

September 10, 2020

**Butte-Silver Bow
Zoning Board of Adjustment
Virtual Meeting**

Members Present: David Wing, Todd Collins, Sylvia Cunningham,
Garrett Craig and Loren Burmeister

Absent: Julie Jaksha and Tyler Shaffer

Staff: Lori Casey, Planning Director
Dylan Pipinich, Assistant Planning Director
Carol Laird, Administrative Assistant

M I N U T E S

- I. The meeting was called to order at 5:53 P.M.
- II. The Minutes of the meeting of July 16, 2020, were approved and passed. (Todd Collins moved and Loren Burmeister seconded the motion).
- III. Hearing of Cases, Appeals and Reports:

The legal ad was published in the Montana Standard on September 3, 2020.

David Wing stated the procedures that pertained to the meeting and said the following case listed on the attached Agenda would be heard that evening.

Appeal of the Zoning Officer's Decision #16712 – Jacqueline McAdam, owner, and Angie Hasquet, agent, were present at this virtual meeting.

Dylan Pipinich summarized the staff analysis that is attached and made a part of these Minutes during the viewing of the presentation pictures.

Mr. Wing asked if any of the Board members had questions of the staff.

Loren Burmeister said he had reviewed Chapter 17.42 in preparation for this and he noticed that it didn't actually address signs that were off of the building frontage. He was curious, if it wasn't addressed in there, how was it nonconforming? Mr. Pipinich said the Zoning Ordinance is what is permitted, so Section C, that section that he illustrated listed on-premise signs permitted in commercial and industrial zones. He said so those were the signs that were permitted. He said the Zoning Ordinance did not list everything that was unpermitted. Everything that was not listed was unpermitted. He said that was just how all sections of the Zoning Ordinance read. He said so, it listed the signs that were permitted and everything not listed was unpermitted. He asked if that answered his question.

Mr. Burmeister said yeah, it did he thought. Mr. Burmeister said so under that scenario, then the applicant could request a variance and essentially have a nonconforming sign, a legal nonconforming sign, was that how the process should play out? Mr. Pipinich said the section of the powers of the Board that he read, he thought it was Section C or the third one or something like that, said that you could grant variances upon appeal, if it was found to meet the criteria, the not contrary to the public interest, that there was a hardship and that it was in the spirit of the Zoning Ordinance. Mr. Burmeister said okay, thank you.

Mr. Wing asked if any other Board members had any questions of the staff. There was no response.

Mr. Wing said they would now give the applicant and/or her agent an opportunity to present their presentation to the Board and the reasons they were appealing the decision that was made and reasons why they

believed that it was appropriate for this sign to appear on the side of the building. He asked who would speak first.

Ms. McAdam said they had the same concern, as far as the clarity of the definition of the frontage, as Loren (Burmeister) did. When they placed the signs, looking at the surrounding area, and now seeing the definition of the frontage, they had no indication that where they placed the signs was actually going to be an issue. She said across the street from them were two businesses that did the same exact thing, so there was no idea that this was actually going to be a problem. She said this wasn't an intentional or a malicious intent of any kind.

Ms. McAdam said the other concern that she had there was this to her seemed like a very unequal enforcement of this particular issue. She said she actually took a little drive that morning, just out of curiosity, to see how many north and south facing signs there were on Harrison and she counted seventy-nine. She said granted some of those probably were grandfathered in and some probably were replacements of older signs but she knew some of them were less than five years old, so to target hers specifically and to turn it into something that has drawn out like this, she found kind of aggravating. She said again, yes, they missed a permit in the process of this whole renovation – that was an error. She thought that should have been the violation in question and she would have more than happily paid the permit fee. She had no problem with that and the late fee. She said that wasn't an issue but it wasn't malicious intent that was done to put up the sign, it was a way for people to find her business. She said ninety percent of people who went there said the only reason they knew where to turn was because of that south facing sign. She said if they had to depend on the one facing the road, they drove right by it because at 35 mph on Harrison, you didn't have a chance to see it, so you were going to drive by and you had to turn around and go back and try again. She said this had been a useful location and a proper spot for that sign.

Ms. McAdam further said the concern they had too with relocating the sign was if they put it on the roof, they had now punched a hole in the roof which posed issues for possible leaks in the future. She said it was a large sign, so then we have microbursts come through that could potentially rip it off the roof causing more damage. She said the posts that they were suggesting they anchored it to – she didn't know if

anybody noticed the photo in the paper – it was rusty and fifty years old. The integrity of that post wasn't something that she would think was probably real great at this point. She said so again, you anchor a giant sign to it and it gets blown over, it could land smack on her building and do more damage, so what she was saying there was they were going to create more expense for a sign that was properly placed and it had electrical already running to it for nighttime lighting and it made absolutely no sense to her to relocate it when it was a functional location as is.

Ms. McAdam then said one of her favorite arguments that she got was when she was in communication with Dylan (Pipinich) was that a local guy would have known that this sign couldn't be side facing. She called and spoke with two local sign contractors, one of which had been in business for twenty-five years and he said he had never heard of this. She said she found that interesting and he was actually kind of flabbergasted by this statement. Ms. McAdam said again, this unequal enforcement she was finding a bit suspicious was kind of the word she was going to use. She didn't – she had been told don't feel like she was being singled out but she very much felt that she was singled out.

Ms. McAdam then said she would much prefer to leave the sign where it was.

Ms. McAdam said the last thing she was going to bring up there was she, like many other businesses this year had suffered significant losses thanks to Covid and spending \$5,000 to \$8,000 to move the sign really wasn't in her budget, so she would really like to not spend that money to do more damage to a sign that was going in a perfectly good location. If they could preferably leave it where it was, if that required a variance, that would be great. She said she would leave that in their hands and hoped that could be done. She said she appreciated the time.

Mr. Wing thanked her.

Mr. Wing then asked if any Board members had any questions they would like to address to Ms. McAdam. There was no response.

Mr. Wing then asked if Angie Hasquet had anything to add to the presentation. Ms. Hasquet said she would and would direct them to the initial section under the signs and that was 17.42.10 – the purpose and she said it was pretty clear there that the intent of the title was to coordinate types, placement, dimension of signs within the different use zones – to recognize the commercial communication requirements of all sectors of the business community – to encourage the innovative use of design – to promote both renovation and proper maintenance – to mitigate the impacts of commercial signs on Butte’s surrounding natural scenic beauty – to allow for special circumstances and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. It said those shall be accomplished by regulation of the display, erection, view and maintenance of signs. She said the last sentence there, no sign shall be permitted as a main or accessory use except in accordance with the provisions of this title. She said under their understanding and under a plain reading of that signage rule, they didn’t appear to be in violation and she understood the other coin of that but she said she certainly had no notice that this was nonconforming until she reached the violation because as she said, she was looking across the street, she was looking everywhere around her on Harrison and there was no other seemingly enforcement of this rule, so she had no notice there. She said it was not consistently enforced.

Ms. Hasquet said there was this discussion of trading but that was not written anywhere, so it seemed like there was the ability to make exceptions under certain circumstances, which was what, at a minimum, they were looking for to happen there that day and as far as proliferation went, trading was not preventing proliferation and she had a sign that was innovative and new in design and it had been renovated and it was going to be properly maintained and didn’t negatively impact the area at all, in fact it would improve it. She said they would just ask for some consideration with either a variance or some clarity on that section.

Mr. Wing thanked her.

Mr. Wing then asked if any Board members had any questions of Ms. Hasquet. There was no response.

Mr. Wing said he would be asking for phone-ins but before he did that, there were a number of letters in support of Ms. McAdams' application that were attached to the report as Appendix B.

Mr. Wing said he would then ask if there was anybody listening who would like to speak in support of this application. He said they were going to put up the number just so there was no question about the number they should call, if they wanted to support the application.

Ernie Saracki called in and asked if he could just advise the Board, that he was the Zoning Enforcement Officer and he wasn't for or against this. He said he advised the Board members that if they had other questions or if the Planning staff had any questions regarding this matter to just go ahead and ask him. He said he was the person who spoke with Ms. McAdam and if there was anything he could answer for them. There was no response.

Mr. Wing asked if there was anyone else who cared to phone in in support of this application. He said there was no one attempting to call in.

Mr. Wing then said he would ask -- Lori Casey said before he asked for opponents, they should note that there was written comment received and the Board was sent those out in favor and in support of Ms. McAdams. She said they received comments from:

Debra Lawson Pascua , 2603 Walnut
Steve Shannon – no address listed
Charlie O'Leary – 3060 Beef Trail
Donavon Hawk - no address listed
Joe Kissock – no address listed
Jim Fisher – Commissioner District #6
Michele Bazzanella – 1313 W Platinum
Darlene Allen – 4825 Foothill Road

Mrs. Casey said if they wanted those read into the record, they would be happy to read those or else they did receive them that afternoon after the four o'clock deadline for written comments.

