly situated large-scale developments within the community that have been granted relief from the same standard. This could result in signage that is disproportionately small, less visible, and less effective, thereby limiting the applicant's

ability to achieve the same level of identification and functionality that has been afforded to comparable properties.

**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 the requested variance will not confer a special privilege on the applicant, as the Board of Adjustment has approved similar variances for large-scale developments under comparable circumstances. Although such approvals are limited, they have been applied where building size and site conditions warrant signage that exceeds standard code allowances. The Board has recognized that larger buildings may require increased sign area to maintain proportionality and ensure visibility from adjacent roadways. Recent examples, including the Intermountain Health St. Vincent Regional Hospital, reflect this approach. Additionally, similarly situated developments within the City feature larger wall signage that corresponds to the scale of their buildings. Approval of this variance would be consistent with these precedents and established development patterns, rather than granting a unique or special privilege.

**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 not confer a special privilege on the applicant, as the Board of Adjustment has previously approved a limited number of similar variances from maximum sign area standards for other properties under similar circumstances. Additionally, similarly situated developments in Billings have incorporated larger wall signage to appropriately scale with larger buildings. The proposed signage for the Signal Peak Ice Arena is consistent with these established patterns and prior approvals.

**Section 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.**

The minutes of the meeting will be recorded reviewed and approved for the record.

**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 six (6) conditions for the variance request:

1. The variance is for one large sign with a maximum sign area of 406 square feet on the south façade, and three walls are allowed maximum of 210 square feet on the north, east and west walls.
2. The variance applies to Lots 3A-5A, Block 1, of Amended Plat of Lots 3A-1A, 3A-4, & 3A-5 Block 1 of Popelka Commerce Center Subd., Second Filing, S08, T01 S, R26 E, a parcel of land approximately 2.03 acres. Also known as 715 Commerce Way, Building 2.
3. Prior to installation and within 2 years of Board of Adjustment approval of the variance, the applicant will apply for the sign permit.
4. Failure to begin or complete actions required by this approval within the time limit set forth shall void this variance.
5. 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 two (2) years to submit a sign permit. 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. Public, civic and institutional uses and signs are allowed within the Public 2 zone district.

**RECOMMENDATION**

Planning staff is recommending conditional approval based on the review criteria and BOA history of granting similar variances for similarly situated very large buildings, considering the size of the building and the building location. Several conditions are recommended to ensure the new signage matches what is being requested for sign size and location.

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**Attachments**

Zoning and Pictures of site  
Application and Applicants Letter  
History



Zoning Variance 1393 Staff Report Attachment



Aerial View of the Signal Peak Energy Arena

Zoning Variance 1393 Staff Report Attachment



Aerial View with zoning Districts shown.

Green blue P2

Pink CMU1

Red CMU2

Orange brown RMF

Light Green N2

Zoning Variance 1393 Staff Report Attachment



View looking north west with subject building to the right.

Zoning Variance 1393 Staff Report Attachment



View looking north, subject building to the left, existing hotel to the right.

Zoning Variance 1393 Staff Report Attachment



View looking north subject building to the left.



View looking south with existing Starbucks on King Avenue East.

**CITY VARIANCE APPLICATION FORM**

**CITY VARIANCE : Billings Variance # \_\_\_\_\_ - 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 # \_\_\_\_\_ Tax code: A35426 / #41235 CITY ELECTION WARD # 3

Legal Description of Property: \_\_\_\_\_  
POPELKA COMMERCE CENTER SUB LOT 3A-5A BLOCK 1

Address or General Location (If unknown, contact City Engineering): \_\_\_\_\_  
715 Commerce Way, Building 2.

Zoning Classification: Current P1 - 3rd week of march anticipated to be approved as P2.

Size of Parcel (Area & Dimensions): 2.031

Variance(s) Requested: See Sign Variance Packet PDF

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): City of Billings  
(Recorded Owner)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone Number) (email)

Agent(s): Signal Peak Energy  
(Name)

100 Portal Drive, Roundup MT 59072  
(Address)

406-323-4500 pphipps@signalpeakenergy.com  
(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: \_\_\_\_\_ Date: \_\_\_\_\_  
**(Recorded Owner – digital signature allowed)**

# City of Billings Zoning Variance Support Packet for Signal Peak Energy Arena Signage

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## Project

Signal Peak Energy Arena Signage

Address: 715 Commerce Way, Building 2, Billings, MT

Zoning Classification: P2 – Public District (anticipated / recently approved rezoning)

## Applicant / Agent

Agent: Sign Pro

Address: 5160 Midland Rd, Billings, MT 59101

Phone: 406-259-3200

Contact: Kevin Okragly

## Variance Requested

Variance from the maximum allowable wall sign area requirements within the P2 Public District to allow installation of building identification signage for the Signal Peak Energy Arena. The proposed signage consists of architecturally integrated illuminated channel letter signage installed on multiple building elevations.

## Hardship Statement

The applicant requests a variance from the maximum wall sign area allowed under the P2 Public District zoning regulations in order to allow installation of building identification signage for the Signal Peak Energy Arena located at 715 Commerce Way.

### 1. Unique Building Scale

The arena is a large civic facility with extensive exterior wall surfaces. Standard sign area limitations do not adequately accommodate identification signage that is proportional to the scale of the building.

### 2. Public Wayfinding Needs

The arena hosts public events and large visitor volumes. Clear identification signage visible from multiple approaches is necessary for visitors, emergency services, and event traffic.

### 3. Multiple Building Approaches

The sports campus can be approached from several directions. Signage on multiple elevations ensures visitors can identify the building regardless of direction of arrival.

### 4. Architectural Integration

The proposed signs are architecturally integrated illuminated channel letters. The signage is intended as building identification rather than commercial advertising.

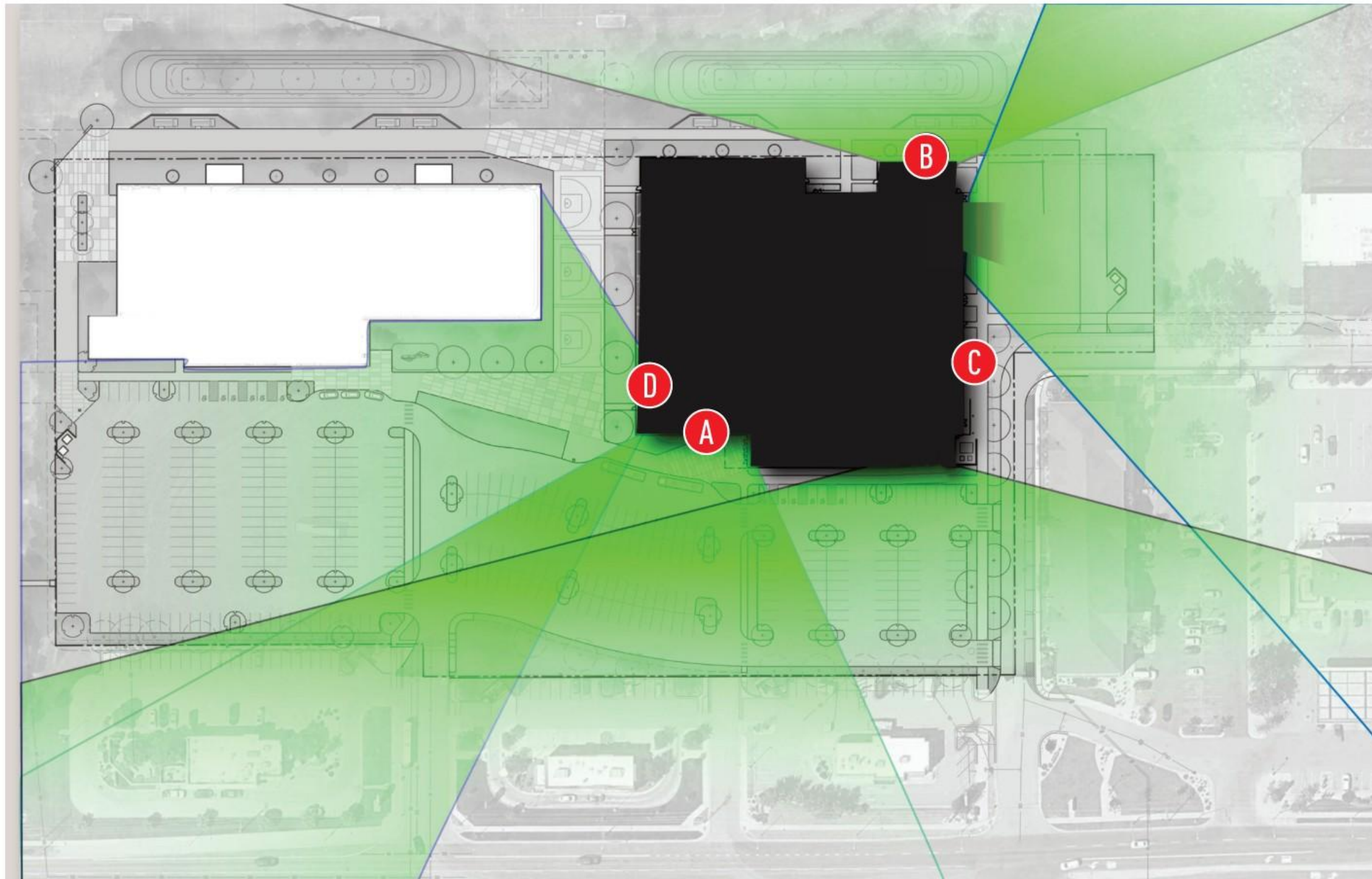
Granting the requested variance will not confer special privilege inconsistent with other properties in the district. Civic facilities of this scale commonly require identification signage proportional to the building architecture.

## Supporting Exhibits

Exhibit A: "Signal Peak Energy – Permitting.pdf"

- Pages 1-4: Sign design and elevation drawings
  - Page 5: Sign mounting specifications
  - Page 6: Site map showing sign locations
  - Pages 7-8: Renderings of proposed signage
-

<b>SUBJECT PROPERTY</b>	<b>VARIANCE #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
300S 24 <sup>th</sup> St. W	<b>None</b>				
<b>SURROUNDING PROPERTY</b>	<b>VARIANCE #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
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 24 <sup>th</sup> St W	810	10/5/1999	Sign Height, number and area	Y	22.5 ft, 2 signs, 149 sf
310 N 27 <sup>th</sup> 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 19 <sup>th</sup> 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 28 <sup>th</sup> 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
403 Main Street	1351	12/7/2022	No. of Wall Signs	Y	expired
1423 38 <sup>th</sup> St. W	1357	2/1/2023	Max sign size	N	IV Nutrition
300 S 24 <sup>th</sup> St. W	1382	6/2/2025	Max sign size	Y	Dunham's Sports
1201 N Broadway	1392	3/4/2026	Max sign size	Y	St V's



SITE MAP



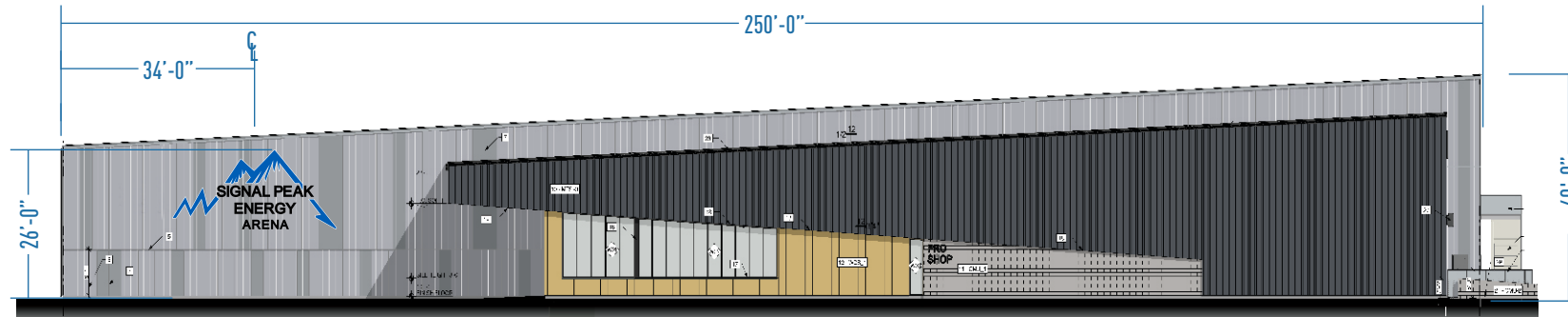
[406] 259-3200  
5160 Midland Rd.  
Billings, MT 59101

DATE: 12.12.25	DESIGN: 00-25	CONCEPT (1)	DESIGN: #	SIGN FOR APPROVAL OF DESIGN
SALES REP: Kevin O.	CONTACT: X	CLIENT: Signal Peak Energy		Date:
DESIGNER: Rick R.	REVISION #	ADDRESS: 100 Portal Dr., Roundup, MT 59072		Please review proof carefully. Check all spelling, punctuation detail, dimensions and colors prior to approval. Any changes made after approval may be subject to additional charges.

