



Board of Adjustment / Appeals - April 10, 2025
Special Meeting Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
3:00 PM

The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>.

The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.

Public participation is welcome in the following ways:

- Attend in person.
- Provide public comments in writing by 12:00 PM the day of the meeting: Mail to Planning & Community Development, PO Box 5021, Great Falls, MT 59403, or via email to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the Board Members and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

OPEN MEETING

1. Call to Order - 3:00 P.M.
2. **Pete Fontana - Chair**
Christian Stone - Vice Chair
Antoinette Collins
Joe McMillen
Aspen Northerner
3. Recognition of Staff
4. Approval of Meeting Minutes - January 23, 2025

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Public Hearing - Variance from Section 17.60.4.050 of the Official Code of the City of Great Falls (OCCGF) to allow an increase in height limit allowance for the relocation of a freestanding sign located at 3715 31st Street SW.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

COMMUNICATIONS

PUBLIC COMMENT

Public Comment on any matter and that is within the jurisdiction of the Board of Adjustment/Appeals. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

Board of Adjustment/Appeals meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meetings are re-aired on cable channel 190 the following Friday morning at 10 a.m.

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
January 23, 2025

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Joe McMillen at 3:02 p.m.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Joe McMillen, Chair
Aspen Northerner, Vice Chair
Antoinette Collins
Pete Fontana
Christian Stone

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Brock Cherry, Director Planning and Community Development
Jamie Nygard, Sr. Administrative Assistant

Others present:

Rachel Taylor, Deputy City Attorney

Mr. Cherry affirmed a quorum of the Board was present.

MINUTES

Chair McMillen asked if there was a motion to approve the meeting minutes as stated for November 7, 2024. Mr. Fontana moved to approve the minutes, seconded by Ms. Northerner. All in favor, the minutes were approved.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

None.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

Election of Officers for 2025

Mr. Cherry informed the Board members that, as Joe McMillen and Aspen Northerner have termed, there are two openings on the Board of Adjustments. No applicants have applied for their replacement. With the code changes in the Montana Land Use Planning Act eliminating the requirement for land use variance applicants to go through the Board of Adjustment, staff is considering reconfiguring a new board alongside the Ethics Board to handle appeals. However, until a decision is made, the current board members may continue to serve.

BOARD DISCUSSION AND ACTION

MOTION: That the Board of Adjustment appoint Pete Fontana as Chair for 2025.

MADE BY: Ms. Collins

SECOND BY: Ms. Stone

VOTE: Motion Passed 5-0

MOTION: That the Board of Adjustment appoint Christian Stone as the Vice Chair for 2025.

MADE BY: Mr. Fontana

SECOND BY: Ms. Collins

VOTE: Motion Passed 5-0

COMMUNICATIONS

None.

PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business, Chair McMillen adjourned the meeting at 3:15 p.m.



Date: April 10, 2025
CITY OF GREAT FALLS

BOARD OF ADJUSTMENT AGENDA REPORT

Item:	Public Hearing - Variance from Section 17.60.4.050 of the Official Code of the City of Great Falls (OCCGF) to allow an increase in height limit allowance for the relocation of a freestanding sign located at 3715 31 st Street SW.
Applicant:	Mike Cash, Great Falls 6 RE LLC (Town Pump), Owner
Representative:	Raeann Bilbrey, All State Signs
Presented By:	Sara Doermann, Associate Planner, Planning and Community Development
Action Requested:	Consideration of height limit variance from the standard of twenty-five (25) feet “ contained in Title 17, Chapter 60, Article 4, Subsection 50 of the OCCGF

Public Hearing:

1. Chairperson conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 6.
2. Chairman closes public hearing and asks the will of the Board.

Suggested Motion:

1. Board Member moves:
 - I. “I move that the Board of Adjustment, based on the Findings for the Basis of Decision (approve/deny) the height limit variance request from OCCGF Title 17, Chapter 60, Article 4, Subsection 50.”
2. Chairman calls for a second, discussion, and calls for the vote.