Mr. Wing asked if the Board members had those or did they want them read into the record. He said he thought all Board members had those, at least he wasn't seeing anybody indicating otherwise. He said he didn't know if the applicant wanted them read into the record but they would sure give them that opportunity. He said they were part of the record already. Mr. Wing asked Ms. McAdam if she wanted those read into the record. She said that would be great because she hadn't heard them. Mr. Wing said that would be fine and that they could read them into the record.

Mrs. Casey and Mr. Pipinich read them into the record and they are attached and made a part of these Minutes.

Mr. Wing said they had now heard everybody who was in support of this application, either by a telephone call or by the letters that were attached to the report and by the information, the letters that were just read to them by Mrs. Casey and Mr. Pipinich.

Mr. Wing said he would now ask if there was anybody in opposition to this particular application. He said he would first ask Mrs. Casey or Mr. Pipinich if they had received anything in opposition to the application. Mrs. Casey said no, they did not receive any written comments.

Mr. Wing said now if anybody was listening, the opportunity to call in and voice any opposition that they might have to this application – again this would take a few minutes. The number to call in was 497-5009.

Mr. Wing said there was no one phoning in in opposition to the application.

Mr. Wing then closed the public portion of the meeting and opened it for Board discussion.

Mr. Wing asked if any Board members had any thoughts they would like to share with the rest of them concerning this matter.

Todd Collins said he had kind of prepared a statement he would like to read. He said he wanted to thank the staff and Dylan (Pipinich). They had a tough job. He knew that it seemed like this person had been

singled out. He said he thought the biggest mistake she made was probably making too nice of a sign. He said her signs were beautiful by the way and he thought they were great and he was not opposed to the location at all. He said with that said, it didn't relieve the fact that according to the zoning section 17.42 – there was an argument that that sign was nonconforming.

Mr. Collins didn't think she was singled out was what he was trying to say. He said that sign was pretty obvious. He said not buying a permit, generally the sign company knows that you need a permit -- when you hired any kind of professional, they know that they need a permit, so that was one thing that wasn't really excusable.

Mr. Collins then said he was all for granting a variance that night for this sign. He thought if they could get through this – he had a motion after they heard more comments, that he thought would solve all of this. He said he would leave the rest to whoever wanted to come up next.

Mr. Wing asked if any other Board members had any comments that they would like to make in regard to this application.

Mr. Burmeister said he would somewhat kind of like to echo Mr. Collins' comments. He appreciated what the zoning officers were trying to accomplish. He thought one thing that was really highlighted to him through this entire case was the past lack of enforcement on those different things. He said as you began to look at all the nonconforming signs and nonconforming other features throughout our town, enforcement was necessary. He said at some point there was going to be a case in every one of those situations where it felt like somebody was being singled out because enforcement had never been carried out in that particular area. He said with that said, it still had to be done and had to start somewhere, so he appreciated those efforts. He thought they were worthwhile and important to start changing the look of our town and accomplishing what the Ordinances are intended to do.

Mr. Burmeister further said he had also heard from several Commissioners on this topic and he thought there was acknowledgement, especially at this particular Ordinance, it may need

to be updated. He said one thing he personally had a pet peeve with was when they had an Ordinance in place and it wasn't routinely or consistently applied and so if it was not going to be routinely or consistently applied, then the Ordinance should be changed. He thought there was appetite by the Commission to start to look at some of these Ordinances and make sure the Ordinances were appropriate, so that they were not just on the books and not being enforced.

Mr. Burmeister then said all of that said, he too thought it was a very nice-looking sign. He said the way they displayed it, he thought was appropriate. He said it was actually nicer than if it was on the pole or on the top of roof and it served the function, like was said of showing people her entrance, so he would be supporting the motion but like he said, he also wanted to emphasize that it was important for Butte staff to continue to identify those issues and enforce and begin to ensure that our Ordinances and Codes were enforced.

Mr. Wing asked if any of the remaining Board members had any comments that they would like to make in regard to this matter.

Sylvia Cunningham started to ask a question but wasn't heard.

Mr. Wing said he had a comment of his own. He said he agreed with Loren (Burmeister) and Todd (Collins) and didn't think that the applicant was singled out with regard to this enforcement action. He said as he read the Ordinance in question concerning signs, she clearly should have applied for a permit. The permit may not have been granted and then the next step in the process would be to appear before the Board seeking a variance with regard to the sign in question. In view of the public support that had appeared that night in support of the application, he had no doubt that most of the Board members, he couldn't speak for all of them, would have supported a variance and permitted the sign, so again he wanted to make a point that this was not a question of selective enforcement. He said the Planning staff had an obligation to enforce the Ordinances as written and he believed they did that job with fairness and without any selective enforcement.

Mr. Wing said with that being said, he too would support a motion leaving the sign as it existed now.

Mr. Wing asked if Garrett (Craig) had anything he wanted to say or Sylvia (Cunningham).

Ms. Cunningham couldn't be heard and Mrs. Casey said they would have her come back and use another mic.

Ms. Cunningham said that the point she was interested in was had there been a permit secured for the signs at all. Mr. Wing said no – well the first one he suspected but in regard to this particular sign that faced south towards the parking lot, that was the issue before them. She said if Ms. McAdam had known there was a permit required for the sign or if it had been overlooked, at that point when she would have applied for the permit, she probably would have gotten the Code that would have addressed all of the issues and all of the specifications for that. Mr. Wing said that was entirely possible but they couldn't really speculate about that. Mr. Wing said she was probably correct.

Ms. McAdam started speaking and Mr. Wing said she was speaking out of turn. She said she was sorry and he said that was okay and that was how those things went but he had to make sure that Sylvia (Cunningham) said all that she wanted to say with regard to this matter.

Ms. Cunningham said she was interested in the permit issue, if one had been done yet, but that answered her question.

Mr. Wing asked if Garrett (Craig) had any questions or comments.

Garrett Craig said yeah, he would tackle the previous statements. He said he thought Ms. McAdam had a very well put together sign and very presentable but he also thought she wasn't singled out. He said when he read the Ordinance, he did not get that this was a permissible sign. He said he guessed the question, the comment he would have been given the other options that were available to her, mount the sign on the roof or mounting a sign on the existing pole, he thought there were options that might have been permissible and have accomplished her purpose in terms of locating her business and being presentable and still falling within the guidelines of the Ordinance. He guessed his comment was if this truly met the definition of a hardship, as the sign was placed right now, given the options that were available to her at the time.

Mr. Wing said they had now heard everybody make comments with regard to this application. He understood Mr. Collins had a motion that he would like to make, was that correct?

Mr. Collins said he would and he would welcome other Board members to add to this or suggest that he take something out.

Mr. Collins said he would like to make a motion to approve the applicant's appeal of the Zoning Officer's Decision (#16712) with the following conditions:

1. All other Sign Code rules, especially concerning the lighting, shall be met.
2. Applicant or the Contractor shall pay a double permit fee.
3. No other business signs shall be allowed on the building, roof or existing sign pole.

Mr. Collins said he was prepared to make a motion that they grant a variance for this sign that night and that was within their power.

Mr. Wing asked the Planning staff for any guidance with regard to the motion that was made or if they had any other conditions that they might think would be appropriate under the circumstances. Mrs. Casey said the Planning staff had no conditions to add.

Mr. Wing asked if the motion had been seconded. Loren Burmeister seconded the motion.

At this point the Board voted on the motion to approve the appeal.

Mr. Wing asked them to raise their hands since they were at a virtual meeting.

Appeal of the Zoning Officer's Decision #16712 – Conditionally
Approved

Loren Burmeister	For	Todd Collins	For
Garrett Craig	Against	Sylvia Cunningham	For
	David Wing	For	

Loren Burmeister voted “For” the motion to approve the appeal – “While I would have preferred that the process require the applicant to officially submit a variance request with her sign permit, I understand that BSBMC requires the process followed tonight. As such, I support granting the variance despite not having all information and conditions that might have been available through a formal variance request.”

Todd Collins voted “For” the motion to approve the appeal – “With written conditions.”

David Wing and Sylvia Cunningham voted “For” the motion to approve the appeal.

Garrett Craig voted “Against” the motion to approve the appeal – “Section 17.42.050 C (7) clearly conveys the sign is in violation of the Ordinance; alternatives were presented to the applicant, which were not utilized and could have met her intended purpose; granting of variance could provide an unwanted precedent, given there is no justifiable hardship.”