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FABRICATION SPECIFICATIONS		
1 CHANNEL WRAP	LIGHTING	WHITE LED
	FACE COLOR	WHITE ACRYLIC
	VINYL COLOR	PER COLOR KEY (V1)
	TRIM CAP COLOR	WHITE
	TRIM CAP SIZE	1"
	RETURN COLOR	PRE-PAINTED WHITE
2 CHANNEL LTR	LIGHTING	WHITE LED
	FACE COLOR	WHITE ACRYLIC
	VINYL COLOR	PER COLOR KEY (V2)
	TRIM CAP COLOR	WHITE
	TRIM CAP SIZE	1"
	RETURN COLOR	PRE-PAINTED WHITE
	RETURN DEPTH	5"

**GENERAL NOTES**

X

**REVISIONS**

- 1) X
- 2)
- 3)
- 4)

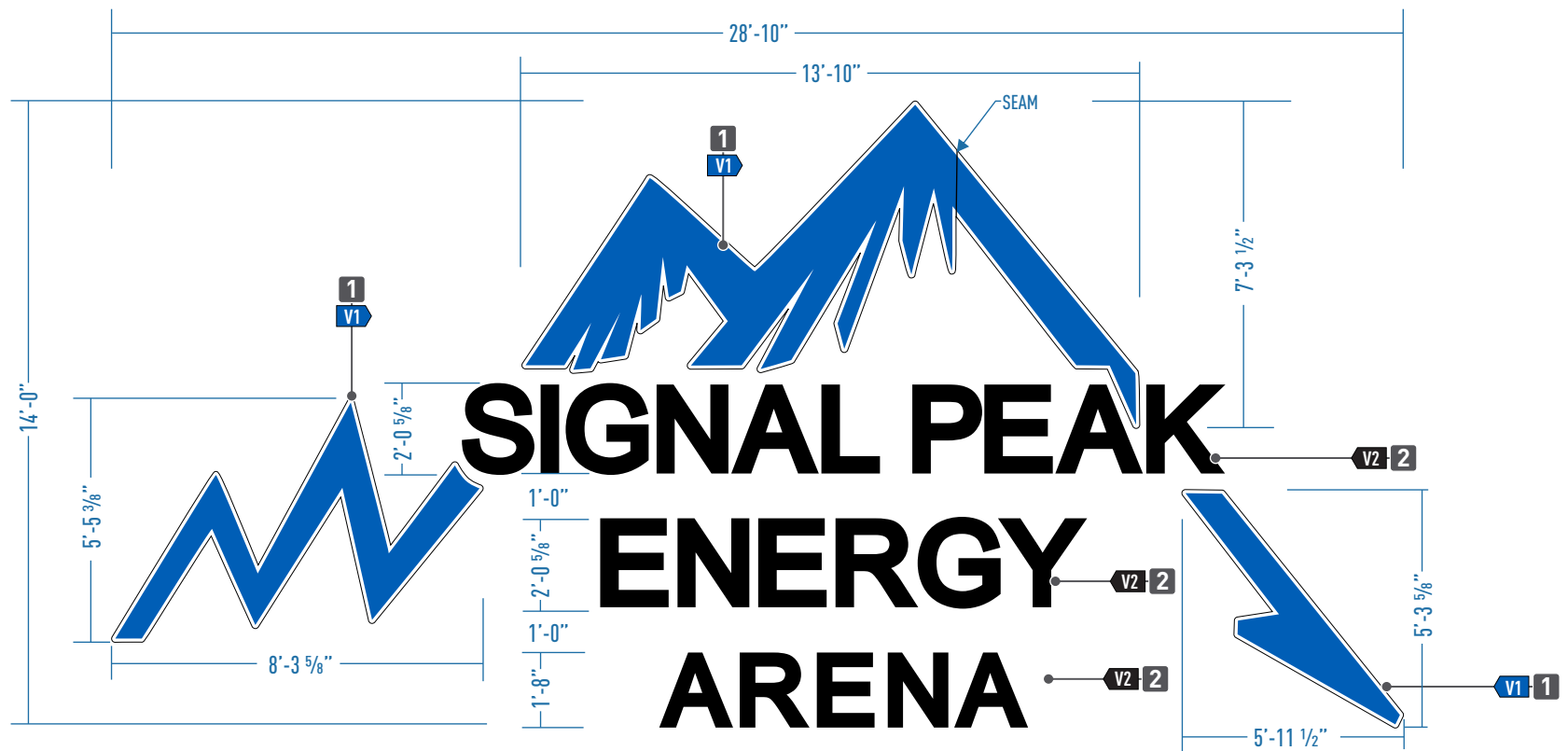
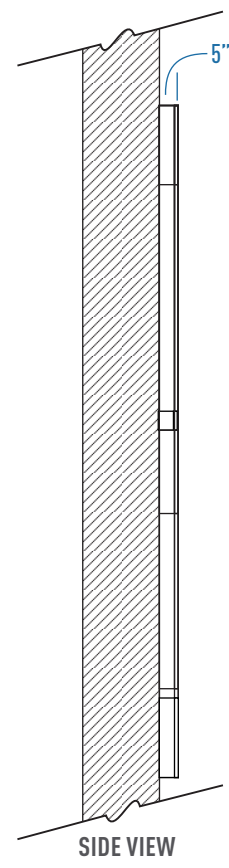
**COLOR KEY**

V1	VINYL	3M 3630-127 INTENSE BLUE
V2	VINYL	3M 3635-0171 DAY / NIGHT FILM CHARCOAL GRAY
P1	PAINT	N/A

NOTE: THE COLORS DEPICTED ON THIS RENDERING REPRESENT COLOR INTENT ONLY AND MAY NOT MATCH ACTUAL COLORS ON FINISHED PRODUCT. PLEASE REFER TO COLOR CALL-OUTS AND SPECIFIED VENDOR SAMPLES FOR APPROVED COLOR SPECIFICATIONS.

**A** ILLUMINATED CHANNEL LOGO & LETTERS  
SOUTH ELEVATION

SCALE: 1/32"=1'-0"



**A** ILLUMINATED CHANNEL LOGO & LETTERS  
QUANTITY: 1 MANUFACTURE & INSTALL

SCALE: 1/4" = 1'-0"

**SIGNPRO** (406) 259-3200  
5160 Midland Rd.  
Billings, MT 59101

DATE: 12.12.25	DESIGN: 00-25
SALES REP: Kevin O.	CONTACT: X
DESIGNER: Rick R.	REVISION #

CONCEPT (1)	DESIGN: #
CLIENT: Signal Peak Energy	
ADDRESS: 100 Portal Dr., Roundup, MT 59072	

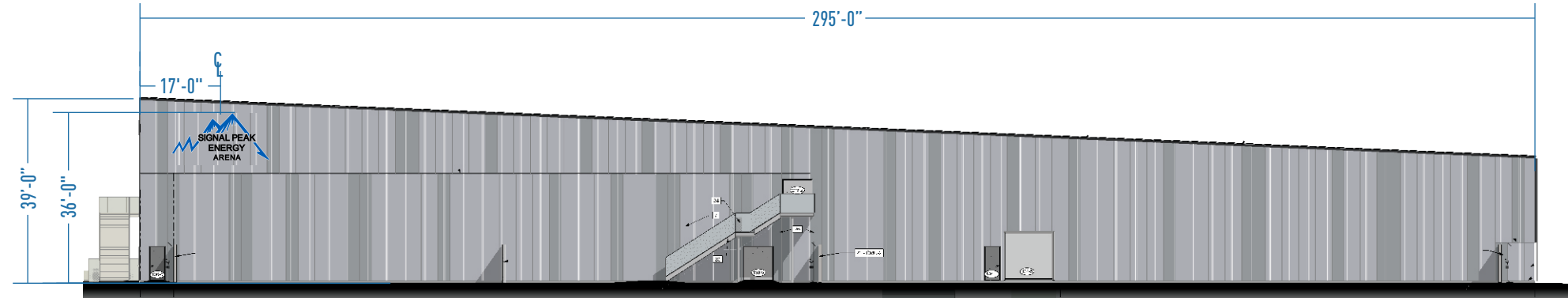
**SIGN FOR APPROVAL OF DESIGN**

Date: \_\_\_\_\_

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FABRICATION SPECIFICATIONS		
1 CHANNEL WRAP	LIGHTING	WHITE LED
	FACE COLOR	WHITE ACRYLIC
	VINYL COLOR	PER COLOR KEY (V1)
	TRIM CAP COLOR	WHITE
	TRIM CAP SIZE	1"
	RETURN COLOR	PRE-PAINTED WHITE
2 CHANNEL LTR	LIGHTING	WHITE LED
	FACE COLOR	WHITE ACRYLIC
	VINYL COLOR	PER COLOR KEY (V2)
	TRIM CAP COLOR	WHITE
	TRIM CAP SIZE	1"
	RETURN COLOR	PRE-PAINTED WHITE
	RETURN DEPTH	5"

**GENERAL NOTES**

X

**REVISIONS**

1) X	
2)	
3)	
4)	

