

RESOLUTION NO. R19-69

A RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM THE CITY'S ZONING ORDINANCE TO ALLOW AN OUTDOOR COMPUTER CONTROLLED VARIABLE MESSAGE SIGN WITHIN A RESIDENTIAL DISTRICT.

WHEREAS, the property located at 1002 3rd Avenue is currently zoned residential (R-7500) and pursuant to the City's Zoning Ordinance, Computer Controlled Variable Message Signs are not allowed to operate within a residential district, Section 17.42.050 LMC; and

WHEREAS, on July 8, 2019, the owner of the property, the Laurel Assembly of God (Family Church), filed a Request for a Variance Application seeking a variance from the zoning restriction to allow the installation and use of a Computer Controlled Variable Message sign on their property; and

WHEREAS the Laurel City-County Planning Board acting as the City's Zoning Commission held a public hearing on the variance request on September 5, 2019 at 10:00 a.m. The Zoning Commission received public comment both supporting and not supporting the property owner's requested variance; and

WHEREAS, the City-County Planning Board Meeting Minutes and documents contained in the record are all incorporated herein as part of this Resolution; and

WHEREAS, the Zoning Commission considered all of the documentary evidence in the record along with the testimony presented at the public hearing, and recommends the approval of the variance, subject to the conditions recommended by Staff as follows:

1. There shall be no other signs of this type allowed on the property; and
2. The sign shall follow all other rules and regulations within the City's Sign Code.
3. The variance does not include or allow the property owner to utilize animated action.

WHEREAS, the City Council held a public hearing concerning this matter on September 24, 2019, to gather additional evidence in support and opposition to the requested variance, and

WHEREAS, based on the evidence contained in the record, including the Zoning Commission's Record and File, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to approve the variance since:

1. granting the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. approving the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the property owner's request for a variance is hereby approved for the property located at 1002 3rd Avenue, Laurel, Montana;

BE IT FURTHER RESOLVED, pursuant to the variance, the property owner may install and operate one Computer Controlled Variable Message Sign on such property within the residential district;

BE IT FURTHER RESOLVED, that the variance is approved subject to the following conditions:


1. There shall be no other signs of this type allowed on the property; and
2. The sign shall follow and comply with all other rules and regulations within the City's Sign Code.
3. The variance does not include or allow the property owner to utilize animated action.

Introduced at a regular meeting of the City Council on September 24, 2019 by Council Member Sparks.

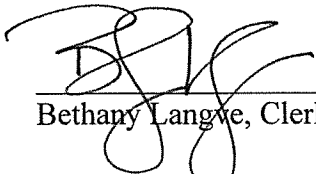
PASSED and APPROVED by the City Council of the City of Laurel, Montana this 24th day of September, 2019.

APPROVED BY THE MAYOR this 24th day of September, 2019.

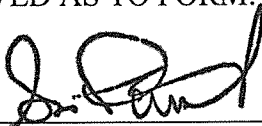
CITY OF LAUREL


Thomas C Nelson, Mayor

ATTEST:


Bethany Langve, Clerk/Treasurer

APPROVED AS TO FORM:


Sam S. Painter, Civil City Attorney