Mr. Wing said there were four votes in support of the motion and one vote against the motion. He said that meant that the motion had been approved and the application had been granted. He said she would be receiving a letter from the Planning staff to that effect.

Mr. Collins said he wasn't sure that Garrett (Craig) understood the vote. He thought he looked – maybe he wanted to vote against it – he looked kind of puzzled there and thought he might want to ask him. Mr. Wing said he had no problem and asked Mr. Craig if he was kind of puzzled with the way they worded everything. Mr. Craig said no, he did truly vote against the motion. Mr. Wing said he felt that the sign shouldn't be there.

Mr. Wing again repeated that Ms. McAdam would be receiving a letter from the Planning staff.

Mrs. Casey asked Mr. Wing to remind the Board members to do the written ballots for the record. Mr. Wing thanked her for calling that to his attention, as he had forgotten. He said there was a paper ballot that needed to be filled out and submitted to the Planning staff. He said it would be easy for him, Todd (Collins) and Sylvia (Cunningham) to do it that night but Loren (Burmeister) and Garrett (Craig) would need to get them to the Planning staff, as soon as they could. Mrs. Casey said the staff would also be happy to pick them up – just call and someone from the office could pick them up.

Mr. Burmeister asked if he could scan and e-mail it and Mrs. Casey said that would be acceptable.

IV. Other Business:

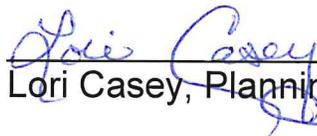
Mr. Wing asked if there was any further business. Mrs. Casey said no.

V. A motion was made to adjourn. Seconded and passed. The meeting adjourned at 6:55 P.M.

By:



David Wing, Chairman



Lori Casey, Planning Director

Larson, Roxie

From: Debra Lawson Pascua <deblawsonpascua@gmail.com>
Sent: Thursday, September 10, 2020 2:24 PM
To: BSB Planning
Subject: BSB Zoning/Planning Public Comment in regards to Copper City Physical Therapy

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Dear BSB Zoning and Planning;

I am making a public comment in support of Copper City Physical Therapy being able to keep their sign on the side of their building, as everyone else in the surrounding blocks have been able to.

I read the Montana Standard article stating both sides of the issue. I will make a list of points.

1. There seems to be an issue with a Public Declaration of Zoning Rules. I don't understand why there is not. We can go online and see Montana State Code, Local Laws, and tremendous description to what state and city agencies do and enforce. How can all the other businesses in that area be Grandfathered in; if there is no Public Notice of the Zoning Specifications for this zone?
2. This seems to be a simple error on the BSB Zoning/Planning to make information about what they do and enforce, and the rules available to the public.
3. Therefore, it is **not upon one business owner to unfairly suffer consequences out of the blue, be made an example of and treated as a wrong-doer** and eat the costs of the mishandling; when there has not been enforcement for many other businesses within a few blocks.
4. **Not enforcing the Unpublic Zoning Laws in a mistake of the BSB Zoning and Planning Department to Rectify, not burden a completely responsible business owner.**
5. **Jacque McAdam has very responsibility managed her business and always followed rules and statutes, and Provides Employment with Full Time Living Wages and Benefits. Have any of you looked for work recently in Butte MT? It is very hard to find employers that value their workers, enough to provide fair jobs, completely above board with fair wages and benefits.**
6. Have any of you driven by those blocks? I can say from personal experience that I normally have to drive around those blocks two or three times to find the signage of the business I am looking for because it is a high traffic area that usually goes fairly fast, and the signs are so understated that one has to know exactly where they are going.
7. The businesses of the area are not particularly attractive for the city. I don't understand how out of all the business owners that are allowed to have side signs on those blocks that the one business that has been cared for enough to look presentable as a clean, well run, properly maintain business with an attractive exterior, would be made to take down a sign that is very attractive.
8. The suggestion of a sign placed on the roof is ridiculous. How does that reduce signage. That would look ugly, tacky, undesirable and would make those blocks look ever shabbier than they already look.

9. This is clearly a department of the city, using one responsible business owner as an example to enforce a rule that the planning city has not adequately communicated or enforced, and so only that one business owner is supposed to go through the expense of wasted very attractive signage attractively placed on well maintained property.

10. This is a responsible business owner who has steadily increased business and followed all business laws and requirements since she started and so each year is providing much full time livable jobs with benefits for physical therapists, support staff, contractors and all their laborers, and revenue from all the local vendors that they support. And you want to limit her ability to attract business with her attractive building and signage that frankly is in a neighborhood that is not very attractive with attractive signage, so that she can limit her ability to increase the economy within the city of Butte.

11. I have known many business owners that have come to Butte with good intentions, and eventually gave up because of the Erratic conduct and enforcement of rules in this town.

12. There is no need to wonder what Butte's economics are suffering when city business is run so irresponsibly that their isn't even Public notice of the zoning rules and erratic enforcement.

That is all I have to say. It is not that I do not respect and appreciate the city's work. I simply think this town looks like an upheaval and allowed to do that because of lack of money, enforcement, and the desire of the citizens to keep things old stagnant and run down.

But why punish the people that are trying to improve the conditions of this town? Why make them the sole examples for mistakes that are the responsibility of your own department. I would say before you enforce the zoning rules for just one business owner - that you at least make them public and clear. And that you enforce the same for everyone, rather than conveniently saying they were at some point grandfathered in? When? When was this made public?

Sincerely,

Debra A Pascua
deblawsonpascua@gmail.com
2603 Walnut Street
Butte MT 59701

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Larson, Roxie

From: Steve Shannon <sshannon@bresnan.net>
Sent: Thursday, September 10, 2020 2:18 PM
To: BSB Planning
Cc: Shannon, Steve
Subject: Copper City Physical Therapy

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

I'm writing in support of Copper City PT. My wife and I are both customers of Jackie and her wonderful staff.

I looked for the ordinance in the online BSB Ordinances, but even though the online BSB Ordinance has a "Sign Code" section, I found nothing in that related to this. I'm unsure where to find the exact ordinance. Maybe that's part of the problem?

I drove along Harrison from Amherst to Copper City PT yesterday and nearly every business has one sign on the front of their building and another somewhere that is visible to approaching cars. That's a good thing and contributes to safety. Have you ever tried to look for an address number while driving on a busy street like Harrison? One sign in the front is difficult for the driver to see. Having a sign that faces traffic makes it much easier to see where you're driving so you don't have to drive slowly and try to read front facing signs as you drive past.

The worst part of this is that it's so very obvious that if this is truly an ordinance, it's being selectively enforced. The response? From the Mt Standard article "They acknowledge that other businesses have frontage and side signs, but say many were "grandfathered in" under the ordinance, took advantage of an unwritten department "trade" practice or have received zoning variances." In case you don't recognize it, "an unwritten department practice" is code for "we are the government and we make the rules we want." What about the Pot Shop that's the building to the south of CCPT? They have almost exactly the same types of sign as Jackie, a wall sign facing south and a sign on the front. They couldn't possibly be old enough to be grandfathered.

Pipinich says it's black and white, yet says that signs for surrounding businesses are covered by "an unwritten department trade practice"?

How about this: "We do our very best to catch the ones that come to our attention and this is one we caught," Pipinich said. "Other ones have been caught in the same manner." How anti-business does that sound?

Do these people even hear how they sound? This doesn't pass the sniff test.

It's not a surprise businesses leave Butte. A difficult to find ordinance, not easily found in the "Sign Code", and selectively enforce based on the chance that they catch someone. Any regulation that lends itself to such selective enforcement should be voided. Any government employees who choose to selectively enforce such regulations should be sanctioned or terminated.

Steve Shannon
(406) 490-7855

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Larson, Roxie

From: Charlie O'Leary <staghornranch@gmail.com>
Sent: Thursday, September 10, 2020 2:09 PM
To: BSB Planning
Subject: appeal by Copper City PT

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Dear B-SB Zoning Board,

Please accept this comment concerning the south facing sign for Copper City PT. I have driven by the location a couple of times now since they opened and find nothing offensive or obtrusive about their signs. Their south facing sign is not anything unlike the many signs across the street (Pour House Pub, Homestead Real Estate, Redline Sports, & the Barber shop) or the many other commercial signs up and down Harrison Avenue.

Harrison is a commercial thoroughfare with a 35 mile per hour speed limit. Retail shops need to catch the eye of traffic and this is difficult with only a front facing sign. People driving 35 (or faster) do not need to be distracted by having to look sideways for some business's location. A south facing sign of reasonable size that is not a neon flashing eyesore is perfectly acceptable to me.

I am very grateful for any individual who makes a half million dollar investment in Butte during these times. We hear B-SB elected officials and economic development staff go on and on about the need for more viable businesses in Butte. We all know that Butte is a hard sell sometimes compared to other Montana urban centers. I support this business and any others that add to our tax base for schools and local government. I hope you do too. And frankly, we have a lot more bigger problems to solve in Butte than a four foot square sign.

Sincerely, Charlie O'Leary 3060 Beef Trail, Butte

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Larson, Roxie

From: Donavon Hawk <ddhawk81@gmail.com>
Sent: Thursday, September 10, 2020 1:38 PM
To: BSB Planning
Subject: Sign issue

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Dear Planning Committee,

I believe I join the voices of many others in the community that Jacquie McAdam has spent a lot of her personal money to renovate a Butte building and transform it into something amazing on Harrison. I believe there are much bigger projects and problems to focus on in Butte. We want to encourage not discourage business owners to help renovate our buildings. Thank you for your time and consideration in this matter.

--

Donavon Hawk
Butte, MT 59701
[\(406\)533-9125](tel:(406)533-9125)

This message did not originate from a Butte-Silver Bow email and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Larson, Roxie

From: jak@montana.com
Sent: Thursday, September 10, 2020 3:27 PM
To: BSB Planning
Subject: Copper City Physical Therapy

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

My name is Joe Kissock I am a real estate broker here in Butte I would really appreciate the board voting in favor of Jackie keeping her beautiful signs the way they are they are not an eye sore or a distraction for the driving public she has invested a considerable amount of money in her property & really helped show the public that she thinks Butte is worthy of a huge investment when there seems to be hardly an development in Butte.

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Laird, Carol

From: Fisher, James
Sent: Thursday, September 10, 2020 3:32 PM
To: Casey, Lori
Cc: Palmer, Dave; Laird, Carol
Subject: Sign at Copper City Physical Therapy;

All;

Good day hope all is going well. Please read my comments into the record at the meeting this evening. I see no problem with the sign and its location and ask the board to allow the sign to remain. If the ordinance needs to be changed lets start the process. Our Community is growing and we are suffering some growing pains. Lets make the adjustments needed to allow and welcome businesses to come to Butte. I ask for the board to allow this sign to remain as is and where is.

Any questions or concerns please contact me Jim Fisher BSB Commish Dist # 6. Ph. 406 491 8427. Thank you for your service to Butte Silver Bow.

Best wishes,

Jim Fisher

Messages and attachments sent to or from this email account pertaining to the City-County of Butte-Silver Bow business may be considered public or private records depending on the message content (Article II Section 9, Montana Constitution; 2-6 MCA).

Laird, Carol

From: noreply@civicplus.com
Sent: Thursday, September 10, 2020 9:59 AM
To: BSBMIS; BSB Webmaster; Nasheim, Mike; Laird, Carol
Subject: Online Form Submittal: Contact Butte-Silver Bow

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Contact Butte-Silver Bow

Contact Information

Please complete the form below to submit your questions / comments to Butte-Silver Bow. If you would like to contact us by phone or email, refer to the "Staff Directory" for contact information for specific departments and staff.

First Name	Michele
Last Name	Bazzanella
Address1	1313 W Platinum St
Address2	Field not completed.
City	Butte
State	Montana
Zip	59701-2125
Phone Number	(406)782-4087
Email Address	michelebazzy@yahoo.com

Questions or Comments

Please select the department(s) or service(s) related to your message:	Building & Code Enforcement, Zoning
Please leave your comments or questions below.	Good morning, Today I read the front page article in the Montana Standard regarding the zoning board pressing an enforcement matter regarding signage. I find it discouraging for a couple of reasons, and I hope that the county will consider putting our

taxpayer resources to use in a more productive manner.

1. The county has allowed distracting eyesores around our community including electronic billboards flashing for 24 hours per day, dozens of "no parking" or "no trespassing" signs attached to buildings, massive pole signs obstructing the skyline, and the list goes on. The sign on the side of Copper City PT with lights pointed downward onto it is not an obnoxious eyesore. It should be an example to many businesses in Butte of what to do, rather what not to do.
2. To suggest that this sign could instead go on top of the roof or on a pole is absurd. How would that result in less "proliferation of signs"?
3. Pipinich' remarks that "We are a regulatory department in zoning," "It is black and white." is an interesting statement about his job and title. If the job of Senior Planner is so black and white, then why is there not any uniformity in our community? Good planning generally involves developing and guiding a process, not checking boxes and after the fact enforcement. If zoning guidelines are not clear, then you should evaluate them.

I hope that the county will consider it's priorities and overall intent. Take a drive around Butte and ask yourself whether this sign on the side of a building warrants the taxpayer resources you are expending, and if your efforts are truly protecting and improving our community.

Respectfully submitted,
Michele Bazzanella

Attach a File

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

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Laird, Carol

From: noreply@civicplus.com
Sent: Thursday, September 10, 2020 2:47 PM
To: BSBMIS; BSB Webmaster; Nasheim, Mike; Laird, Carol; Bradford, Jennifer
Subject: Online Form Submittal: Contact Butte-Silver Bow

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Contact Butte-Silver Bow

Contact Information

Please complete the form below to submit your questions / comments to Butte-Silver Bow. If you would like to contact us by phone or email, refer to the "Staff Directory" for contact information for specific departments and staff.

First Name	Darlene
Last Name	Allen
Address1	4825 Foothill Road
Address2	<i>Field not completed.</i>
City	Butte
State	MT
Zip	59701
Phone Number	406-494-4492
Email Address	evensteve@bresnan.net

Questions or Comments

Please select the department(s) or service(s) related to your message:	Building & Code Enforcement, Building Permits, Council of Commissioners
Please leave your comments or questions below.	I have found the charge for zoning restrictions about signs is one of the most ridiculous things I have heard for a long time. Have any of you driven down Harrison Avenue lately and seen the signs on that street? Now remind me how many of you have lived in Butte and seen the changes along Harrison

Avenue and many of the other streets in Butte. As a citizen who has been a client of Copper City PT for many years, I find that the sign in question is exactly where it should be. You can see it as you are driving down Harrison to let you know there is a parking lot next to the building you can park in plus you can also park in front, provided you can get a spot that is not being taken up by Canterra Properties who is in the next building. The sign on the front of the building is difficult to see where as the one on the side is much easier. It is not obnoxious like some of them are on Harrison. CCPT provides a service for Butte people and has made a once rather dull and insignificant building into a building that has improved the looks of the area and put some life back into Harrison Avenue. When someone is willing to make improvements to a building in Butte, they should be commended for the job and not harassed by the local zoning people who have not changed any laws for many years but seem to go back to the age of "We are going to do it just because we can." Make it better for businesses to come to Butte and stay here rather than trying to run them out.

Attach a File

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

This message did not originate from a Butte-Silver Bow email and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.



Zoning Board of Adjustment

The City-County of Butte-Silver Bow Virtual Meeting September 10, 2020

5:30 P.M. Thursday

Members

- David Wing - Chair
Loren Burmeister
Todd Collins
Garrett Craig
Olivia Cunningham
Julie Jaksha
Tyler Shaffer

AGENDA

APPLICANT OR REPRESENTATIVE MUST BE PRESENT FOR THE VIRTUAL MEETING

- I. Call to Order.
II. Approval of the Minutes of the meeting of July 16, 2020.
III. Hearing of Cases, Appeals and Reports:

The meeting may be attended virtually at https://co.silverbow.mt.us/2149/MEDIA. Public comment via telephone at (406) 497-5009 during the public comment period of the meeting at the above-mentioned website. Written comments will be accepted until 4:00 p.m. on Thursday, September 10, 2020, and may be submitted by email to planning@bsb.mt.gov or mailed to:

BSB Planning Department
155 W. Granite Rm 108
Butte, MT 59701

Appeal of the Zoning Officer's Decision #16712- An application by McAdam Properties, LLC, c/o Jacqueline McAdam, owner, and Angie Hasquet, agent, to appeal the Zoning Officer's decision per Section 17.54.030 - Appeals of the Butte-Silver Bow Municipal Code (BSBMC), that a wall sign facing the parking lot of the subject parcel is not permitted by Section 17.42 - Signs of the BSBMC. The property is located in a "C-2" (Community Commercial) zone, legally described as Lots 6-8 and the north half of Lot 9, of Block 1 of the Lennox Addition, commonly located at 1826 Harrison Avenue, Butte, Montana.

- IV. Other Business.
V. Adjournment.

BY: [Signature]
Lori Casey, Planning Director

**BUTTE-SILVER BOW
ZONING BOARD OF ADJUSTMENT
STAFF ANALYSIS**

ITEM: Appeal of the Zoning Officer's Decision #16712 – An appeal by Jacqueline McAdam that a wall sign facing the parking lot of the subject parcel is not permitted by Section 17.42 of the Butte-Silver Bow Municipal Code, per Section 17.54.030, Appeals, of BSBMC.

APPLICANT: Jacqueline McAdam, 1826 Harrison Ave., Butte, Montana, owner, and Angie Hasquet, agent.

DATE/TIME: Virtual Meeting, Thursday, September 10, 2020, at 5:30 P.M., from the Council Chambers, Third Floor, Room 312, Silver Bow County Courthouse, Butte, Montana. A WebEx invitation will be sent to the applicant on September 10, 2020 via email to join the meeting. All other interested parties may attend the meeting virtually at <https://co.silverbow.mt.us/2149/MEDIA>. Public comment will be via telephone at (406) 497-5009 during the public comment period of the meeting at the above-mentioned website.

REPORT BY: Dylan Pipinich, Assistant Planning Director

VICINITY MAP:



LOCATION/

DESCRIPTION: The property is located in an "C-2" (Community Commercial) zone, legally described as Lots 6-8 and the north half of Lot 9, Block 1 of the Lennox Addition, commonly known as 1826 Harrison Avenue, Butte, Montana.

APPEAL: Per Section 17.54.030 – Appeals of the Butte-Silver Bow Municipal Code (BSBMC), the applicant is appealing the Zoning Officer's decision that an unpermitted wall sign on the south elevation of the building is not in compliance with Section 17.42 of the Butte-Silver Bow Municipal Code (BSBMC).

**STAFF
FINDINGS:**

Sign specifications have been established to prevent the proliferation of signs within the Butte community, to eliminate the potential for signs to have a negative impact on the surrounding or adjacent property owners and to protect the natural environment. Section 17.42.050 – On-premises signs lists the zoning requirements for on-premises signs in Butte-Silver Bow. More specifically, subpart C-7 of this section describes permitted wall signs in Commercial and Industrial Zones.

Section 17.42.050-C (7) states that one or more wall signs per building frontage are permitted, if the sign meets the size requirements for the zones listed. Section 17.42.030 – Definitions defines "Frontage, building" as "any side of a building which faces a public right-of-way." Therefore, signs are only permitted on building elevations facing public rights-of-way.

In January of 2020, the applicant and her contractor received a building permit for the interior remodel of the building to accommodate a physical therapy office. All commercial projects are tracked by various Butte-Silver Bow departments at a bi-weekly progress meeting to help

ensure compliance of the construction with all ordinances enforced by various departments throughout the lifespan of the construction project until the certificate of occupancy is issued. It was noted by a Butte-Silver Bow staff member at this progress meeting that signs have been installed at 1826 Harrison Avenue without a permit. A code enforcement officer was requested to investigate, at which time the officer notified the property owner that a permit is required for signs and that one sign is out of compliance with the municipal code. The applicant is now appealing that decision.

It should be noted that in conversation with the owner and the owner's contractor prior to the appeal being received, Planning staff reiterated several options for the sign that are in compliance with the municipal code. Those options include:

- placing the sign on the roof; or
- utilizing the existing freestanding sign pole located on the property.
- It has also been a policy of the Planning Department to allow "trading" frontages by allowing wall signs to be placed on elevations with no frontage in lieu of placing signs on the street frontage elevation, as this does not add to the proliferation of signs within the community.

All three of these options were offered to the applicant and her contractor prior to the appeal.

It should also be noted that the applicant has identified several signs in the vicinity that are located on building elevations with no frontage. There are several reasons for such signs:

- including signs that were constructed prior to the adoption of the sign ordinance that are "grandfathered";

- sign faces that were replaced on grandfathered signs, signs that were “traded” for frontage signs; or
- unpermitted signs that are out of compliance.

As stated above, bi-weekly construction project progress meetings are conducted by Butte-Silver Bow staff from several departments to help ensure construction within our community is in compliance with all applicable municipal codes. In addition, a position has been recently created in the Community Enrichment Department specifically dedicated to zoning enforcement in an attempt to help ensure not only code compliance, but to protect the public interest and general health and welfare of the community through code compliance. Examples of unpermitted signs, as demonstrated in the appeal, only reinforce the necessity for the efficiencies made toward code enforcement over the last two years by Butte-Silver Bow staff.

CONCLUSION: Section 7-1-114(1)(e) Montana Code Annotated (MCA) provides that a local government with self-governing powers, which includes Butte-Silver Bow, must comply with all State laws that require or regulate planning or zoning. Montana Code Annotated as well as Section 17.54 – Board of Adjustment of the BSBMC defines the powers of the Board as follows:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the enforcing officer in the enforcement of this chapter of this title;
- B. To hear and decide special exceptions to the terms of this title upon which such Board is required to pass under such Ordinance;
- C. To authorize, upon appeal in specific cases, such variance from the terms of this title, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of title will result in unnecessary hardship,

and so that the spirit of this title shall be observed and substantial justice done.

- D. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of this title, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Unnecessary hardship, as defined by the Montana Supreme Court, must result from a condition unique to the property, such as a unique property shape, topographical feature or geological trait. This quality must preclude the applicant's ability to place a structure on the property in compliance with the Zoning Ordinance. The hardship may not result from a condition created by the applicant.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the Enforcement Officer erred in an order, requirement, decision, or determination rests with the applicant(s).

Applicant(s) hereby certifies that the information provided in this application is correct and true.

Applicant(s):

Jacqueline J. McAdam
Signature

08/05/2020
Date

Jacqueline J. McAdam
Print Name

Signature

Date

Print Name

Designation of Agent:

I (we) hereby appoint the person named below as my (our) agent to represent me (us) and act on my (our) behalf in this request for an appeal, as he/she deems necessary and proper.

Annie Hasquet
Print Agents Name

[Signature]
Signature of Agent

7/30/2020
Date

Signature of Applicant

Date

Sign Issue:

Tuesday, July 14, 2020: Verbal notification received by Department of Community Enrichment – Sign on the side of building is “out of code.” They became aware because a “complaint was received.” Representative said contractor would need to contact the Planning/Zoning department.

Owner notified contractor, Dave Svejovsky re: this issue. He was in the Zoning/Planning office already, and reported he would go see what was going on.

Friday, July 17, 2020: Spoke with Dave Svejovsky by phone. He reported in 40 years of building/contracting, he had NEVER heard of permitting signs. He had gotten the paperwork, and was working on the sign permits. He was also told the sign on the side of the building would have to come down because it was “out of code.” He suggested Owner speak with Dylan in Planning/Zoning about an appeal.

Owner reviewed the BSB Sign Ordinance posted online.

Monday, July 20, 2020: Owner, Jacquie McAdam, contacted Dylan Pipinich in Planning/Zoning to ask which ordinance was being violated and to request a copy of the complaint. Dylan reported there was no written complaint. He reported the sign was in violation of BSB Sign Ordinance: On Premises Sign – Section 7. Owner reported she had reviewed this and saw no information regarding signs on the sides of buildings. He noted the ordinance focused on the “frontage” meaning facing the street. He mentioned a “local sign guy would have known this.” Owner brought up the point there are multiple signs in the area facing to the side in the exact same fashion, including 2 directly across the street. Dylan mentioned they may have been “grandfathered in.” Owner then requested documents to file an appeal. Dylan stated: “It would be a waste of your time. The Zoning Officer has already made a decision.”

Owner forwarded a copy of the BSB Sign Ordinance, with instruction to focus on Section 7 to Angie Hasquet, attorney, requesting she review the information.

The following was received in return on Thursday, July 23, 2020:

Hi Jacquie,

I have read through the city ordinance. You were told the violation came from Section 7 of “On-premise Signs Permitted in Commercial and Industrial Zones.” Specifically, 7b requires a sign be smaller than 40% of the façade on street frontages, and further that a sign be smaller than 30 sq ft if the building has more than one frontage. In your case, I don’t see any violation. First, the sign in question is not displayed on the street frontage and is not larger than 40% of the façade. Second, there is not more than one frontage on the building. The “frontage” referenced is defined as “any side of the building which faces a public right of way.” Since the sign faces the parking lot (which I am assuming is not a public right of way, but rather a private lot), it is not a frontage. Therefore, the display on the side of the building is not in violation of 7b. There are no other provisions in the code that prohibit or regulate signs located specifically on the sides of buildings.

And of course, all the additional signs you have identified and the points you and Travis raised about improvement of rundown property on Harrison, etc. all bolster your case.

I'm not currently familiar with zoning/planning appeal process, so you let me know what you had in mind for going forward.