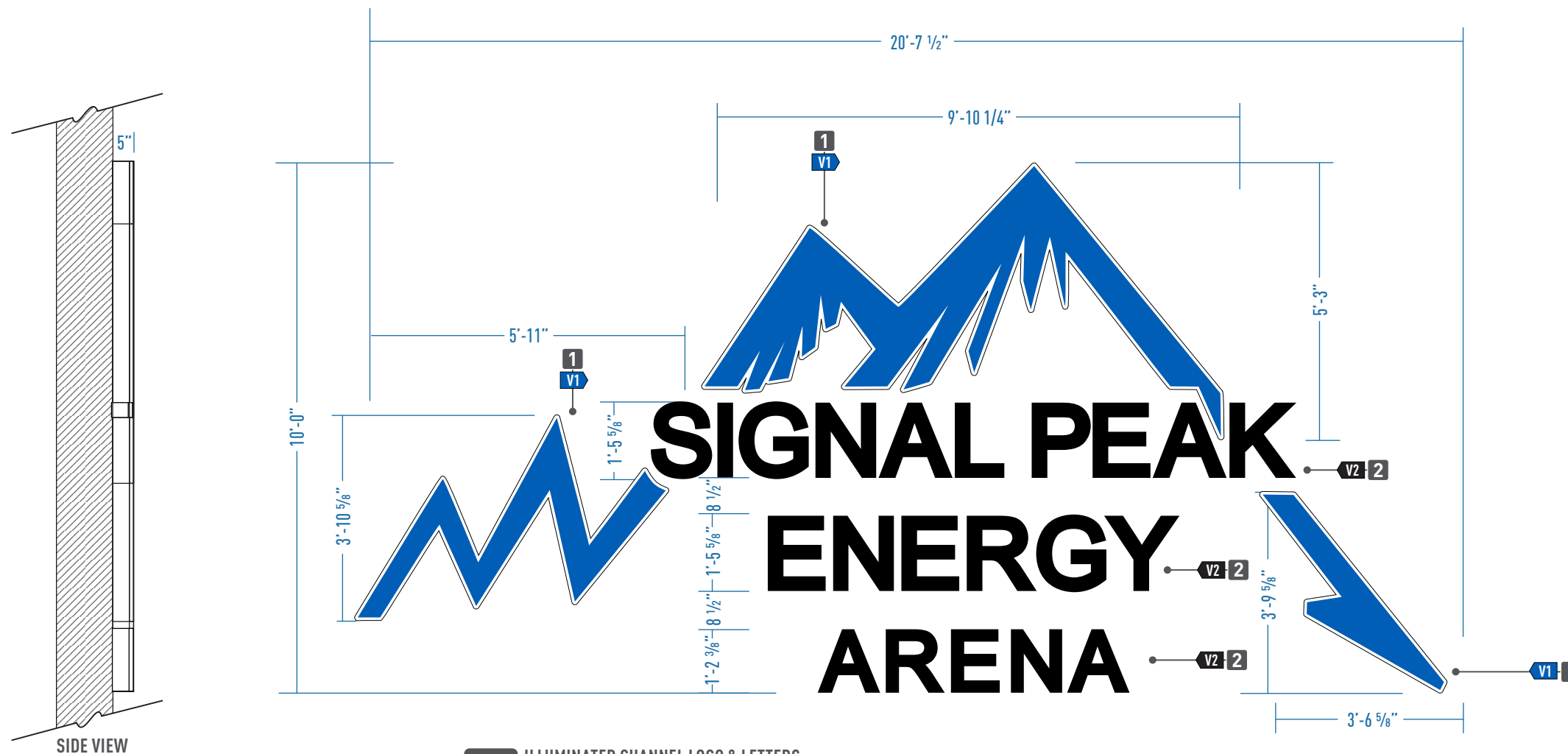
**COLOR KEY**

V1	VINYL	3M 3630-127 INTENSE BLUE
V2	VINYL	3M 3635-0171 DAY / NIGHT FILM CHARCOAL GRAY
P1	PAINT	N/A

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**B ILLUMINATED CHANNEL LOGO & LETTERS**  
NORTH ELEVATION

SCALE: 1/32"=1'-0"



**B ILLUMINATED CHANNEL LOGO & LETTERS**  
QUANTITY: 1 MANUFACTURE & INSTALL

SCALE: 3/8" = 1'-0"



(406) 259-3200  
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Billings, MT 59101

DATE: 12.12.25

DESIGN: 00-25

CONCEPT (1)

DESIGN: #

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SALES REP:  
Kevin O.

CONTACT:  
X

CLIENT: Signal Peak Energy

Date:

DESIGNER:  
Rick R.

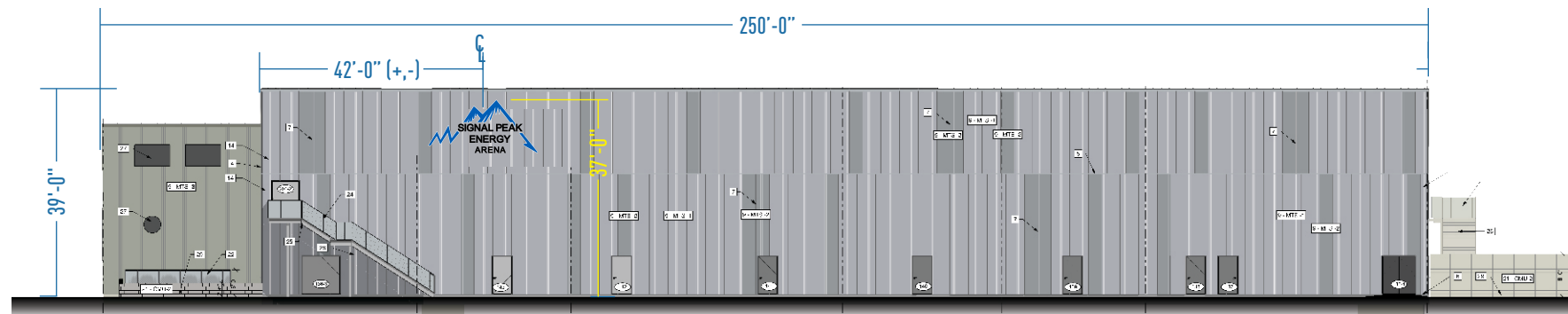
REVISION #

ADDRESS:  
100 Portal Dr., Roundup, MT 59072

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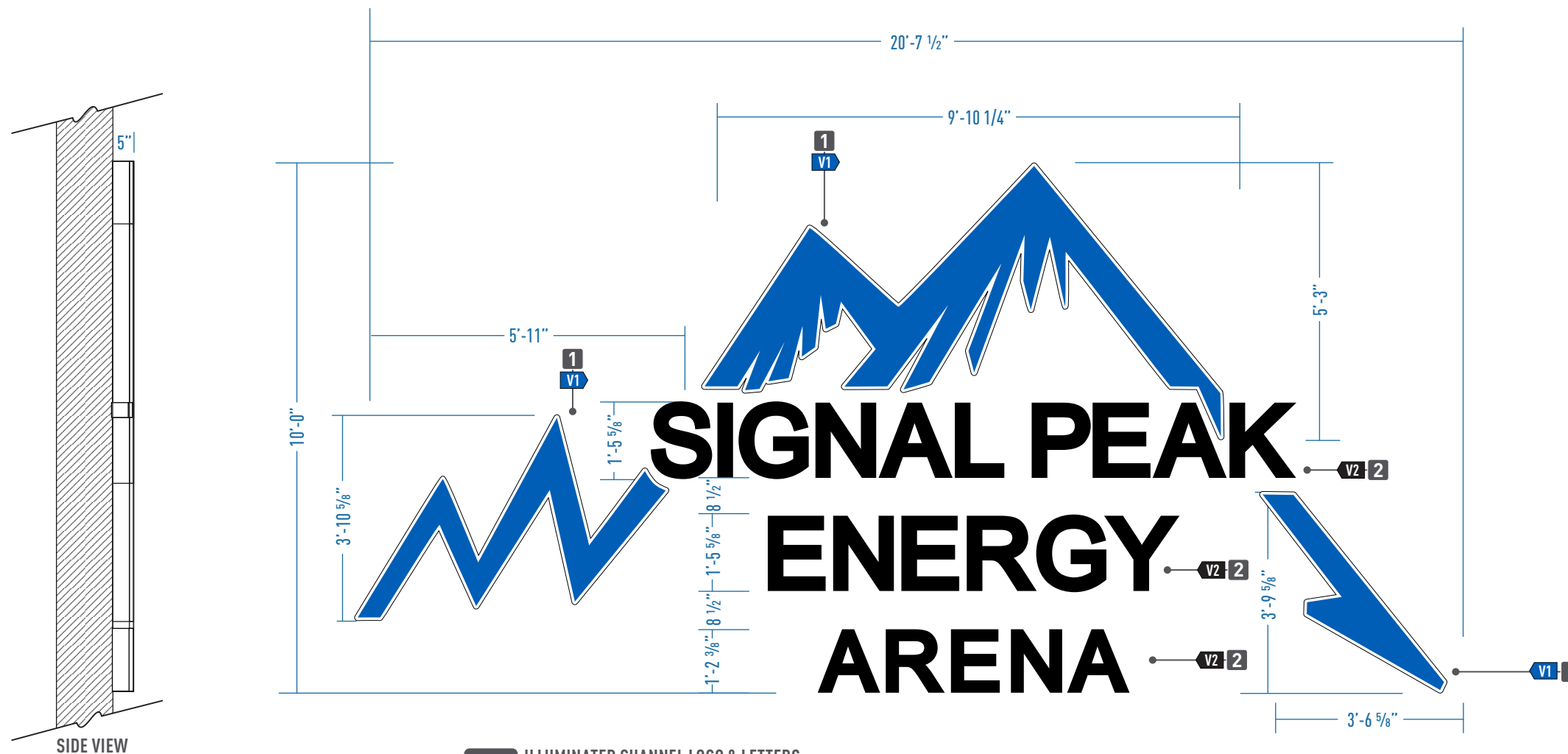


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**C** ILLUMINATED CHANNEL LOGO & LETTERS  
EAST ELEVATION

SCALE: 1/32" = 1'-0"



**C** ILLUMINATED CHANNEL LOGO & LETTERS  
QUANTITY: 1 MANUFACTURE & INSTALL

SCALE: 3/8" = 1'-0"

**FABRICATION SPECIFICATIONS**

<b>1</b> CHANNEL WRAP	LIGHTING	WHITE LED
	FACE COLOR	WHITE ACRYLIC
	VINYL COLOR	PER COLOR KEY (V1)
	TRIM CAP COLOR	WHITE
	TRIM CAP SIZE	1"
<b>2</b> CHANNEL LTR	RETURN COLOR	PRE-PAINTED WHITE
	RETURN DEPTH	5"
	LIGHTING	WHITE LED
	FACE COLOR	WHITE ACRYLIC
	VINYL COLOR	PER COLOR KEY (V2)
	TRIM CAP COLOR	WHITE
	TRIM CAP SIZE	1"
	RETURN COLOR	PRE-PAINTED WHITE
	RETURN DEPTH	5"

**GENERAL NOTES**

X

**REVISIONS**

1) X	
2)	
3)	
4)	

**COLOR KEY**

<b>V1</b> VINYL	3M 3630-127 INTENSE BLUE
<b>V2</b> VINYL	3M 3635-0171 DAY / NIGHT FILM CHARCOAL GRAY
<b>P1</b> PAINT	N/A

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5160 Midland Rd.  
Billings, MT 59101

DATE: 12.12.25  
SALES REP: Kevin O.  
DESIGNER: Rick R.

