

Wednesday, May 6, 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	-	1								
Michael Bruschwein	<b>Vice Chair</b>	A	1	A	-	1								
George Warmer	Member	V	1	1	-	A								
Chris Hayes	Member	1	1	1	-	1								
Elizabeth Shumaker	Member	1	1	1	-	1								
Denise Joy	Member	-	-	1	-	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	-	2								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 4:31 PM.

**Attending Staff:**

Karen Husman, Zoning Coordinator; Dave Green, Planner; Brenda Berns, Planning Clerk

**Public Comment:** No speakers came forward to comment.

## **Approval of Meeting Minutes – March 4, 2026**

### **Motion**

Motion by Board member Bruschwein to approve the meeting minutes of March 4, 2026 as submitted, second by Board member Joy. Motion carried unanimously.

### **Conflicts of Interest Disclosure for Members and Staff**

Disclosure of Ex Parte Communications – None

Disclosure of Site Visits – None

Disclosure of Conflict of Interest – 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 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 no larger than 210 square feet 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 4 signs for the Signal Peak Ice Arena. Tax ID: A35427

Karen Husman provided an overview of the variance request. Dave Green then delivered the formal presentation, reviewing the supporting criteria, explaining the variance in greater detail, and responding to questions from the Board.

### **Recommendation**

Staff are recommending conditional approval of Variance 1393 and adoption of the findings of the review criteria:

- 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 the maximum as 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.

## Proposed Conditions

In granting the variance the BOA may impose appropriate conditions. Planning staff are recommending the following conditions:

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.

Chairman Sayer opened the Public Hearing.

**Alex Picicci 1015 Calico Ave** – Mr. Picicci stated it is a very large building, not on a major roadway, which the architect made the size of the sign to fit the building. Signal Peak Energy has the largest donation in Billings history.

There were no other speakers wishing to comment in favor or opposition. Chairman Sayer closed the Public Hearing.

## Motion

A motion was made by Board member Joy to Approve Variance 1393 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 1393 is Approved. Vote: 5:0**

**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

Karen Husman provided an overview of the variance request and provided a formal presentation of the supporting criteria for staff's recommendation of denial.

## Recommendation

Planning staff recommends Denial of Variance 1394 and adoption of the findings of the review criteria:

- **Denying the variance would not deprive this owner of similar rights** enjoyed by others in the area. The preference to use an existing location of a billboard does not constitute a hardship and results in a request for relief that is not available to other properties under the same zoning.
- **Granting the variance will not confer a special privilege to this applicant.** Approval of the variance would grant a special privilege inconsistent with the intent of the zoning code. The zoning code establishes specific standards for new signage to ensure consistency and compatibility. The proposed variance does not meet the intent of the zoning code.
- **Granting the variance will be in harmony with the purposes of zoning and growth policy.** This variance is not in harmony with the purpose and intent of the Zoning Code and Growth Policy as it relates to signage within this district. The proposed variance would allow signage that does not conform to the established regulations without a demonstrated hardship and allow a sign that is not uniform or consistent with the neighborhood.

### Questions

Board members asked questions regarding the proposed signage and its proximity to nearby residential properties. Questions were raised concerning the height of the sign, and additional clarification was requested regarding the map location and how close the site was to surrounding residential areas. Staff provided further information and discussion followed.

Chairman Sayer opened the Public Hearing.

### Applicant's Attorney:

**Bryce Berg, Moulton Bellingham** - Mr. Berg stated the variance request was intended to address safety concerns related to the property's location along Main Street and limitations caused by existing site conditions. Discussion included the current billboard location, limited parking area, circulation for larger construction and service vehicles, and the presence of a power pole affecting potential sign placement. It was explained that the original intent had been to maintain the existing sign, but staff later determined that would not be possible under current regulations. The requested sign height was intended to maintain visibility above the building due to the setback from the roadway, and the applicant expressed willingness to accept conditions reducing the height from the original request while still allowing adequate visibility.

There were no other speakers wishing to comment in favor or opposition. Chairman Sayer closed the Public Hearing.

### Board Questions and Discussion

Board members asked questions regarding the proposed sign location, overall height, square footage, parking access, property lines, and visibility constraints. Discussion also addressed whether alternative compliant sign locations were feasible, the impact of the power pole and traffic circulation, and how current zoning standards applied to the request. Staff clarified that the primary concern was the requested height and noted that nonconforming signs in other locations could not be used as precedent. Staff also explained that the Board could consider reducing the sign height or delaying the request for additional information.

Further discussion focused on balancing visibility needs with consistency in applying sign regulations.

Board members discussed limiting the overall height while maintaining visibility above the building, as well as whether the requested square footage exceeded what would be appropriate for the site. Comparisons were made to nearby compliant signs along Main Street, and concerns were raised about setting precedent for future variance requests. Staff reviewed the proposed conditions and clarified that the sign location would remain consistent with the application materials.

### **Motion**

Planning staff recommended Denial of the requested variance 1394, however the Board of Adjustment made findings to Approve a lesser variance than requested.

A motion was made by Board member Hayes, seconded by Board member Bruschwein to Deny the request of 150 square foot maximum sign, and Approve an amended variance to allow a maximum of 30 feet in height at its highest point with the following conditions:

1. The variance is from Section 27-1400, Table 27-1400.11 requiring a maximum height of 25 feet to allow one pole sign at a maximum height of 30 feet, 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, generally located at 1005 Main St.
3. The proposed 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 installment 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.

**Amended Variance 1394 with Conditions is Approved. Vote: 5:0**

### **Other Business**

**ADJOURNMENT:** The meeting adjourned at 5:34 PM

*Brenda J Berns, Planning Clerk*