Staff Recommendation: Staff recommends approval of the variance request. The existing freestanding sign upon the subject property is obstructed from the north due to the construction of the City of Great Falls water tower in 2019, which creates an unnecessary hardship owing to conditions unique to the site. Additionally, staff has determined the variance is not contrary to the public interest and the spirit of this Title would be observed and substantial justice done by granting the variance.

Summary: The subject property, 3715 31st Street SW, is within the C-3 Highway Commercial zoning district. The site is ±498,762 square feet or roughly 11.45 acres and includes a Town Pump Travel Plaza and accompanying structures. Adjacent property to the northwest is C-3 Highway Commercial and includes the Crystal Inn Hotel and Suites. Adjacent property to the north is PLI Public Lands Institutional and includes the City of Great Falls water tower. Adjacent property to the southeast is C-2 General Commercial and includes the Great Falls Ice Plex. Adjacent property to the east, south, and west are within

Cascade County and includes the Town Pump Pilot location and other undeveloped land.

The applicant is requesting a variance to the Zoning Code's maximum freestanding height limit requirements for Commercial and Industrial Districts. The applicant is requesting relocation of an existing freestanding sign from the north corner of subject property to the northwestern corner to increase visibility of motorists on I-15. The existing sign with a height of seventy (70) feet exceeds the maximum height allowance for the C-3 Highway Commercial Zoning District of twenty-five (25) feet. The existing sign was allowed through a height variance granted by the City Commission in 2004.

In the fall of 2024, the project representative contacted the City to inquire about a sign permit for the relocation. A review determined that because the existing sign exceeds the zoning code's height restrictions, a new variance is required for any modifications, including relocation. In February 2025, the applicant requested a pre-application meeting to submit the variance request. The applicant asserts that visibility from the current location is obstructed by the newly constructed City of Great Falls water tower and that relocating the sign will enhance visibility for I-15 motorists and truck drivers.

Staff has reviewed the request and determined that the proposed relocation would not have an increased negative impact on surrounding property owners. If the variance is approved, the applicant must obtain a sign permit before proceeding with the relocation.

Findings for the Basis of Decision: The basis for decision for a variance request is listed in § 17.16.32.040 of the OCCGF Land Development Code. The decision of the Board of Adjustment shall consider the three Basis of Decision criteria. Staff provides the following Basis of Decision for consideration by the Board:

1. The variance is not contrary to the public interest.

When determining whether or not the variance is not contrary to the public interest, the Intent and Purpose section of the Sign Code must be examined. This section notes the following:

17.60.1.020 - Intent and purpose.

The intent of this Code is to protect the health, safety and welfare of the citizens of Great Falls; to provide for a well-maintained and aesthetically pleasing appearance of the community; and to provide adequate business identification and advertising communication. The purpose of this Code is to establish parameters for size, location, type, maintenance and construction of signs and sign structures within the City of Great Falls in order to:

- A. Promote a positive economic and business climate through distinctive and effective signage.
- B. Improve Great Falls' community image by eliminating sign clutter.
- C. Encourage signage of a scale and character consistent with building, site, streetscape and neighborhood.
- D. Ensure protection of pedestrians and motorists from injury and/or damages attributable to distractions and obstructions caused by improperly placed signs.
- E. Provide a comprehensive and cohesive code that is readily understood and consistently applied.
- F. Provide effective and binding code implementation and enforcement measures.

Staff concludes that the variance request is consistent with this section. In particular, the proposal is consistent with 17.60.1.020 (C) which encourages *"signage of a scale and character consistent with building, site, streetscape and neighborhood."*

The placement of the freestanding sign is appropriate given the following: 1) the property's location along

an interstate highway, 2) property's location at an interchange where motorists are making decisions to exit for services (gas, food, or rest), and 3) the fact that motorists are driving 65 miles per hour or more in this area. It is in the public's interest for the height and relocation of the sign to fix the unique context of the property. It's useful to note that many patrons of Town Pump may only frequent the property once and not be residents of Great Falls.

This applicant's request, if approved, would not be setting a precedent for larger than normal freestanding sign proposals. A similar variance request within the city that might be, for example, located in the C2 zoning district would not be necessary because speeds on typical city roadways are slower, with more frequent stops, and involve motorists who regularly travel such street

2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.