DESIGN: 00-25  
CONTACT: X  
REVISION #

CONCEPT (1)  
CLIENT: Signal Peak Energy  
ADDRESS: 100 Portal Dr., Roundup, MT 59072

DESIGN: #

SIGN FOR APPROVAL OF DESIGN

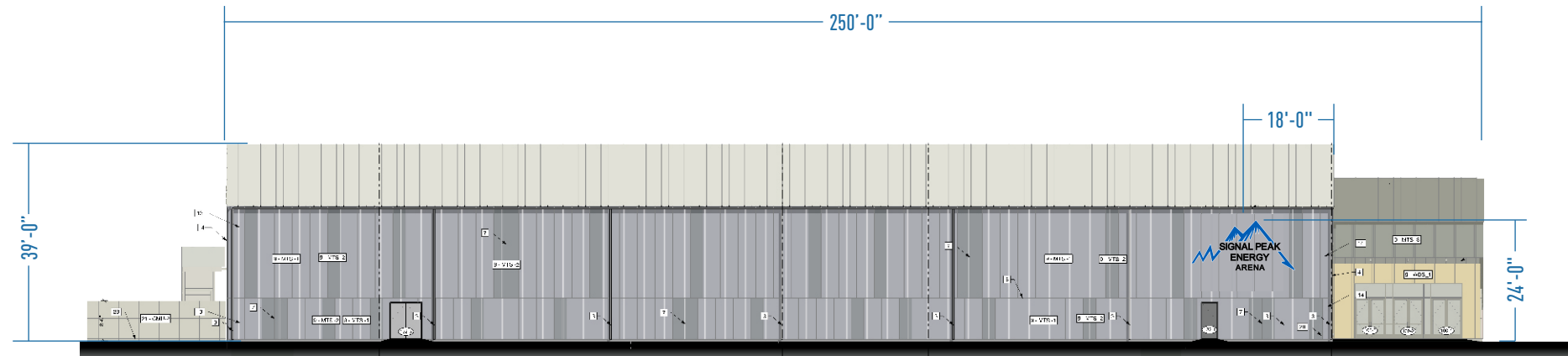
Date:

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**D** ILLUMINATED CHANNEL LOGO & LETTERS  
WEST ELEVATION

SCALE: 1/32" = 1'-0"

**FABRICATION SPECIFICATIONS**

<b>1</b> CHANNEL WRAP	LIGHTING	WHITE LED
	FACE COLOR	WHITE ACRYLIC
	VINYL COLOR	PER COLOR KEY (V1)
	TRIM CAP COLOR	WHITE
	TRIM CAP SIZE	1"
<b>2</b> CHANNEL LTR	LIGHTING	WHITE LED
	FACE COLOR	WHITE ACRYLIC
	VINYL COLOR	PER COLOR KEY (V2)
	TRIM CAP COLOR	WHITE
	TRIM CAP SIZE	1"
RETURN COLOR	PRE-PAINTED WHITE	
	RETURN DEPTH	5"

**GENERAL NOTES**

X

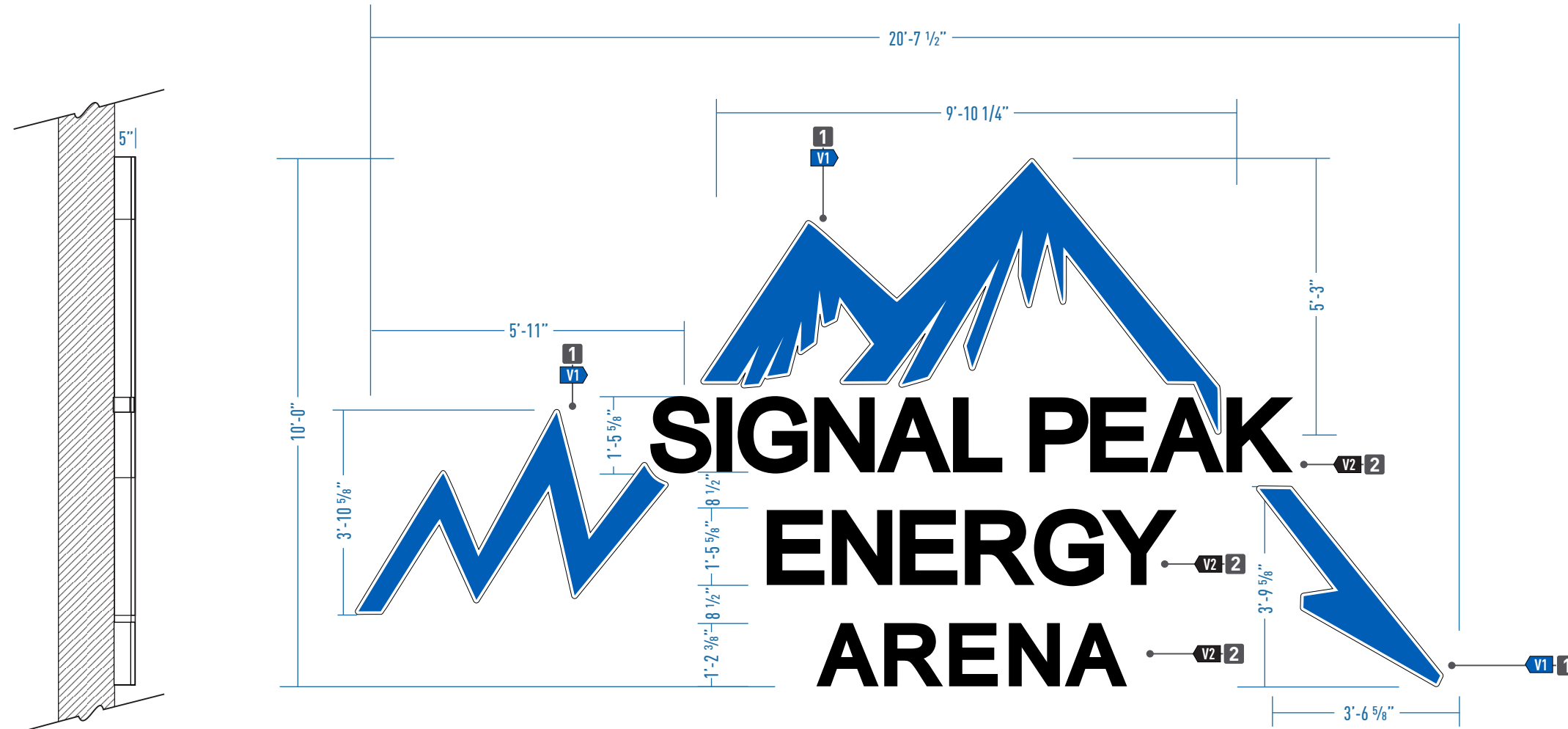
**REVISIONS**

1) X	
2)	
3)	
4)	

**COLOR KEY**

<b>V1</b> VINYL	3M 3630-127 INTENSE BLUE
<b>V2</b> VINYL	3M 3635-0171 DAY / NIGHT FILM CHARCOAL GRAY
<b>P1</b> PAINT	N/A

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SIDE VIEW

**D** ILLUMINATED CHANNEL LOGO & LETTERS  
QUANTITY: 1 MANUFACTURE & INSTALL

SCALE: 3/8" = 1'-0"



(406) 259-3200  
5160 Midland Rd.  
Billings, MT 59101

DATE: 12.12.25

DESIGN: 00-25

CONCEPT (1)

DESIGN: #

SIGN FOR APPROVAL OF DESIGN

SALES REP:  
Kevin O.

CONTACT:  
X

CLIENT: Signal Peak Energy

Date:

DESIGNER:  
Rick R.

REVISION #

ADDRESS:  
100 Portal Dr., Roundup, MT 59072

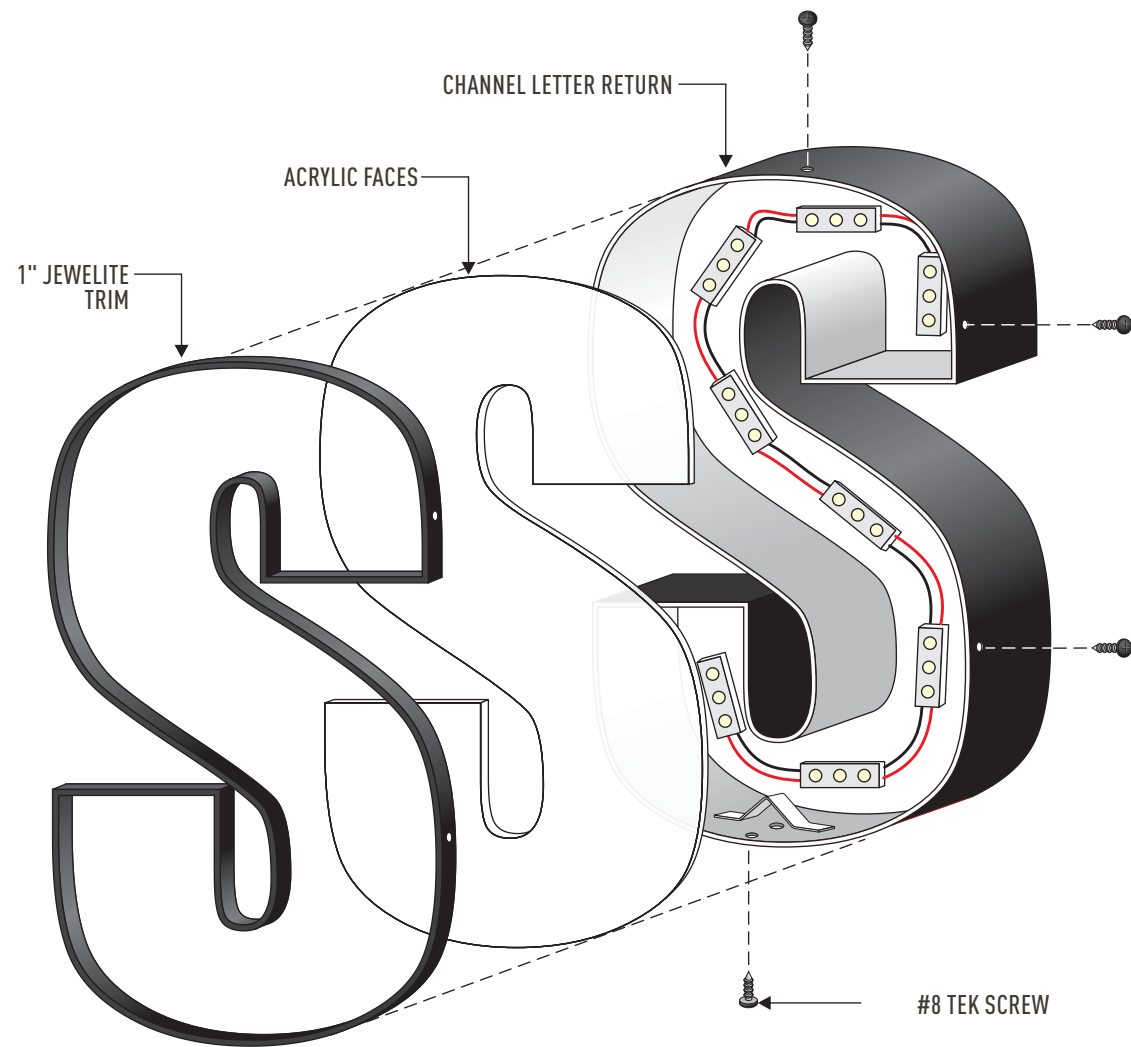
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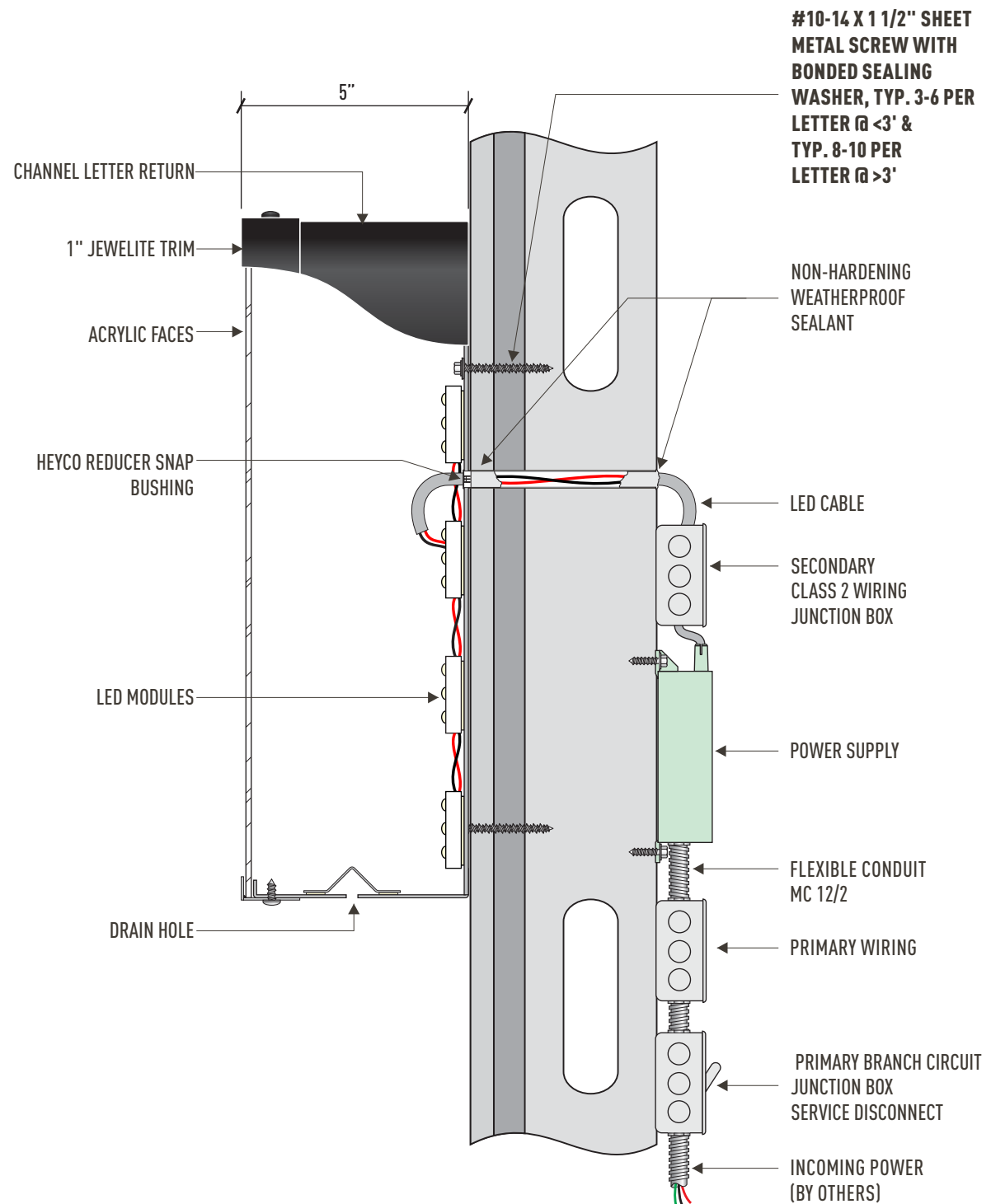