Thanks,
Angie

Friday, July 24, 2020: Owner followed up with Dylan in Planning/Zoning to again request appeal documents. On this call, Dylan cited four additional sections of violation including: 4, 14, 42, and 50. Owner questioned this, since it wasn't brought up on the first call, and got the response of: "Well, now that I'm looking at it..." Owner again requested the written complaint that was filed, and was told there wasn't one. Dylan also mentioned at this point he didn't know about the issue/complaint until he was called by the owner. Owner brought up that on her way to work she took photos of 10 signs within one block of her office that faced to the side on Harrison Ave. Dylan responded: "There could be a lot of non-permitted signs out there." Owner asked when the ordinance went into effect. He reported 1986 and 1992. Owner pointed out two of the side facing signs across the street are less than five years old, and three more are less than 1-2 years old. He again stated: "There could be a lot of non-permitted signs out there." Owner asked why this business is being singled out. He said that wasn't the case. Owner again stated that review of the ordinance said nothing regarding signs facing to the side. Dylan said "Ordinances are more about what you can do, not what you can't." Owner brought up the point of using someone from outside of Butte to make the signs, and the fact the ordinance is NOT clear. Anyone should be able to read and understand the rules. That taken with the fact that multiple surrounding buildings have a sign on the front AND on the side, there was no reason to suspect the design that was used was not acceptable. Appeal documents were requested, and Dylan did email them. He also said he would clarify whether or not a warning letter would need to be sent first, and would let owner know by Monday, July 27, 2020.

Email with appeal document was received.

Sunday, July 26, 2020: Email was sent to Dylan requesting all sections in which violations occurred in writing so they are available for appeal.

Monday, July 27, 2020: Spoke with Dylan re: clarification of codes in violation. He apologized for the confusion, and stated there are only two codes to worry about. Section 4 – the definition of "frontage." And Section 17.42.50 – number 7 as previously discussed, on-premises signs. He also said there is the option of exchanging one building frontage for another to keep the sign in place. Owner stated that would mean pulling down another very expensive sign that required additional construction and electrical work to install. This is also not a good option. We will go forward with the appeal. Owner inquired as to whether the "warning letter" will be needed to file. He stated it would not.

Attachment to Zoning Appeal Form

Reasoning why decision is contrary to Zoning Ordinance:

1. Owner is not in violation because its second sign does not meet the frontage, building definition in the ordinance.
 - a. Frontage in section 4 is defined as “any side of the building which faces a public right of way.” There are two signs located at Copper City PT . One sign faces Harrison Ave. (west facing). The second sign faces south, facing the business’s parking lot. It is visible when traveling north on Harrison Ave.
 - b. Owner spoke with Dylan Pipinich on Monday, July 27,2020, who suggested I “exchange frontages” – meaning I keep the sign on the side, and remove the sign from the front of the building. To me, this would also imply the side of the building could also be considered a “frontage.” Under the plain reading of the definition, the sign facing Owner’s parking lot is not frontage building, as defined in Section 19, 17.42.030.

We requested our attorney review the issue, who had the following to say:

I have read through the city ordinance. You were told the violation came from Section 7 of “On-premise Signs Permitted in Commercial and Industrial Zones.” Specifically, 7b requires a sign be smaller than 40% of the façade on street frontages, and further that a sign be smaller than 30 sq ft if the building has more than one frontage. In your case, I don’t see any violation. First, the sign in question is not displayed on the street frontage and is not larger than 40% of the façade. Second, there is not more than one frontage on the building. The “frontage” referenced is defined as “any side of the building which faces a public right of way.” Since the sign faces the parking lot (which I am assuming is not a public right of way, but rather a private lot), it is not a frontage. Therefore, the display on the side of the building is not in violation of 7b. There are no other provisions in the code that prohibit or regulate signs located specifically on the sides of buildings. - Received via email from Angie Hasquet, attorney on Thursday, July 23, 2020.

2. Building Improvements.

It has been implied/stated that a “local guy would have known” the sign was out of code. I take issue with this for multiple reasons.

- a. As a well-educated person, I find the ordinance confusing and unclear. Anyone from Butte, or from outside of Butte, should be able to read this code and understand that signs are not allowed on the side of a building. Though it may be about what can be done, the definition of “frontage” is vague.
- b. This taken with the fact that there are multiple signs within a one block radius of my business oriented in the same manner, would imply that the sign placement used was a non-issue. *See attached photos (Appendix A).
- c. My contractor, who has been in business in Butte for 40 years, had never heard of permitting signs when the building project itself had already been permitted.
- d. The building inspector pointed out that the address numbers were missing from the building and required they be put on before opening. Section 2, 17.42.050 specifies that address numbers are allowed without any permitting. The building inspector mentioned nothing about the sign on the side of the building. I was told by Dylan that building inspectors do not deal with sign ordinances, but address numbers clearly fall under an ordinance - 17.42.050 – Section 2 – On-Premises signs not requiring a permit.

3. No written complaint.

I have requested a copy of the complaint that was filed, and have been told twice there isn't one on file in the office. With no written complaint describing the violation, there should be no issue. As I was told, Dylan didn't know about the sign/ordinance violation until Owner called his office. I find this inappropriate, considering the representative from the Dept. of Community Enrichment told me there had been a complaint. In my world, documentation is required for legal consideration.

4. Additional Reasons.

1. I requested the dates when the ordinances were put in place and was told 1986 and 1992. With this I asked why the other similar signs in my area are still in place, and got the following responses from Dylan:
 - a. "They were probably grandfathered in."
 - b. Owner pointed out the two across the street were less than five years old, and two others were less than two years old to which he replied: "There are likely a lot of non-permitted signs out there." And "You shouldn't feel like you are being singled out."
 - c. Under the circumstances, specifically:
 - (1) no written complaint or actual notice of violation.
 - (2) code enforcement office was unaware of alleged violation.
 - (3) presence of many similar "non-permitted signs" surrounding Owner that are not being subjected to the same scrutiny, Owner concludes it is being unfairly targeted. Owner spoke with five surrounding business owners regarding their signage. They reported requiring permits for replacement or use of a post, but none reported requiring a variance for side-facing signage.
 - (4) Owner has purchased a building that was partially vacant, rundown and in need of repair. Owner invested in the building, utilized local contractor and labor for the project, made improvements, and opened an active business with appropriate signage to assist its patients in locating its new business location. Owner spent significant money on the design and installation of its business signs.



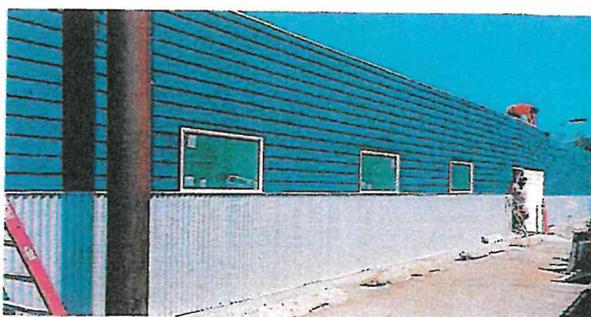
Before



After (West Facing Sign – Harrison Ave.)



Before



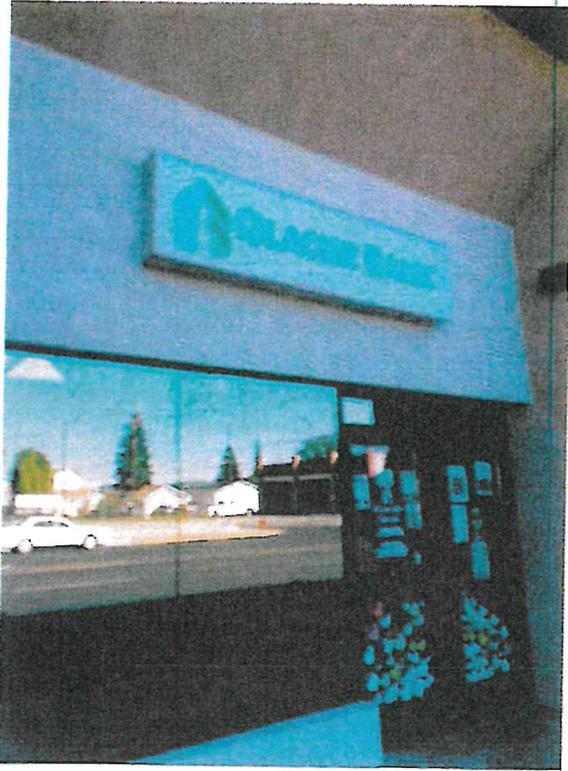
After



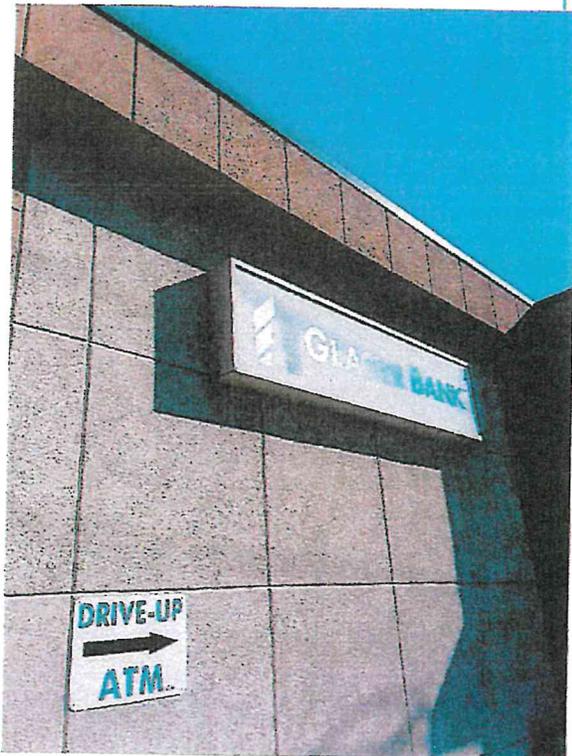
After (South Facing – Private Parking Lot)