The freestanding sign is proposed to be situated within the site to optimize visibility, and as a result, reaction time for motorists (particularly truck drivers) using I-15. Due to the City of Great Falls water tower, which was completed in 2019, the existing freestanding sign is obstructed when approaching from the North until motorists are much closer to the exit than is typical. The installation of this tall structure, created an unnecessary hardship, owing to conditions unique to the site. Because of the water tower, the existing sign is not visible to motorists approaching from the North until much closer to the site. As a result, staff concludes that a literal enforcement of the code would produce an unnecessary hardship for the applicant.

3. The spirit of this Title would be observed and substantial justice done by granting the variance.

The spirit of this Title would be observed and substantial justice done by granting the variance. Specifically, the variance is consistent with the following subsections of the Intent and Purpose Section of the Sign Code:

A. Promote a positive economic and business climate through distinctive and effective signage.

The relocation of the freestanding sign is effective for this particular site and use. The approval of this request will also promote a positive economic and business climate. Signs of this height and location are common for interstate commercial uses such as the Town Pump Travel Center.

B. Encourage signage of a scale and character consistent with building, site, streetscape and neighborhood.

As mentioned earlier, the proposed signage is consistent in both scale and character with the building and site. While there is no neighborhood, per se, two signs on the other side of the interstate both exceed the city's height limit and square footage requirements. The public that will be using this site will be able to see the sign in enough time to safely maneuver while going at interstate speeds in order to patronize the business.

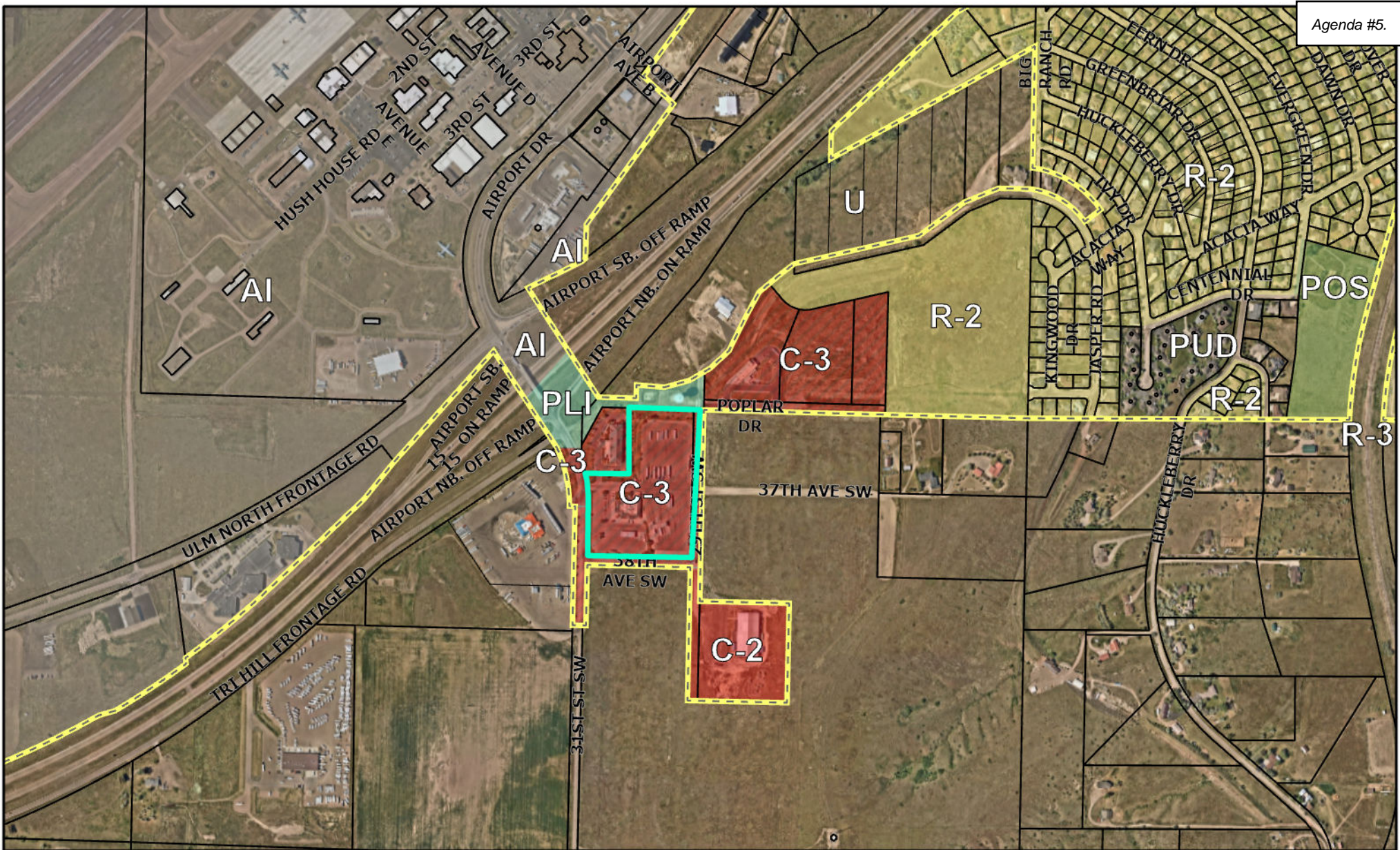
C. Ensure protection of pedestrians and motorists from injury and/or damages attributable to distractions and obstructions caused by improperly placed signs.