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# METAL WALL | CHANNEL LETTERS REMOTE POWER SUPPLIES



**EXPLODED VIEW: STANDARD FACE LIT CHANNEL LETTER**



**SIDE VIEW: STANDARD FACE LIT CHANNEL LETTER W/REMOTE POWER SUPPLIES**



(406) 259-3200  
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Billings, MT 59101

DATE: 12.12.25

DESIGN: 00-25

CONCEPT (1)

DESIGN: #

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CONTACT:  
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Rick R.

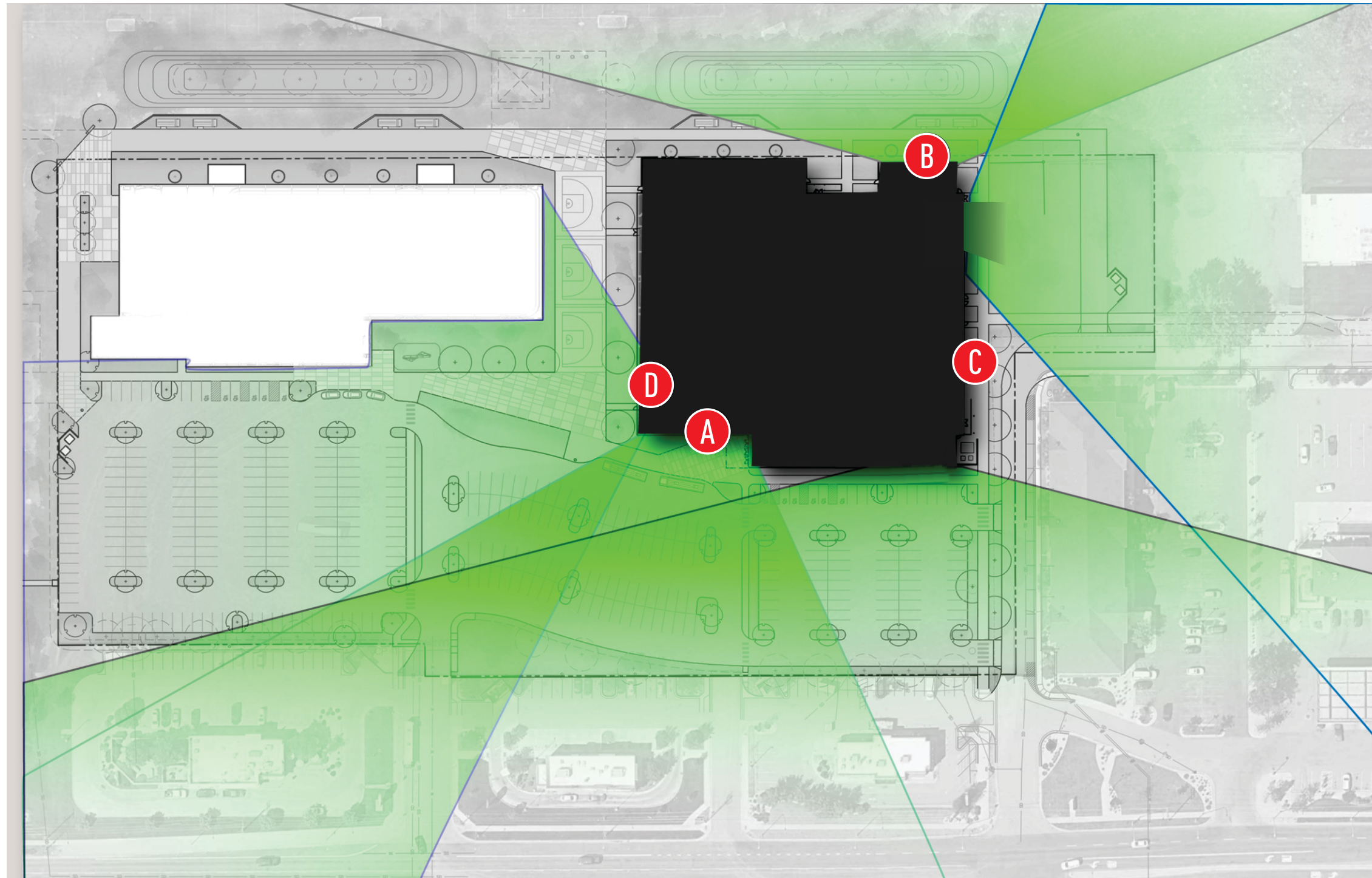
REVISION #

ADDRESS:  
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SITE MAP



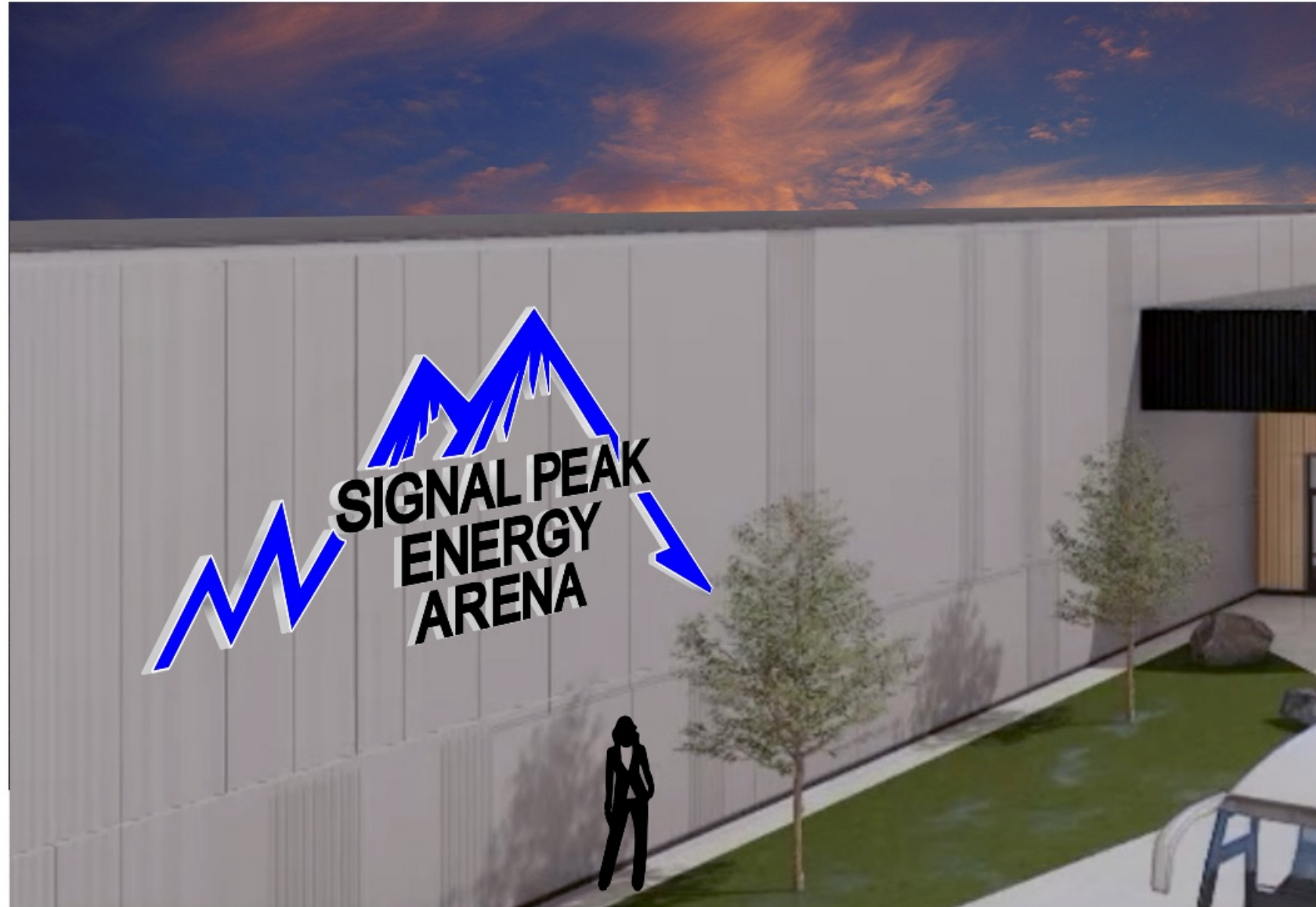
(406) 259-3200  
5160 Midland Rd.  
Billings, MT 59101

DATE: 12.12.25	DESIGN: 00-25	CONCEPT (1)	DESIGN: #	SIGN FOR APPROVAL OF DESIGN
SALES REP: Kevin O.	CONTACT: X	CLIENT: Signal Peak Energy		Date:
DESIGNER: Rick R.	REVISION #	ADDRESS: 100 Portal Dr., Roundup, MT 59072		Please review proof carefully. Check all spelling, punctuation detail, dimensions and colors prior to approval. Any changes made after approval may be subject to additional charges.

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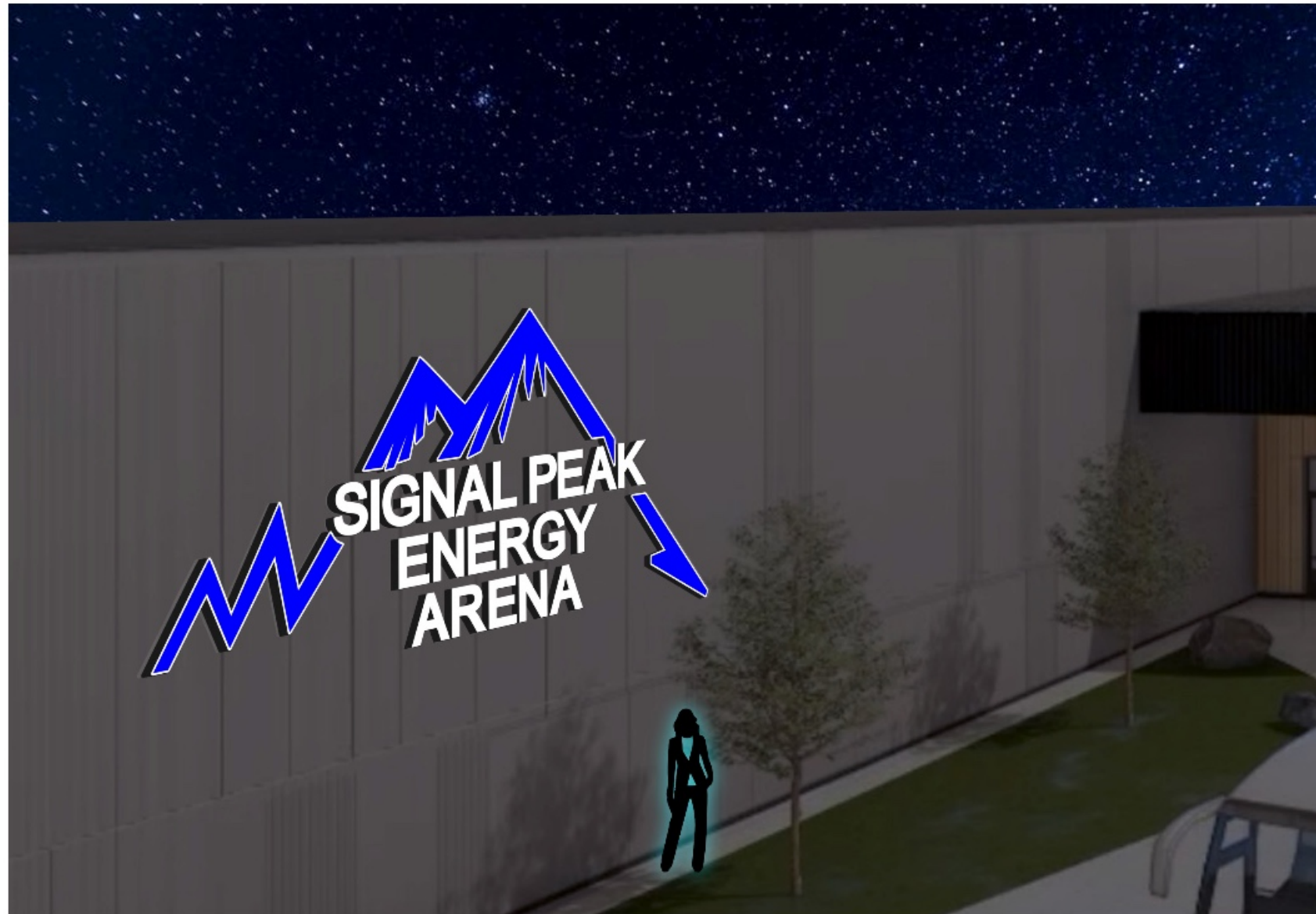


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<b>DATE:</b> 12.12.25	<b>DESIGN:</b> 00-25	<b>CONCEPT (1)</b>	<b>DESIGN: #</b>	<b>SIGN FOR APPROVAL OF DESIGN</b>	<p>All conceptual graphics, excluding brand images, is strictly and exclusively the property of Signs Pro of Billings, MT and is not to be used or duplicated in any way without permission.</p> <p> SIGN(S) TO BE MANUFACTURED TO U.L. SPECIFICATIONS AND WILL BEAR THE U.L. LABEL(S). INSTALLED IN ACCORDANCE WITH NATIONAL ELECTRICAL CODES.</p>
<b>SALES REP:</b> Kevin O.	<b>CONTACT:</b> X	<b>CLIENT:</b> Signal Peak Energy		<b>Date:</b>	
<b>DESIGNER:</b> Rick R.	<b>REVISION #</b>	<b>ADDRESS:</b> 100 Portal Dr., Roundup, MT 59072	<p>Please review proof carefully. Check all spelling, punctuation detail, dimensions and colors prior to approval. Any changes made after approval may be subject to additional charges.</p>		



(406) 259-3200  
5160 Midland Rd.  
Billings, MT 59101

<b>DATE:</b> 12.12.25	<b>DESIGN:</b> 00-25	<b>CONCEPT (1)</b>	<b>DESIGN: #</b>	<b>SIGN FOR APPROVAL OF DESIGN</b>	<p>All conceptual graphics, excluding brand images, is strictly and exclusively the property of Signs Pro of Billings, MT and is not to be used or duplicated in any way without permission.</p> <p> SIGN(S) TO BE MANUFACTURED TO U.L. SPECIFICATIONS AND WILL BEAR THE U.L. LABEL(S). INSTALLED IN ACCORDANCE WITH NATIONAL ELECTRICAL CODES.</p>
<b>SALES REP:</b> Kevin O.	<b>CONTACT:</b> X	<b>CLIENT:</b> Signal Peak Energy		<b>Date:</b>	
<b>DESIGNER:</b> Rick R.	<b>REVISION #</b>	<b>ADDRESS:</b> 100 Portal Dr., Roundup, MT 59072	<p>Please review proof carefully. Check all spelling, punctuation detail, dimensions and colors prior to approval. Any changes made after approval may be subject to additional charges.</p>		

City Board of Adjustment

Meeting Date: 05/06/2026

SUBJECT: City Variance 1394 - 1005 Main St.- Sign Size and Height

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

City Variance 1394 – 1005 Main St. – Pole sign size and height - A variance from Section 27-1400, Table 27-1400.11 requiring a maximum size of 100 square feet, and a maximum height of 25 feet to allow a sign size of 150 square feet and a height of 58 feet 6 inches, in a Heavy Commercial (CX) zone, on Lot 11A, Block 5, Amended Plat of Lot 16-A, Amended Plat of lots 15 and 16, Block 5, Wanigan Subd., and Lots 10, 11 and 12 Block 5 Wanigan Subdivision, S22, T01 N, R26 E, a parcel of land approximately 29,733 square feet. The purpose of the variance is to allow a freestanding pole sign to be taller and larger than allowed in the district. Tax ID: A19438

RECOMMENDATION

Planning staff is recommending denial and adoption of the findings of the review criteria for Variance 1394.

APPLICATION DATA

OWNER: Bodner Billings MS LLC

AGENT: Bruce Bodner

PURPOSE: To allow 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.

LEGAL DESCRIPTION: Lots 10, 11 and 12 Block 5, Wanigan Subdivision, S22, T01 N, R26 E

ADDRESS: 1005 Main St.

SIZE OF PARCEL: 29,733 square feet.

ZONING: Heavy Commercial (CX)

EXISTING LAND USE: Commercial retail

PROPOSED LAND USE: Commercial retail

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

NORTH:

Zoning: Heavy Commercial (CX)

Land Use: Commercial - car wash

SOUTH:

Zoning: CX

Land Use: Commercial - auto repair and tire center

EAST:

Zoning: CX

Land Use: Commercial - personal self-storage facility

WEST:

Zoning: CMU 1 and 2

Land Use: Commercial - shopping center and auto service center

BACKGROUND

This request seeks a variance from the maximum allowable sign size of 100 square feet and maximum height of 25 feet to permit a freestanding pole sign with a total area of 150 square feet and a height of 58 feet 6 inches within the Heavy Commercial (CX) zoning district. The purpose of the variance is to allow a sign that exceeds the size and height limitations established for the district.

The applicant previously contacted the Planning Division regarding the existing billboard sign on the property, with the intent of utilizing that structure for on-site business identification. The existing billboard is scheduled for removal, and pursuant to the current billboard moratorium, it may not be replaced at this location. Billboard signs are permitted in certain districts as off-site advertising, meaning they are intended to advertise businesses or events not located on the subject property. These signs are typically designed to be larger in size and greater in height to accommodate visibility for high-speed, long-distance interstate traffic.

Staff has reviewed the application in accordance with the required variance criteria and is recommending denial. Approval of the requested variance could establish a precedent suggesting that billboard-scale signage is appropriate within the Main Street corridor. While there are some existing signs along Main Street that are larger in scale or height, those signs were approved under previous zoning regulations or within districts where such signage is permitted. The proposed height of this sign, nearly 60 feet, is also out of character with the land uses in this area and more appropriate for providing advertising to high-speed, interstate traffic.

The Sign Code identifies several important public interests, including:

1. Avoiding the proliferation of increasingly large and visually intrusive signs resulting from competition for visibility, which can:

- (a) Create visual distractions and obstruct views, potentially impacting the safety of motorists, bicyclists, and pedestrians;
- (b) Result in physical obstructions within streets, sidewalks, or trails, creating public safety concerns;
- (c) Diminish the aesthetic quality of the city, making it less attractive to residents, businesses, visitors, and investment; and
- (d) Reduce the effectiveness of individual signs due to visual clutter and competition for attention.

2. Maintaining and enhancing the character of the central business district and commercial corridors, which are valuable community assets.

Based on these considerations, the applicant's inability to meet the required variance criteria, and the applicant's ability to meet the standard sign regulations applicable to the subject property, staff finds that the request is not consistent with the intent of the Zoning Code. Therefore, a recommendation for denial is appropriate.

## STAKEHOLDERS

Planning staff notified owners by mail, posted the property and published the legal ad as required. As of the date of this staff report, no comments or concerns have been registered with the Planning Division.

## ALTERNATIVES

The Board of Adjustment may:

- Deny the requested variance as recommended by the Planning staff;
- Approve the requested variance with conditions;
- Approve the requested variance with no conditions; or
- Allow the applicant to withdraw the variance request. The applicant has not requested a withdrawal at this time.

## SUMMARY

Prior to taking action on this variance request, the Board of Adjustment shall ensure 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.***

This criterion is not met. There are no special conditions or circumstances unique to the subject property that would create a hardship not shared by other properties within the same zoning district. The site does not exhibit unusual or distinctive physical characteristics, such as topography, shape, or other inherent land features, that would limit compliance with the applicable sign regulations. Over the past 36 years, a total of 20 sign variances have been reviewed, the majority of which were associated with commercial or retail properties. Of these, two were for schools, two for churches, one for a hospital, and the remainder for commercial businesses. Several approved variances involved modifications to existing nonconforming signs and were supported by demonstrated hardships related to unique physical characteristics of the subject properties. Four variance requests were denied during this period because they did not demonstrate a qualifying hardship or meet the required approval criteria. Consistent with those decisions, the current request does not demonstrate a hardship related to the land or any unique property conditions. The applicant's preference to utilize the existing sign location, currently occupied by a billboard that is anticipated to be removed, does not constitute a hardship and does not meet the criteria for variance approval.

***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.***

Similar to Criteria 1 above, a literal interpretation of the provisions of this Chapter would not deprive the applicant of rights commonly enjoyed by other properties within the same district. The applicant retains reasonable use of the property and has alternative sign options available that comply with the Code. The preference to utilize the existing sign location, currently

occupied by a billboard that is anticipated to be removed, does not deprive the applicant of rights commonly enjoyed by other tracts along Main Street, and does not meet the criteria for variance approval.

**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 the requested variance will confer a special privilege upon the applicant, as the zoning code establishes limitations on sign size that apply uniformly to properties within the same district. While the Board of Adjustment has approved other variances from these standards, those approvals were based on demonstrated hardships specific to the subject properties. In this case, the applicant has not demonstrated a similar hardship. The applicant has alternative sign options available, such as a roof sign, wall sign or monument sign, that would allow for signage of the requested size in compliance with the code. Instead, the applicant has expressed a preference to utilize the existing billboard sign location and maintain similar sign characteristics. This preference does not constitute a hardship and results in a request for relief that is not available to other properties under the same zoning regulations. Accordingly, approval of the variance would grant a special privilege inconsistent with the intent of the zoning code.

**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.**

The request is not consistent with the 2016 Growth Policy, specifically the Guideline of Community Fabric (attractive, aesthetically pleasing, uniquely Billings), and the goal of maintaining attractive streetscapes that provide a pleasant and calming travel experience in urban and suburban neighborhoods. This variance also is not in harmony with the purpose and intent of the Zoning Code as it relates to signage within this district. The Zoning Code establishes specific standards for new signage to ensure consistency, compatibility, and equitable application across properties within the district. The proposed variance would allow signage that does not conform to these established regulations without a demonstrated hardship, thereby undermining the intent of the Code. Accordingly, the requested variance is not in harmony with the intent of the Zoning Code and does not meet this criterion.

**Section 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.**

The minutes of the meeting will be recorded reviewed and approved for the record.

**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.**

Although Section 27-1627.E(2) allows the Board to prescribe conditions and safeguards when granting a variance, such conditions cannot substitute for the required findings necessary to approve a variance. In this case, the request does not meet the criteria for approval, staff is recommending denial, and the ability to impose conditions does not justify granting the variance.

*Although staff is recommending denial of the variance, if the BOA makes findings to approve the variance, Staff recommends the following conditions;*

1. The variance is from Section 27-1400, Table 27-1400.11 requiring a maximum size of 100 square feet, and a maximum height of 25 feet to allow one pole sign at the size of 150 square feet and a height of 58 feet 6 inches, in a Heavy Commercial (CX) zone. No other variance is intended or implied by this approval.
2. The variance applies to Lot 11A, Block 5, Amended Plat of Lot 16-A, Amended Plat of lots 15 and 16, Block 5, Wanigan Subd., and Lots 10, 11 and 12 Block 5 Wanigan Subdivision, S22, T01 N, R26 E, 1005 Main St.
3. The proposed size, height and location of the sign will be in substantial conformance with the submitted site plan and sign graphic. Setbacks from property lines of the entirety of the sign structure is required. Minor adjustments to the plan are allowed.
4. The applicant will apply for a sign permit for the pole sign within 6 months of the Board of Adjustment approval and complete the installation within one year.
5. This variance approval applies solely to the specific sign authorized herein. In the event that the approved sign is removed or destroyed, it may be replaced only with a sign that conforms to the zoning code in effect at the time of application.
6. So long as these conditions are satisfied, the variance shall run with the land and apply only to the approved sign at this location. The approval shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns of this property.

**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. If the BOA chooses to approve the

sign variance, staff recommends the applicant apply for a sign permit within six months of the Board of Adjustment approval and complete the installment within one year.

***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. In this case, the variance does grant of special privilege inconsistent with limitations placed upon other properties in the district which is why Planning staff is recommending denial. The granting of this variance would not allow a use that is not allowed in the zoning district, however, the sign height and size is not allowed in this zoning district as proposed.

**RECOMMENDATION**

Staff is forwarding a recommendation for denial of Variance 1394 based on the determinations of the review criteria established within this report.

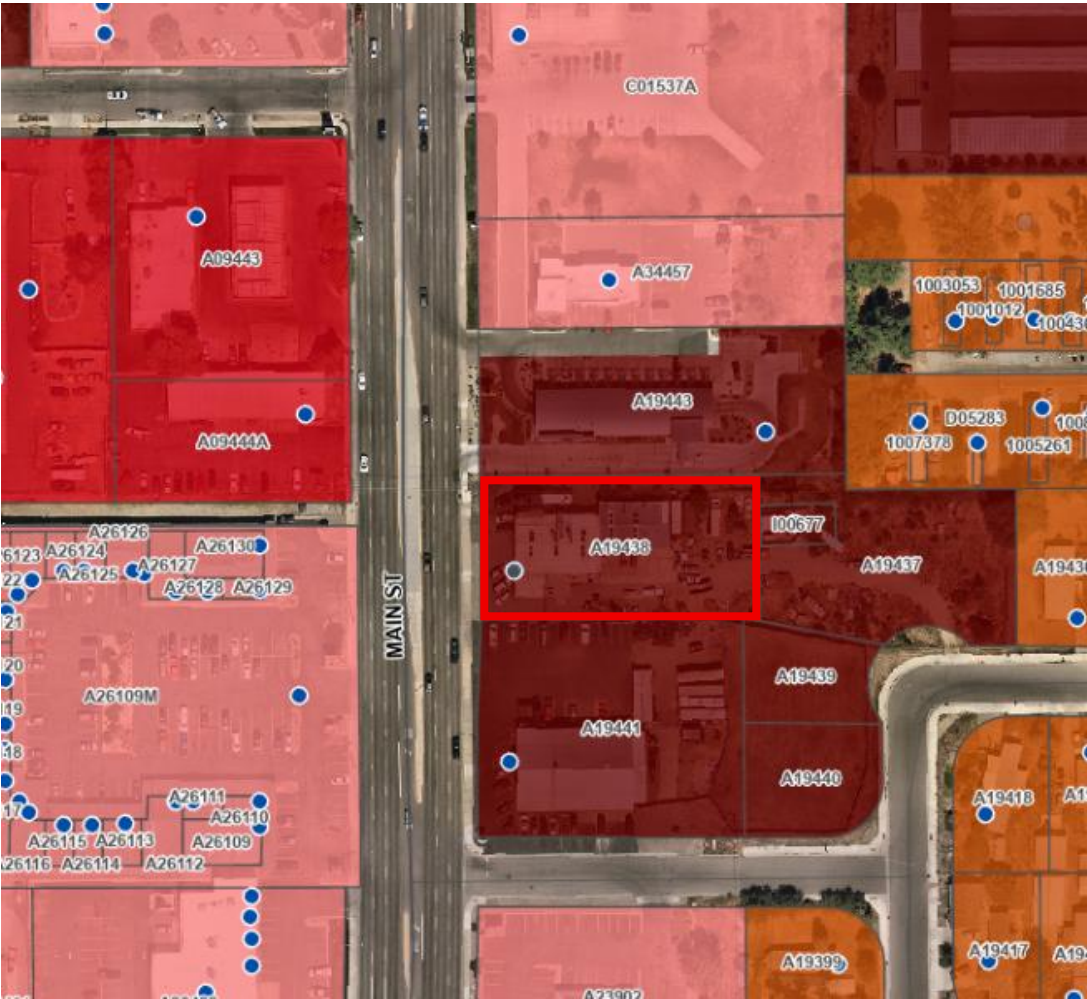
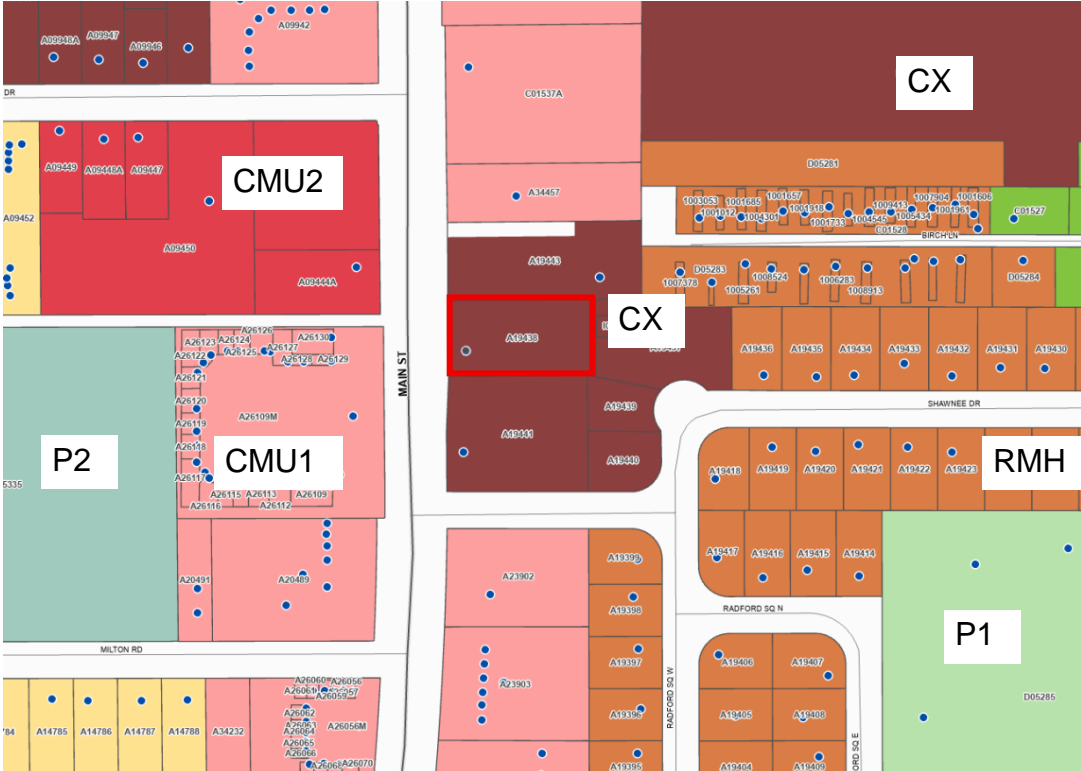
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**Attachments**

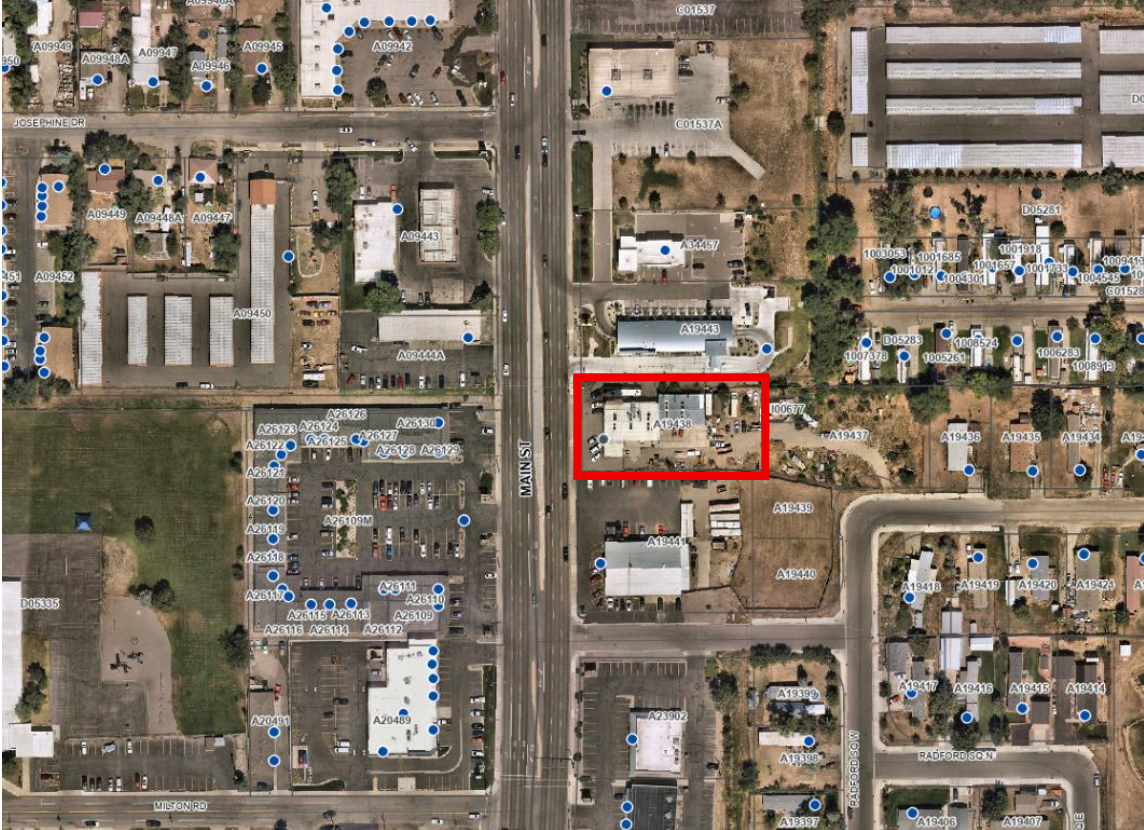
Zoning Map & Site Photos  
Application & Applicant Letter  
Site Plan  
History

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# Attachments for Variance 1394



# Attachments for Variance 1394



Subject property - east

# Attachments for Variance 1394



Subject property - southeast



Subject property - northeast

# Attachments for Variance 1394



South



West

## Attachments for Variance 1394



Looking north on Main St. (and the existing billboard sign)

# 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)

# Attachments for Variance 1394

## **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

## Attachments for Variance 1394

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.

