



# City of Hamilton Annex

920 New York Avenue

Hamilton, MT 59840

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## MINUTES OF THE CITY OF HAMILTON ZONING BOARD OF ADJUSTMENT MEETING APRIL 18, 2016

TOPICS FOR DISCUSSION: Fraternal Order of Eagles  
125 N 2<sup>nd</sup> Street  
Appeal of Denial of Sign Permit Application  
#SIGN-2-16-2091

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1 The following members were present: Sue Smith, John Trangmoe, Vivian Yang, Darwin Ernst,  
2 Donna Larson Shulund and Donald Ramer

3  
4 Clayton Dethlefsen was absent

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6 Staff present: Land Hansen, Zoning Administrator; Karen Mahar, City Attorney and Kim  
7 Charlton, Secretary

8  
9 Also present: Clyde Treaux, Trustee for the Fraternal Order of Eagles (F.O.E.) and his guest,  
10 Ronnie.

11  
12 Chairman Ernst opened the Zoning Board of Adjustment meeting at 5:38 p.m.

13  
14 GENERAL PUBLIC COMMENTS: None

15  
16 Chairman Ernst asked for a motion to approve the agenda

17  
18 Member Yang moved to approve agenda

19  
20 Member Trangmoe seconded

21  
22 All members voted aye

23  
24 NEW BUSINESS: Fraternal Order of Eagles  
25 125 N 2<sup>nd</sup> Street  
26 Appeal of Denial of Sign Permit Application #SIGN-2-16-2091

27  
28  
29

30 Staff Comments:

31 Mr. Hansen, Zoning Administrator, stated the sign permit application was a request for an under  
32 canopy (awning) sign that measured 5.3 square feet. Mr. Hansen read 17.104.160 of the  
33 Hamilton Municipal Code:

34  
35 *Under-awning signs shall be a maximum square footage of four (4) square feet for every*  
36 *25 feet of building frontage. Under-canopy signs must be located a minimum of seven*  
37 *and a half (7.5) feet above the sidewalk or travel-way below the sign.*

38  
39 Mr. Hansen explained that he has interpreted that section in the same manor since it was written.  
40 The Central Business District (CBD) was originally platted at twenty-five (25) square feet per  
41 business frontage. He stated the applicant has interpreted it differently. Mr. Treaux stated the  
42 F.O.E. building has a 50 foot building frontage and he interprets this section of the Hamilton  
43 Municipal Code to mean they have up to eight (8) square feet of under awning signage available.  
44 Mr. Hansen read aloud H.M.C. 17.104.160 B:

45  
46 *Under-canopy signs which are parallel or perpendicular to the face of the building shall*  
47 *be deemed to be projecting signs, and shall be subject to Section 17.104.150*

48  
49 Ms. Mahar, City Attorney, addressed the board members with regards to the interpretation of the  
50 Title 17 Zoning Regulations. She stated the sign regulation was adopted in 2010 but also had a  
51 prior version previously in effect. The board members can look at this section of the ordinance  
52 in an actual case and advise the zoning administrator

53  
54 Chairman Ernst stated as an appraiser, he looks at plats differently. The regulations specifically  
55 state twenty-five (25) feet per building frontage.

56  
57 Ms. Maher interprets it differently and stated there are some differences. She notes that  
58 throughout the sign code section that there is ambiguity.

59  
60 Mr. Hansen stated it is defined in the sign regulations.

61  
62 Ms. Mahar stated in this case it will be up to Zoning Board of Adjustment. She doesn't want to  
63 come in stating there's only one way to interpret.

64  
65 Member Yang stated her memory while on city council recalls there was another section that  
66 stated one (1) sign of this type and one (1) sign of another type of sign. Businesses were allowed  
67 more than one (1) particular sign.

68  
69 Mr. Hansen stated the entire sign ordinance has changed. There are different types such as  
70 Bunny's place for instance. She has one (1) building with multiple tenants. They must share the  
71 total allowable amount of signage between tenants.

72  
73 Mr. Trueax presented on behalf of the Fraternal Order of Eagles (F.O.E.). Mr. Trueax stated he  
74 works for Rocky Mountain Lab as a planning specialist. He also works as a trustee for the  
75 Hamilton F.O.E. He stated that back in November he talked to Mr. Hansen about his sign

76 options. He said the business is declining and needs new ways to generate income. They have a  
77 social room which is used for dances and is rented out for weddings and other types of  
78 gatherings. They need to get the messages out to the community. He also stated that Ronnie,  
79 who was present, does the media advertising via TV and radio advertising for the club. Mr.  
80 Trueax stated it's not just about our bar it's about our functions. We have one freestanding sign  
81 that you can't associate with our facility because it is located in our parking lot. He noted that  
82 people have a difficult time finding our club without signage. The foot traffic from South to  
83 North on North 2<sup>nd</sup> Street cannot see the free standing sign as it faces to the East. We decided to  
84 place this reader board sign perpendicular to the building. He discussed this issue with the  
85 engineers at work whom agreed with his perspective. He talked to Mr. Hansen and he gave him  
86 good information. He stated the problem with a four (4) foot sign is that it limits the amount of  
87 letters that can be used.

88  
89 Mr. Treuax stated he took this request to the F.O.E. Trustees, then to the Aerie for approval and  
90 then he applied for the permit and the rest is history. Says we don't have the money to replace  
91 the free standing sign and will most likely remove it. Maybe install a glass door because people  
92 cannot find us.