2. Patients, many who are elderly, that come to my business for the first time use the sign in question as a guide to find the building. If they have to depend only on the one on the front of the building, they drive by, and have to turn around. *See attached letters of support (Appendix B).

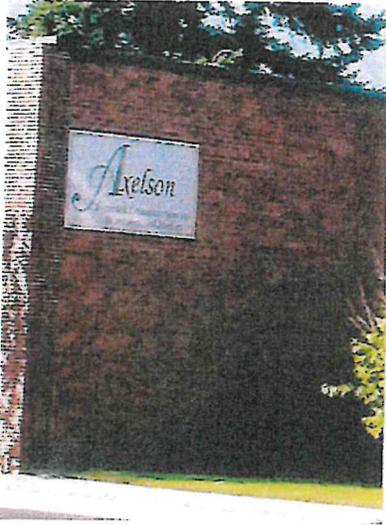
Appendix A



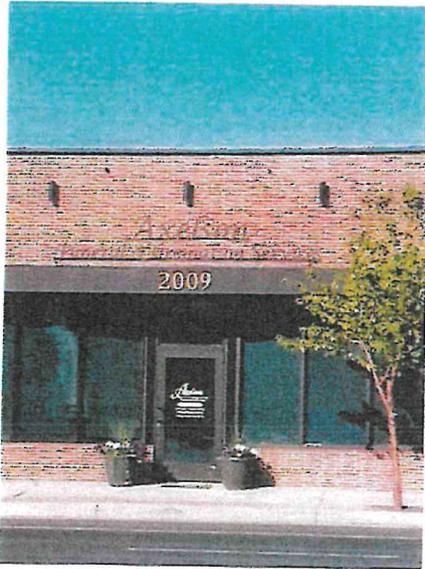
Front Entry/West Entry



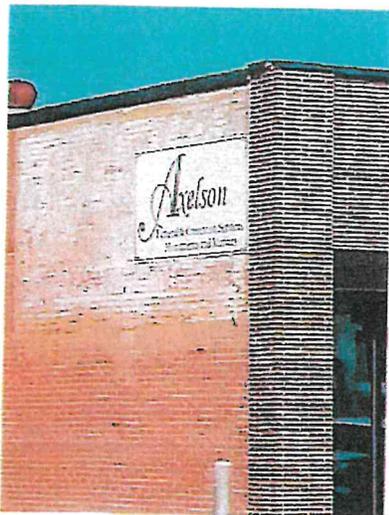
Side/ North Facing



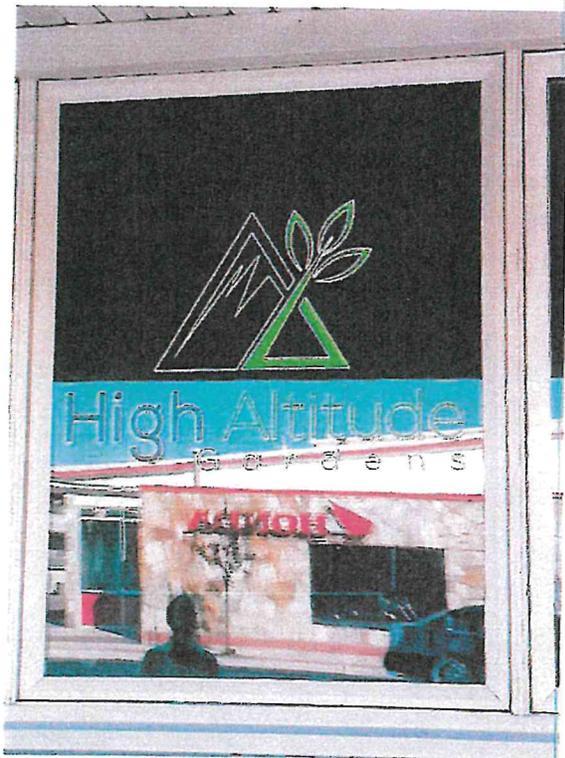
Side/South Facing – All signs have been up less than 1-2 years.



Front/East Facing



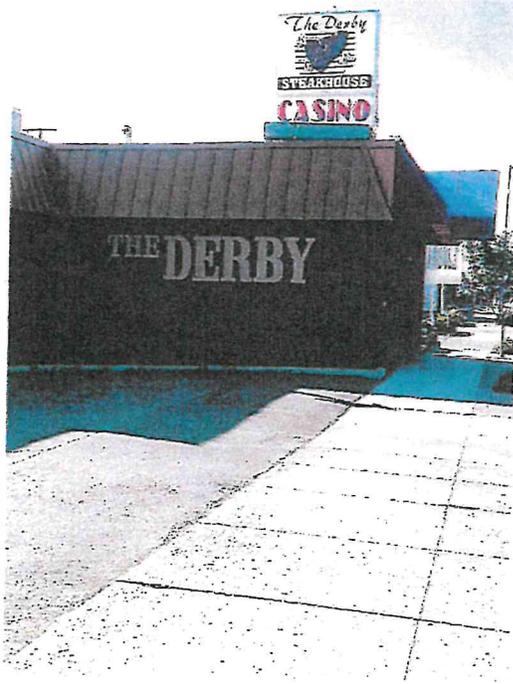
Side/North Facing



Front/West Facing

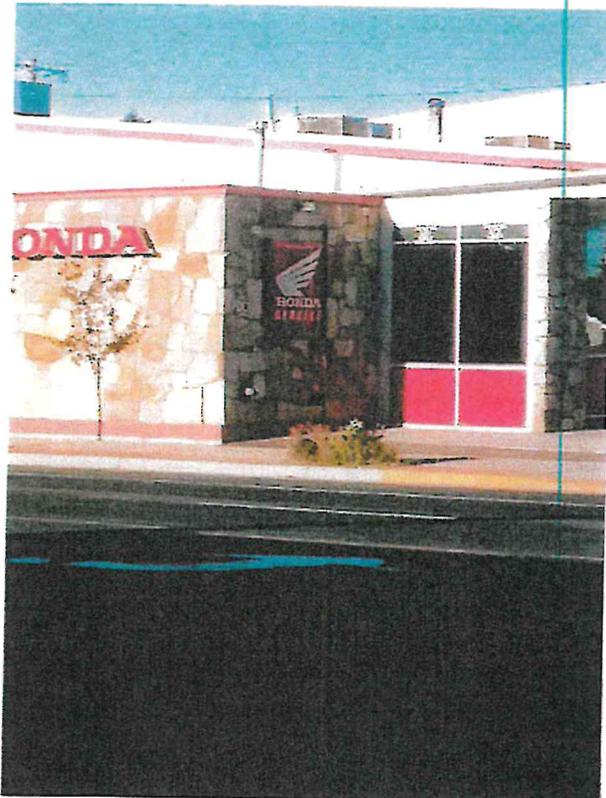


Side/North Facing

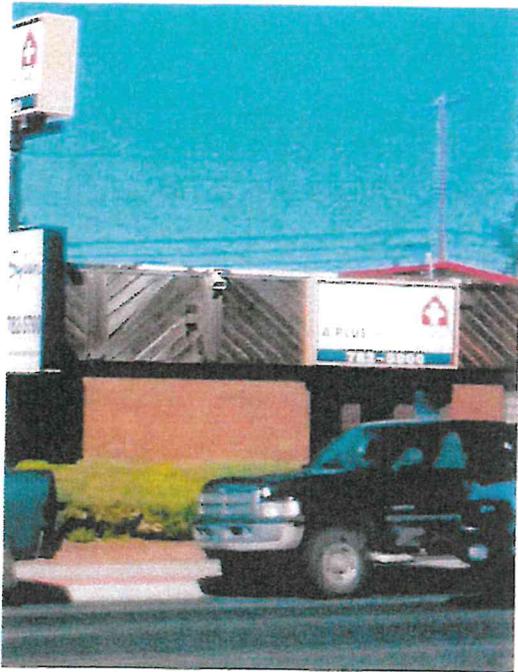


Side/ South Facing

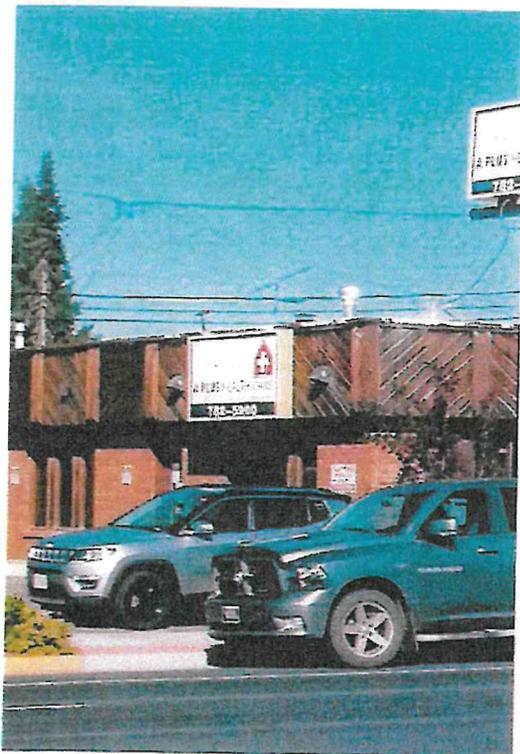
Signs on awnings are also located on the north and west sides of the building.



Two signs seen here east and south facing. There is another on the north side of the building. Across the street from the owner's business. They were installed less than 2 years ago.



Front/East Facing



Side/North Facing – also onto a parking lot.



Both sets of signs: Front/East Facing & Side/North Facing. Directly across the street from the owner's business. These have been up for less than 10 years.

Appendix B

To whom it may concern

7-5-2020

I understand Jacquie McAdam who owns Copper City Physical Therapy is being told by zoning and planning in Butte she cannot have a sign on the side of her building. She bought this older property and has spent many thousands of dollars remodeling it & establishing a thriving medical service business on Harrison Avenue where there are few new businesses. There are numerous buildings one can see from the front of the business that have both hand made and hand painted.

I cannot believe you are giving her grief about advertising her new business. you should be thanking her for spending her hard earned money establishing a business that serves and benefits so many residents of Butte.

I await hearing that you have allowed the signage on the side of her business is allowed to remain.

Paul H. Sims DDS OMS OAMLFACIAL General

8/5/20

To Whom It May Concern:

I have been going to Copper City Physical Therapy for health reasons for several months.

The new building is beautiful and is wonderful to see. What a great investment in Butte!

To get to the new building, I travel North on Harrison Ave. I often struggle to see where the building is and the sign on the side of the building is very helpful.

Honestly, I feel it is ridiculous to be giving small business such a hard time about a sign that only helps people. The sign is obviously not having any negative effect.

During these trying times, we as a small community, need to be more supportive to our local business owners, instead of creating even more obstacles.

Please feel free to contact me.

Sincerely,
Becky Smith
490-9177

August 5, 2020

To BSB Zoning Planning Dept. I would like to voice my opinion regarding the sign on Copper City Physical Therapy. I have been a client there for several years and with their new location on a very busy street I feel the sign is necessary in its location. It offers a clear view to the location and makes it easy to view from a safe distance to give adequate signaling for a safe turn in their parking lot. Please allow them to leave the sign in its location.

Thank You,
Tom Schuber

August 5, 2020

Mr. Donald Hampa

3205 Kossuth

Butte, MT 59701

Dear BSB Zoning Commission,

This letter is in support of Copper City Physical Therapy, located at 1826 Harrison Avenue and the business signage at said location. I am a patient there, attending four times a week, and the owner, Jacqueline McAdam, has told me you have asked her to remove her sign. She does not understand why and neither do I.

I have observed a variety of businesses in that area that have signs displayed in every position possible on a building. Some are sticking out from the building, some are on top, some are flat against the structure, you name it. I assume all are in compliance with local guidelines.

If there is a problem with any of this signage, I and Ms. McAdam are unaware any. Her sign is affixed flat against her building. It is an attractive sign, made of metal. So, what is the problem with her sign and not with the others in the area?

BSB has way too many serious problems to solve without creating a minor but costly problem for a small local business, especially during this period of Covid 19. Isn't the slogan 'Believe in Butte' and 'Shop Small'? A suitable resolution must be found and I look forward to your reply to this letter.

Respectfully,

Donald Hampa

406-723-1248

A handwritten signature in cursive script that reads "Donald Hampa". The ink is dark and the signature is written in a fluid, connected style.

August 4, 2020

To Whom It May Concern:

This letter is in regard to the sign on the side of the building of Copper City Physical Therapy at 1826 Harrison Avenue.

- (1) This sign is not obtrusive in any way, shape or form.
- (2) It shows where the business is at when going north on Harrison Avenue, making it easier to find if you have never been there before.
- (3) There are signs on the sides of buildings all over Butte.

Therefore, I believe that Copper City PT should be able to keep their sign where it is and that BSB should thank them for turning an old building into a very nice place of business.

Sincerely Yours,



Debbie Church
801 W. Daly
Butte, Montana
59701

Aug 3, 2020

To Whom It May Concern,

I am writing this to voice my concern over the possible removal of a sign on the side of the newly remodeled Copper City Physical Therapy building at 1826 Harrison Ave. The sign not only improves the aesthetics of the building, but of Harrison Ave. as well. It increases the visibility of the clinic and aides drivers in knowing when to turn into the parking lot. If there was only a sign on the front of the building, one would most likely drive by or stop too quickly to avoid missing their turn, possibly causing an accident.

Please consider allowing the sign to remain on the newly remodeled Copper City Physical Therapy building, as it will improve safety and the city block greatly in our quest to beautify Butte. Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Julie Watson". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Julie Watson

August 3, 2020

Debbie Best

P. O, Box 3563

Butte, MT. 59702

(406) 490-7407

To whom it may concern,

I've been a patient with Copper City PT for a few years. I was excited when Jacquie McAdam decided to expand her business and relocate to Harrison Ave. It's a prime location in a high traffic area. With the strong potential of acquiring new patients.

The building was in extremely poor condition and an eye sore. It was evident that it had been neglected for quite some time. Jacquie McAdam was determined to bring the building back to life. She was aware it was going to require a deep financial commitment. Jacquie hired a local contractor who contacted carpenters, contractors, painters, etc., to professionally assist and guide her in this massive project. People who were hired were licensed and had good reputations within the community. The once ugly and dull inside and outside building was now attractive and inviting.

This is why I'm writing this letter. I want to know why Jacquie McAdam was notified that she must remove her outdoor business sign on the side of her building. She was informed it was an ordinance issue she needed to abide by. Why was Jacquie McAdam's building singled out specifically? She is surrounded by other businesses that advertise from the side of their building all along Harrison Ave.

If Jacquie is forced to remove the sign on the side of her building, it is only right and fair that 'all' businesses on Harrison Ave. heed the same ordinance as well. As far as I'm concerned, this is bordering on harassment. After all, if anything, she made a drastic change to a building that was on the verge of dilapidation, and turned it into a valued piece of property. I thank you for your time.

Sincerely,

Debbie Best

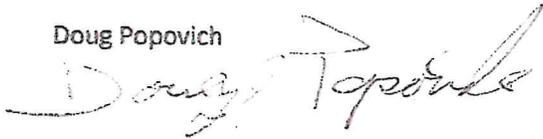
Aug 3, 2020

To whom it may concern,

This is a letter on behalf of Jackie McAdams and her business, Copper City Physical Therapy. The sign that she has placed on the side of the building is a great way for new patients to be able to find her physical therapy building. It is very pleasing to the eye. I cannot see a reason as to why it should be moved from its position.

Sincerely,

Doug Popovich

A handwritten signature in black ink that reads "Doug Popovich". The signature is written in a cursive style with a large, sweeping initial "D".

To Whom it may Concern,

7-31-20

I think the sign on the Copper City Physical Therapy ~~ben~~ building is necessary.

I saw the sign on the side and didnt even realize there was a sign in front.

I think both signs are necessary and in extreme good taste.

John M. Snow Jr
"MARC"