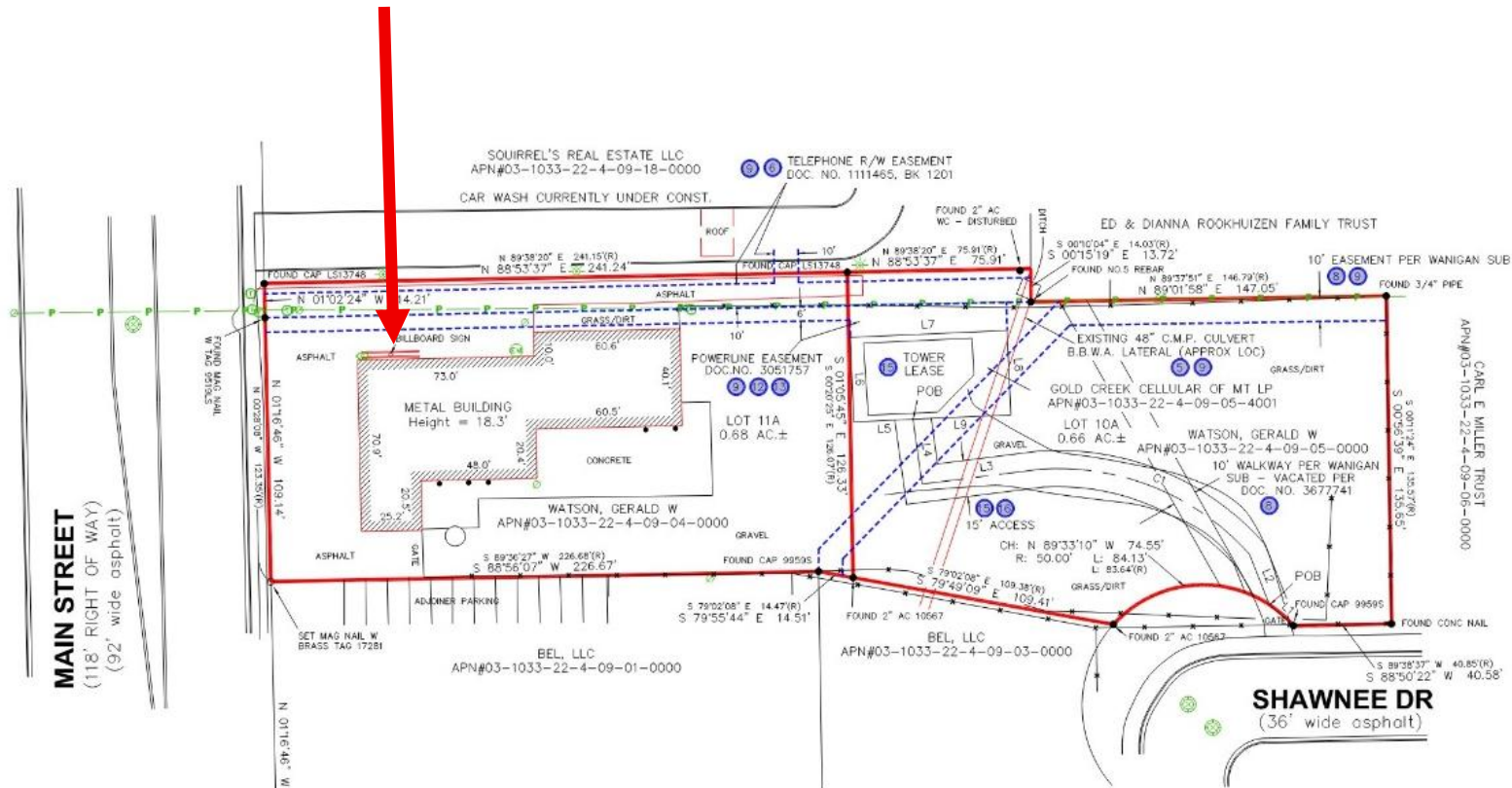
An allowed pole sign anywhere on the west side of the property, even if placed at the far north or south end, will complicate and at times interfere with vehicles maneuvering to exit, especially for large trucks or when they predominate and affect other vehicles; more often just the pole will be hit 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.

# Attachments for Variance 1394

Proposed sign location.



12 PARKING INFO

No Designated Parking Sp

10 BASIS OF BEA

Bearings are based on the Mor Plane Coordinates System, NAD 2500 as obtained from GPS w/ solution.

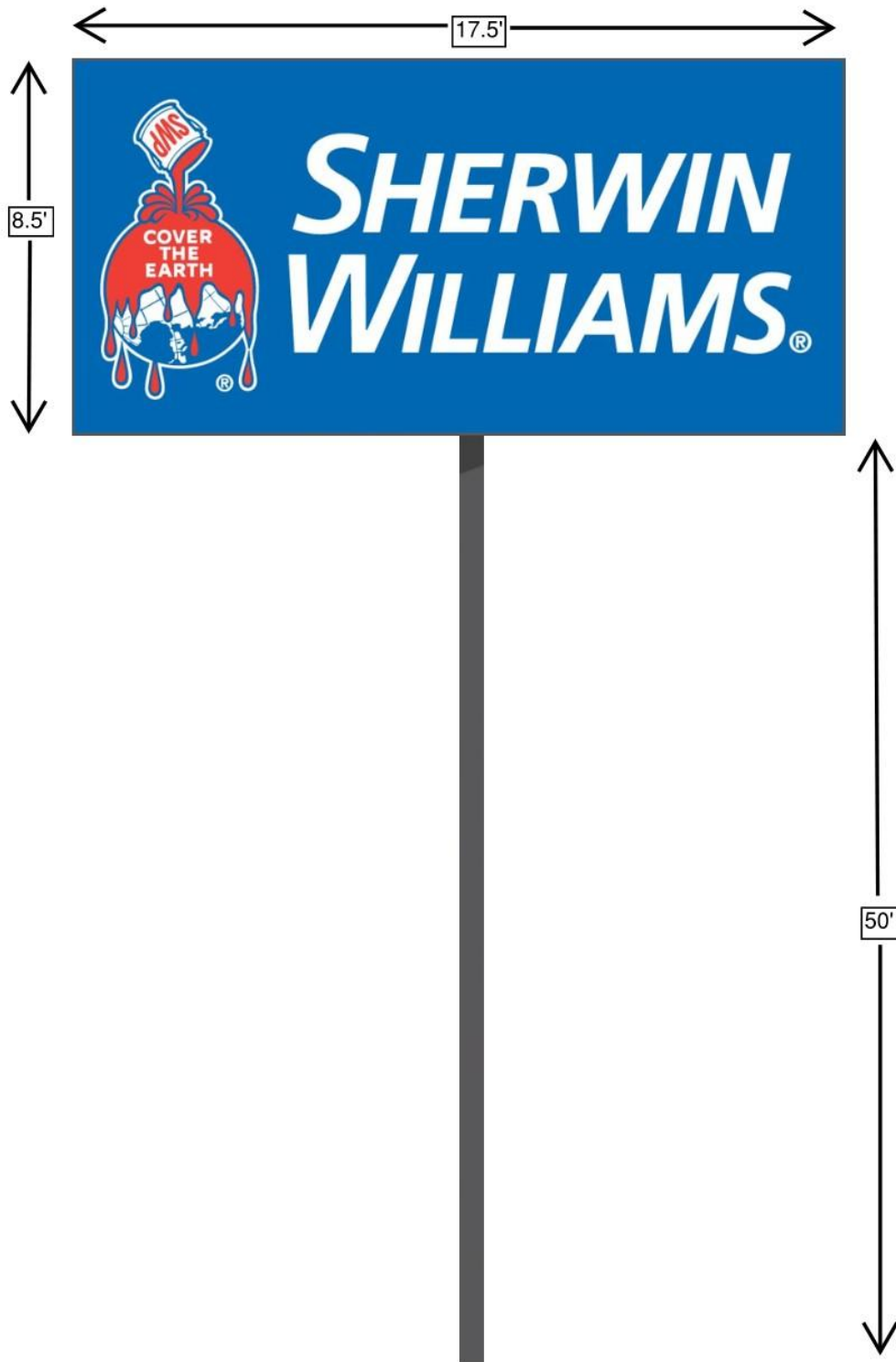
Key to

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

LINE	BEARING	DISTANCE	BEARING (R)	DISTANCE (R)
L1	N 49°15'09" W	13.16	N 49°11'43" W	13.16
L2	N 21°36'26" W	22.63	N 21°33'00" W	22.63
L3	S 82°50'48" W	49.75	S 82°54'12" W	49.75
L4	N 07°59'20" W	27.04	N 07°55'54" W	27.04
L5	S 87°27'21" W	24.47	S 87°30'47" W	24.47
L6	N 02°32'59" W	35.00	N 02°29'13" W	35.00
L7	N 87°27'21" E	65.00	N 87°30'47" E	65.00
L8	S 02°32'59" E	35.00	S 02°29'13" E	35.00
L9	S 87°27'21" W	40.53	S 87°30'47" W	40.53

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	106.33	96.23	92.98	N 67°46'06" W	51°51'14"
			92.98 (R)	N 67°42'40" W (R)	

Attachments for Variance 1394



<b>SUBJECT PROPERTY</b>	<b>VARIANCE #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
<b>SURROUNDING PROPERTY</b>	<b>VARIANCE #</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
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 24 <sup>th</sup> St W	810	10/5/1999	Sign Height, number and area	Y	22.5 ft, 2 signs, 149 sf
310 N 27 <sup>th</sup> 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 19 <sup>th</sup> 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 28 <sup>th</sup> 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
403 Main Street	1351	12/7/2022	No. of Wall Signs	Y	expired
1423 38 <sup>th</sup> St. W	1357	2/1/2023	Max sign size	N	IV Nutrition
300 S 24 <sup>th</sup> St. W	1382	6/2/2025	Max sign size	Y	Dunham's Sports
1201 N Broadway	1392	3/4/2026	Sign size	Y	St. Vincent