93  
94 Chairman Ernst disclosed that he is also an F.O.E. member.

95  
96 Chairman Ernst asked about projecting sign. He stated the description says it is described as  
97 projecting sign because it's perpendicular.

98  
99 Ms. Mahar stated that Mr. Hansen interpreted correctly.

100  
101 Member Smith to Mr. Hansen because you had previously been interpreting this section as four  
102 (4) square feet of signage per twenty-five (25) feet of building frontage, you could basically have  
103 two (2) signs measuring four (4) square feet each for every twenty-five (25) feet of building  
104 frontage.

105  
106 Member Smith asked if an approval to this request would set precedent.

107  
108 Ms. Mahar noted that every application is different. However, if a business requested the exact  
109 same thing the same consideration should be given.

110  
111 Member Yang stated this was written for the downtown specifically. It was to address foot  
112 traffic it would just be a sign no light, just a sign.

113  
114 Member Shulund stated she also interpreted it as the F.O.E. did.

115  
116 Chairman Ernst asked which buildings in the CBD have twenty-five (25) foot building frontages.

117  
118 Member Yang replied the entire 300 block of Main Street has twenty-five (25) foot wide store  
119 frontages.

120  
121 Mr. Hansen noted that the City of Hamilton is different than the down town district (CBD).

122 Ms. Mahar stated to the board that this is a unique situation.  
123  
124 Member Smith to Ms. Mahar, what would be the proper wording for the motion beings this is an  
125 appeal.  
126  
127 Ms. Mahar stated modify, affirm or reject.  
128  
129 Member Yang asked why this request was submitted as an appeal rather than a variance.  
130  
131 Mr. Hansen stated the applicant is required to demonstrate a hardship. Financial reasons are not  
132 grounds for a hardship. Mr. Hansen stated this is an appeal not a variance.  
133  
134 Chairman Ernst noted that only one request for information was received and that was from the  
135 neighboring business, the Rainbow Bar. No other comments were received with regards to this  
136 appeal request.  
137  
138 Public Comments: None  
139  
140 Chairman Ernst called for any additional comments. There being none, he called for a motion.  
141  
142 **Sue Smith made a motion to reverse the denial of the sign permit # SIGN-2-16-2091**  
143 **specifically square footage; location in a corner area of a lot; ambiguity of the regulation**  
144 **it's not specific.**  
145  
146 **Seconded by Member Shulund**  
147  
148 Member Yang believed Mr. Hansen's interpretation to be correct based upon his experience and  
149 the fact that he had always interpreted it in that way. She has a personal objection to the under  
150 canopy reader board and being a business owner. Right now signs are very uniform I worry they  
151 will start to change to reader board signs and I don't like that look for our city.  
152  
153 Member Shulund stated part of our job is to help the community. From a marketing standpoint  
154 she understands why they want this type of sign.  
155  
156 Member Trangmoe noted the fact that the sign had been purchased prior to the approval of the  
157 Zoning Administrator. Member Trangmoe asked the applicant what is your explanation for not  
158 applying for the permit prior to purchasing the sign.  
159  
160 Mr. Treaux stated Mr. Hansen had walked by the F.O.E. building one evening and discussed the  
161 placement of their sandwich board sign. Mr. Trueax stated he walked right under the awning and  
162 assumed he noticed the area.  
163  
164 Mr. Hansen stated they discussed placement of the sandwich board sign for ADA compliance  
165 only.  
166  
167

168 Chairman Ernst called for the vote:

169

170 **Vivian Yang, nay**

171 **John Trangmoe, aye**

172 **Sue Smith, aye**

173 **Donald Ramer, aye**

174 **Donna Larson Member Shulund, aye**

175 **Darwin Ernst, abstain**

176

177 **Motion carried**

178

179 Discussion to memorialize findings of facts for the record of decision:

180

181 Specifics of the frontage of the building, 50 square feet for one business

182 The location is not on Main Street, the freestanding sign is on the corner of the lot away from the  
183 building.

184 Ambiguity in the regulations

185 Interpretation is inconsistent with other provisions of the regulations

186 Uniqueness of the building

187

188 OLD BUSINESS: None

189

190 MINUTES:

191

192 **Sue Smith moved to approve the 4/27/15 Minutes, as corrected**

193

194 **Seconded by JohnTrangmoe**

195

196 **Vivian Yang, aye**

197 **John Trangmoe, aye**

198 **Sue Smith, aye**

199 **Donald Ramer, aye**

200 **Donna Larson Shulund, aye**

201 **Darwin Ernst, abstain**

202

203 **Motion carried**

204

205 Staff Discussion:

206 The Zoning Board of Adjustment welcomed its newest members Donald Ramer and Donna  
207 Larson Shulund.

208

209 Mr. Hansen invited Chairman Ernst to be on the next sign committee.

210

211 Chairman Ernst accepted the invitation to participate.

212


213 Vivian Yang moved to adjourn the meeting

214 Seconded by Donald Ramer  
215  
216 All voted aye  
217  
218 Meeting adjourned at 7:48 p.m.

219  
220  
221  
222



223  
224  
225 Kim Charlton  
226 Secretary



225 Darwin Chairman Ernst  
226 Chairman