The deviation of height of the relocated sign will help increase the reaction time of motorists utilizing the site.

Alternative: The Board of Adjustment could choose to deny the variance request if the Board determines the request does not meet each of the basis of decision criteria. For such action, the Board must provide separate Basis of Decision findings to support the denial.

Attachments:

- Location Map
- Application



Location Map

3715 31st Street SW

- City Addresses
- City Streets
- Boulevards
- - - City Limit
- Lot Lines
- Parcels



CITY OF GREAT FALLS
 PLANNING & COMMUNITY DEVELOPMENT DEPT.
 P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
 406.455.8430 • WWW.GREATFALLSMT.NET

VARIANCE APPLICATION

Variance Fee: \$2,500

Town Pump Hi-Rise Re-location

Name of Project (if applicable):

Dan Kenneally

Applicant/Owner Name:

600 S. Main Street, Butte, MT 59701

Mailing Address:

406-498-6993

Phone:

Mike Cash

Representative Name:

406-498-6868

Phone:

2715 31st Street SW Suite 1, Great Falls, MT 59404

Project Address:

dank@townpump.com

Email:

mike.cash@townpump.com

Email:

LEGAL DESCRIPTION:

Lot 2A Block 001

Lot/Block/Subdivision:

Section 21 T20N R03E

Section/Township/Range:

ZONING AND LAND USE (TO BE COMPLETED BY STAFF):

RP

Existing Zoning:

Commercial

Existing/Proposed Land Use:

VARIANCE REQUEST:

Town Pump, Inc. is proposing to move the existing "Hi-Rise" sign from its current location to a more visible location, as shown in the provided drawing.

The current location visibility is hindered by the construction of the water tower on Gore Hill.

The new location will offer more visibility to I-15 motorists, particularly truck drivers, who are the main customer demographic the business wants to target.

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my

Mike Cash

Applicant/Owner's Signature:

3/10/25

Date:

Rasan L. Billbreay

Representative's Signature:

3/10/25

Date:



EXISTING LOCATION

Agenda #5.





18'6" x 16'

City FTP → Create Folder

-BOA process → Talk to Brock → PDF
 ↳ previous findings + lower narratives → City website
 ↳ New narrative
 ↳ Site exhibit with distalies → PDF
 Saw Structures to All State Signs → PDF

All State Signs
 www.allstatesignsmt.com
 5907 2nd Ave N
 PO Box 675
 Great Falls, MT 59403
 406-899-1042 Beau
 406-899-3250 Raean

Project Notes:

Great Falls #6 High Rise

Representative: Beau Bilbrey

Designer: Raean Bilbrey

PROJECT/LOCATION:

**3715 31st St SW,
 Great Falls, MT 59404**

Customer Approval Signature:

*This design is the exclusive property of All State Sign Group and cannot be reproduced either in whole or in part without their consent. All State Sign Group will endeavor to closely match colors, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used.

Date:

Rendering #:

