



Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Rm. 445
Helena, MT 59623

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helenamt.gov

DATE: April 07, 2022

STAFF REPORT

TO: Helena Board of Adjustment

FROM: Michael Alvarez, City Planner II

SUBJECT: Consideration of:

1. A variance from Section 11-4-2 to increase the allowable maximum lot coverage percentage from 40% to 44% maximum.
2. A variance from Section 11-24-4 to increase the minimum distance of a parking space to the trunk of a tree from 35' to 55' in the northeast parking lot.
3. A variance from Section 11-24-5 to eliminate screening on the north side of the northeast parking lot.
4. A variance from Section 11-24-5 to eliminate screening on the east side of the south parking lot.
5. A variance from Section 11-22-5 to reduce the minimum length of a parking spot from 20' to 16 for parking in the northeast lot.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.

The property generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side.

The reason for the variance is to expand the worship facility through joining the existing buildings on-site.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Complete application received April 01, 2022

PUBLIC HEARING DATE: Board of Adjustment - 5:30 p.m., Tuesday, May 03, 2021

APPLICANT: Ben Tintinger – Mosaic Architecture
MAILING ADDRESS: 428 N Last Chance Gulch, Helena, MT 59601
CONTACT NUMBER: 406.449.2013
EMAIL ADDRESS: ben@mosaicarch.com

PROPERTY OWNER: Helena First Assembly Church of God
MAILING ADDRESS: 2210 Dodge Ave., Helena, MT 59602
CONTACT NUMBER: 406.442.6851

EMAIL ADDRESS: doug@helenafirstassembly.com

PROPERTY ADDRESS: 2210 Dodge Ave., Helena, MT 59602

LEGAL DESCRIPTION: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana

GENERAL LOCATION: The property generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side.

PRESENT LAND USE: Worship Facility

ADJACENT LAND USE:

North: Residential uses (largely single dwelling units, Helena First has a youth facility to northeast)

South: Commercial uses (general retail sales, restaurant, general/professional services, casino)

East: Commercial uses (construction material sales, general retail sales)

West: Residential uses (largely single dwelling units)

PRESENT ZONING: R-3

VARIANCE PROPOSALS:

Consideration of

1. A variance from Section 11-4-2 to increase the allowable maximum lot coverage percentage from 40% to 44% maximum, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.
2. A variance from Section 11-24-4 to increase the minimum distance of a parking space to the trunk of a tree from 35' to 55' in the northeast parking lot, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.
3. A variance from Section 11-24-5 to eliminate screening on the north side of the northeast parking lot, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.
4. A variance from Section 11-24-5 to eliminate screening on the east side of the south parking lot, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.
5. A variance from Section 11-22-5 to reduce the minimum length of a parking spot from 20' to 16 for parking in the northeast lot, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.

History of Building Permits:

- Building -- Nov 2019
- Plumbing – May 2019
- Electrical – Apr 2019
- Mechanical Sept 2019
- Re-roof – Apr 2019
- Re-roof – Aug 2018
- Raised stage – Mar 2017
- Electric – Feb 2017
- Mechanical -- Dec 2016
- Mechanical -- Apr 2014
- Interior Remodel -- Jun 2012
- Mechanical – Mar 2011
- Interior Remodel – Jun 2009
- Interior Remodel – Nov 2008
- Re-roof – Nov 2006
- Re-roof – April 2005
- Re-roof – Aug 1998
- Building – Apr 1998
- Mechanical – Mar 1996
- Electric Jan 1996
- Re-roof – Jul 1990
- Building – Oct 1989
- Mechanical – Oct 1989
- Mechanical – Mar 1988
- Building – Jul 1987
- Plumbing Sep 1987
- Plumbing Aug 1987
- Foundation – Sep 1987
- Mechanical – Jul 1987
- Re-roof – Oct 1982
- Mechanical – Feb 1980
- Mechanical – Aug 1978
- Building – Apr 1978
- Plumbing – Jul 1978
- Electrical – Apr 1978
- Building – Jun 1976
- Plumbing – Jul 1976
- Electrical – Jul 1976
- Building – Sep 1975
- Building – Feb 1973
- Electrical – Mar 1973
- Building – Sep 1971
- Building – 1965
- Plumbing – Sep 1965

ZONING EVALUATION for the property legally addressed as 2210 Dodge Ave, Helena, MT, located in an R-3 zoning district.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: 11-4-2 Max Lot Coverage	40%	<40%	43.4%	Yes
City Code: 11-24-4 Min Distance to Trunk of a Tree	35'	No trees	55'	Yes
City Code: 11-24-5 Parking Lots Screened from Residential Districts	Must be screened	Not screened	Not to screen	Yes
City Code: 11-22-5 Parking Space min length	20'	16'	16'	Yes

BOARD OF ADJUSTMENT VARIANCE CRITERIA

Section 11-5-5 of the Helena Zoning Ordinance includes certain criteria that must be reviewed as part of the variance procedure.

To approve a requested variance for a new building or portion thereof, the board of adjustment shall consider the following standards and find as follows:

1. *The variance will not create a significant risk to the public health, safety, or general welfare;*
2. *The variance will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located; and*
3. *Strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.*

In evaluating the standards above, the board of adjustment may consider the following factors:

1. *Special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property.*
2. *The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.*
3. *Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.*
4. *The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.*
5. *Whether a literal interpretation of the provisions of this Title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this Title.*
6. *The extent to which the hardship or difficulty results from the actions of the applicant.*
7. *Whether granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other properties similarly located in the same zoning district.*

PUBLIC COMMENT:

As of Monday, April 11, 2022, one public comment has been received and it is in opposition to the variance.

City Attorney's Office:

It is the recommendation of the City Attorney's Office, that staff does not make a recommendation to approve or deny a variance.

CONCLUSION

Montana law states the Board of Adjustment has authority to consider "...upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done." (76-2-323 MCA)

Motion:

Move to Approve or Deny

1. A variance from Section 11-4-2 to increase the allowable maximum lot coverage percentage from 40% to 44% maximum, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana, together with the vacated alley adjacent to lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in block 33 as vacated by ordinance no. 2080.

Move to Approve or Deny

2. A variance from Section 11-24-4 to increase the minimum distance of a parking space to the trunk of a tree from 35' to 55' in the northeast parking lot, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.

Move to Approve or Deny

3. A variance from Section 11-24-5 to eliminate screening on the north side of the northeast parking lot, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.

Move to Approve or Deny

4. A variance from Section 11-24-5 to eliminate screening on the east side of the south parking lot, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.

Move to Approve or Deny

5. A variance from Section 11-22-5 to reduce the minimum length of a parking spot from 20' to 16 for parking in the northeast lot, for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.

If the Board of Adjustment approves the requested variance, the following condition is recommended:

Building Permit: A building permit must be obtained within one (1) year.





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316 North Park Avenue, Rm. 445
Helena, MT 59623

Phone: 406-447-8459
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Email: malvarez@helenamt.gov

helenamt.gov

Apr 14, 2022

TO WHOM IT MAY CONCERN: A land use change is being proposed in your area. Please review the enclosed description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the May 03, 2022 Board of Adjustments public hearing to the City Planning Division, 316 North Park, Helena MT 59623. For written comments to be distributed to the Board of Adjustments with the staff report, they must be submitted to the City by **Apr 25, 2022**.

The Helena Board of Adjustments will hold a public hearing on the variance request on Tuesday, May 03, 2022 at 5:30 p. m. via a Zoom at <https://zoom.us/j/95139091644>, Meeting ID: 951 3909 1644. Dial in at (346) 248-7799 or find your local Zoom phone number by going to <https://zoom.us/j/95139091644>, Meeting ID: 951 3909 1644. Dial in at (346) 248-7799 or find your local Zoom phone number by going to <https://zoom.us/u/abx78Gko9e>.

Interested parties are encouraged to attend this meeting. We may not be able to reach all who may be interested in this application, and we encourage you to talk to your neighbors about this proposal.

PROPOSAL:

1. A variance from Section 11-4-2 to increase the allowable maximum lot coverage percentage from 40% to 44% maximum.
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4. A variance from Section 11-24-5 to eliminate screening on the east side of the south parking lot.
5. A variance from Section 11-22-5 to reduce the minimum length of a parking spot from 20' to 16 for parking in the northeast lot.

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The reason for the variance is to expand the worship facility through joining the existing buildings on-site.

ADDRESS:

2210 Dodge Ave., Helena, MT 59602, located in an R-3 (Residential) zoning district.

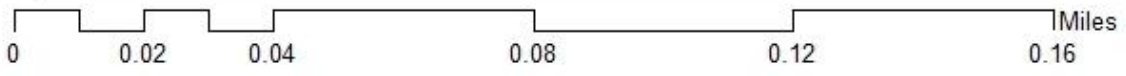
GENERALLY LOCATED:

The property generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side.

If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8459.

Sincerely,

Michael Alvarez, Planner II





City of Helena
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE
 Community Development Department
 Phone (406) 447-8490 Fax (406) 447-8460
citycommunitydevelopment@helenamt.gov

- 1) APPLICATION FOR VARIANCE MUST USE THIS FORM.
- 2) AN APPLICATION FEE OF \$125.00 MUST BE PAID TO THE COMMUNITY DEVELOPMENT DEPARTMENT BEFORE THE CITY WILL PROCESS THE APPLICATION.
- 3) THE MOST RECENT DEED FOR IMPACTED PROPERTY MUST BE INCLUDED.

CITY STAFF RESERVE THE RIGHT TO RETURN MATERIALS THAT ARE DEEMED INCOMPLETE OR LACK SUFFICIENT SUPPORTING DOCUMENTATION. THIS MAY ALSO DELAY THE SCHEDULING TO PRESENT A VARIANCE REQUEST.

(Part A) PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.

1. 1 copy of a scaled site plan and supporting data/documents. The site plan must clearly show the existing standard and the proposed variance to the standard.

2. **APPLICANT/REPRESENTATIVE:**

Name:	<u>Ben Tintinger - Mosaic Architecture</u>	Cell Phone Number:	<u>406.431.0348</u>
Address:	<u>428 N Last Chance Gulch, Helena, MT 59601</u>	Other Phone Number:	<u>406.449.2013</u>
Email:	<u>ben@mosaicarch.com</u>		

3. **PROPERTY OWNER (If different from applicant):**

Name:	<u>Helena First Assembly of God Church</u>	Cell Phone Number:	<u>425.422.0433</u>
Address:	<u>2210 Dodge Ave., Helena, MT 59602</u>	Other Phone Number:	<u>406.442.6851</u>
Email:	<u>doug@helenafirstassembly.com</u>		

4. **ADDRESS OF PROPERTY:**

2210 Dodge Ave., Helena, MT 59602

5. **LEGAL DESCRIPTION OF PROPERTY (Block & Lots, Subdivision/Addition):**

GRAND AVE ADDN AMEND, S19, T10 N, R03 W, BLOCK 33, Lot 1 - 12

6. **LOT OR PARCEL SIZE (Square feet):**

approximately 90,000sf

7. **CURRENT AND PROPOSED USE OF STRUCTURE OR PROPERTY:**

Church/Worship space

8. **ZONING DISTRICT:** R-3 Residential



City of Helena
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

(Part B) INDICATE WHICH VARIANCE(S) IS (ARE) BEING REQUESTED AND THE EXTENT OF THE VARIANCE.

EXAMPLE: [X] Reduce Front Lot Line Setback: *From the required 10 feet to 3 feet.*

Dimensional Criteria:

- Reduce front lot line setback: _____
- Front lot line setback #2 (corner lot): _____
- Reduce garage entrance setback: _____
- Reduce side lot line setback: _____
- Reduce rear lot line setback: _____
- Exceed building height limitation: _____

Lot Coverage/Area Criteria:

- Lot coverage percentage: *Increase the lot coverage from 40% to 44%. See attached explanation.*
- Front porch lot coverage percentage: _____
- Lot area per dwelling unit: _____

Landscaping Criteria:

- Reduce or eliminate landscaping area: *Increase the required distance from a parking stall to a tree. See attached explanation.*
- Reduce or eliminate screening area: *Eliminate the screening requirement. See attached explanation.*

Parking Criteria:

- Exceed the maximum parking spaces allowed: _____
- Reduce the amount of required on-site parking spaces: _____
- Reduce or eliminate loading berths: _____
- Reduce or eliminate required bicycle spaces: _____
- Reduce the required parking space stall from 20' to 16'.*

Sign Criteria:

- Sign area (square footage): _____
- Sign height: _____
- Sign location: _____
- Number of signs: _____

Helena First Assembly of God Church Redevelopment

Request for Variance.

Per section 11-24-4: PARKING LOT LANDSCAPING of the City of Helena Zoning Code

For parking lots on tracts for which this chapter requires landscaping, the minimum landscaping requirements are as follows:

- A. Any edge of a parking space must be within thirty-five feet (35') of the trunk of a tree on the same tract or contiguous public rights of way.

Helena First Church requests an increase to the distance from a parking space to the trunk of a tree from 35' to 55'. The current parking layout has eight of the twenty-four spaces that are not within 35' of a tree.

Per section 11-22-5: OFF STREET PARKING DESIGN STANDARDS:

- A. Off street parking spaces must be at least nine feet (9') wide and twenty feet (20') long, exclusive of access drives, rights of way, or ramps for all uses except for tracts with only a single-dwelling unit residence, two-dwelling unit residence, or three-dwelling unit residence.

Helena First Church requests a variance to the parking stall length from 20' to effectively 16' as shown on the site plans included. These stalls can be signed for compact only and are typically used by church staff.

Per section 11-24-5: SCREENING:

- B. All parking lots on tracts adjacent to residential districts and for which landscaping is required under this chapter must be screened from the residential districts. A parking lot tract is considered adjacent to a residential district even if it is separated by a public right of way.

Helena First Church requests a variance to the screening of the parking. While the screening with a fence could be accomplished, in this case, it doesn't seem appropriate and may cause more harm than good. Screening with a fence or dense landscaping could potentially pose a safety hazard as cars pull out on to the public way across sidewalks. Fencing poses its own aesthetic challenge and seems imposing on the residential neighborhood rather than welcoming, particularly for a church property. While we understand that the current situation can't be used to justify a variance, the existing parking lots that have not been screened for many years with no complaints from the neighbors.

Per 11-4-2: LOT REQUIREMENTS FOR ZONING DISTRICTS:

Buildings must conform to the dimensional standards for a lot as follows:

- A. Lot coverage may not exceed the limitations of the district within which the lot is located.

	OSR (Open Space/ Residential)	R-U (Residential- Urban)	R-1/R-2 (Residential)	R-3 (Residential)	R-4/R-O (Residential- Office)
Lot coverage	No maximum	60% maximum Additional 5% for porch attached to front or side	40% maximum	40% maximum	60% maximum

Helena First Church requests a variance to the lot coverage maximum required from 40% to 44%. The lot size is 88,800sf. The 40% maximum coverage allows for a 35,520 sf footprint. The current design has a footprint of 38,580sf. This is 3060sf (3.4%) over the limit. We have looked at ways to reduce the 3000sf but given the existing building pieces that we are utilizing and connecting, and the program requirement to provide a 700-seat worship space, we are unable to trim the area down by 3000 sf. If the variance is not granted, it will make the site unusable for the needs of the church based on the growth goals.



City of Helena
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

(Part C) BOARD OF ADJUSTMENTS VARIANCE REVIEW CRITERIA. To approve a requested variance for a new building or portion thereof, the Board of Adjustment shall consider the following standards in section 11-5-5 of the Helena City Code and find as follows:

1. The variance will not create a significant risk to the public health, safety, or general welfare;
2. The variance will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located; and
3. Excluding monetary hardship, strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.

It is the applicant's burden of proof to show that a variance should be granted. As part of your application, you are required to provide information for each of the following factors including all alternatives considered. Failure to provide adequate responses or requested documentation may result in a returned application.

1. Are there special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property? If so, state the specific factors and provide supporting documentation. For example, if the variance request is due to an abnormal lot configuration, provide a survey of the lot that specifically demonstrates the issue.

There are no special conditions or circumstances that are unique. The church is only trying to keep as much parking on site as possible to help keep parking from extending into the adjacent residential areas. Concerning lot coverage, the site is bound on four sides by public right of way. The church program dictates the size of the addition and the size of the worship space can not be accommodated within existing space. The site does not work for the church if the coverage is not increased from 40% to 44% and will cause considerably more cost to relocate the church to another site.

2. How is the proposed variance compatible with the other structures located on the site or in the vicinity of the site? Provide a site plan that accurately and to scale represents the height, location, and dimensions of existing structures.

The variance would leave the NE parking area similar to its current configuration and the proposal is compatible with other properties in the area. The lot coverage is compatible with the business district on the east and south which allow 60% coverage. The north and west properties are limited to 40%.

3. Describe whether there is a prevalence of nonconformities in the vicinity of the applicant's site that are similar to the variance requested. If so, what are those nonconformities and provide supporting documentation.

There are currently very few sidewalks and boulevards in the area so the proposed site improvements with sidewalks will be an improvement

4. Is the need for a variance request a result of government action? For example, the front yard setbacks were increased after construction of the structure, there fore creating the non-conformity. Explain.

The original church was built in 1965 with subsequent phases built in 1972 and 1978 as well as a number of remodeling projects in recent years, all of which were approved by the City. Zoning in Helena was established and the R3 zone was in place on this property as early as at least 1965. The multipurpose building (kids building) on the west side was built in 1978 and approved even though the zoning was listed as R3. Since there is no mention of variance requests in previous permitted projects, we assume that the screening, lot coverage and parking size requirements came into being more recently. Helena First has made significant investment in this property since 1965 and hopes to remain at this location for many years to come.

commonly enjoyed by other similar properties in the same zoning district? For example, would the denial of the variance deny the property owner the right to safe placement of a garage where garages are typical. If so, explain.

Similar properties in the area use the space (parking, drives, landscaping, etc.) all the way to the back of curb on the street. The proposed variance will help maintain parking counts on site, otherwise this additional parking will be on street.

The lot coverage restriction will cause the church to build elsewhere in order to accommodate their program and growth.



**City of Helena
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE**

(Part C Continued...)

6. Explain the extent of the circumstances that are creating hardship or difficulty in compliance with the City Code and list alternatives and options considered by the applicant. Provide supporting documentation.

The Church has invested significantly in this property from the original 1965 facility to the coffee shop remodel in 2019. They have looked at many alternatives for expanding the facilities to accommodate their growth and have arrived at the current solution as the only solution to meet the needs of the church. The lot coverage variance is required in order to meet that growth. If the variance is not granted, significant costs, time, and heartache will be sustained because the church will need relocate and build elsewhere. This will be further explained in the BOA presentation.

7. Describe whether or not granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other similar properties located in the same zoning district and provide supporting documentation.

We don't believe that granting the variances provides a special privilege to Helena First Church. Lot coverage, parking, and landscape issues are very common in project planning and many properties are granted variances for individual project considerations. All variances requested by Helena First are reasonable requests and very much in keeping with other requests by similar properties, including the many churches located in residential zones in Helena.

8. Do you think a rebuttable presumption, as identified in City Code Section 11-5-5(E), should apply to your property, yes or no? For example, do you have an existing non-conforming structure that you wish to rebuild in the same location? If yes, show the original footprint of the building. Provide documentation that proves the existence of the prior nonconformity. Document that the nonconformity can be in compliance with building and fire codes.

No - Although, Helena First had a parking plan approved in 1985 that allowed for 50 compact spaces. Helena First was allowed compact parking after compact spaces were eliminated from City Code. Helena First's reconstruction of the lot and their increase of the gross floor area compel them to come into compliance with the current code. Through variance, we are reuesting to keep the existing situation.

See the attached explanation of variance and the Conceptual Design submittal showing site and floor plans as well as images of the envisioned addition/remodel.

IT IS THE POLICY OF THE CITY OF HELENA'S BOARD OF ADJUSTMENT TO NOT ACT ON A PROPOSAL IF THE APPLICANT/PROPERTY OWNER OR REPRESENTATIVE IS NOT PRESENT AT THE BOARD OF ADJUSTMENTS HEARING. CITY STAFF REPRESENT THE CITY AND CANNOT ANSWER QUESTIONS ON BEHALF OF THE APPLICANT AT THE BOARD OF ADJUSTMENT HEARINGS.

I HEREBY CERTIFY THE ABOVE STATEMENTS AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT.

PROPERTY OWNER'S SIGN. :  DATE: 04/11/2022

APPLICANTS'S SIGNATURE :  DATE: 04/11/2022

(Property owner must sign application if different than the applicant)

ELM ST

NATIONAL AVE

300' - 0"

11 SPACES

296' - 0"

NEW OHP POLE (approximate NWE to provide plan) 7 SPACES

R 35' - 0"

3 SPACES

17'-2"

24 SPACES
LAN REQD: 720 SF
LAN PROVIDED: 770 SF

EXISTING KID'S FIRST
TO BE REMODELED
15,945sf

NEW SANCTUARY
& MAIN
ENTRANCE
15,300 sf

14'-4"

EXISTING BLDG TO BE DEMOLISHED
4750 sf

6'-7"

EXISTING SANCTUARY
TO BE REMODELED
7335 sf

9 SPACES

R 35' - 0"

57 SPACES
LAN REQD: 1710 SF
LAN PROVIDED: 3461SF

(E) OHP POLE

14 SPACES

(E) OHP POLE

(E) OHP POLE

CEDAR ST

DODGE AVE

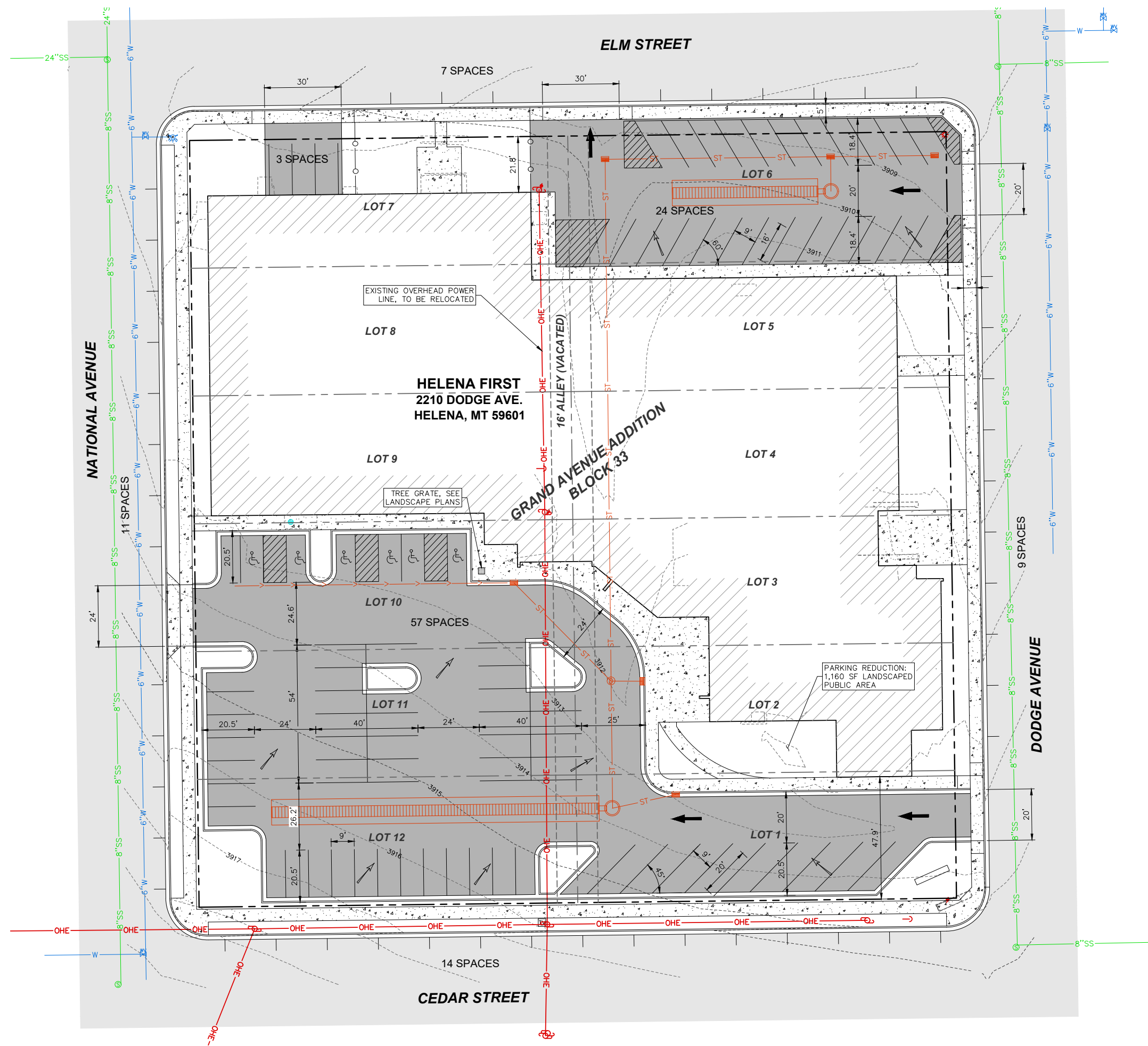
CITY OF HELENA ZONING

Parking Requirements
 Off Street Parking for worship spaces = .25 per seat
 700 seats @ .25= 175 spots
 Reduction- on street parking: 41 spots
 Reduction- bike parking: 35 spots
 Reduction - public landscape area: 17 spots
 Parking reqd with reductions = 82
 Parking off street provided = 84 (ok)

R-3 Setbacks
 Front: 10' minimum (ok)
 Side: 6' minimum (ok)

Lot Coverage
 Site: 88,800 sf
 Total building area: 38,580 sf current design (43.4% lot coverage) variance requested





PARKING REQUIREMENTS:

BUILDING [WORSHIP FACILITY]: (700) SEATS
 REQUIREMENT:
 (0.25) PARKING SPACE/SEAT
 (HELENA CITY CODE, 11-22-3-A)

MINIMUM NUMBER OF ADA PARKING SPACES: 6
 (208.2, ADA STANDARDS DESIGN)

PARKING SPACES (BEFORE REDUCTIONS):
 - REQUIRED: 175 (TOTAL), ADA SPACE: 6

PARKING SPACES (AFTER REDUCTIONS):
 - REQUIRED: 114 (TOTAL), ADA SPACE: 6
 REDUCTIONS:
 - 20% IF WITHIN 300 FT OF PUBLIC BUS STOP [REDUCED, 35]
 - 2:1 FOR EACH BICYCLE PARKING SPOT, 18 SPOTS [REDUCED, 9]
 - 10% IF A MINIMUM 300 S.F. LANDSCAPED PUBLIC AREA IS PROVIDED [REDUCED, 17]
 - PROVIDED: 125 (TOTAL), ADA SPACE: 6

STORM WATER CALCULATION:

TOTAL WATER QUALITY VOLUME REQUIRED = 3,410 CUBIC FEET
 DEVELOPMENT AREA = 88,866 SQUARE FEET (2.04 AC)
 PERCENTAGE OF IMPERVIOUS AREA = 87%

$$V_{WQ} = [(0.05 + 0.9 * 87\%) (88,866 \text{ SF})] / 12"$$

$V_{WQ} = 3,100$ CUBIC FEET REQUIRED
 TOTAL VOLUME REQUIRED + 10%: 3,410 CUBIC FEET
 TOTAL VOLUME PROVIDED: 3,610 CUBIC FEET

NORTH STORM WATER STRUCTURE:

WATER QUALITY VOLUME REQUIRED = 1,023 CUBIC FEET
 DEVELOPMENT AREA = 26,660 SQUARE FEET (0.61 AC)
 VOLUME PROVIDED: 1,110 CUBIC FEET
 UNDERGROUND RETENTION FOOTPRINT: 10'x57'
 DESIGN INFILTRATION RATE (WATER QUALITY EVENT): _____ IN/HR

SOUTH STORM WATER STRUCTURE:

WATER QUALITY VOLUME REQUIRED = 2,387 CUBIC FEET
 DEVELOPMENT AREA = 62,206 SQUARE FEET (1.43 AC)
 VOLUME PROVIDED: 2,500 CUBIC FEET
 UNDERGROUND RETENTION FOOTPRINT: 10'x128'
 DESIGN INFILTRATION RATE (WATER QUALITY EVENT): _____ IN/HR

***REFERENCE:** MONTANA POST-CONSTRUCTION STORM WATER BMP DESIGN GUIDANCE MANUAL, SEPTEMBER 2017, SECTION 3.2, EQUATION 3-1.



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 www.seceng.com

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 Phone: (406)442-8594

851 BRIDGER DR. STE. 1
 BOZEMAN, MT 59715
 Phone: (406)522-9526

ISSUE/REVISION	DESCRIPTION	EOR	QCR
DATE	###	###	###
No.	###	###	###
DATE	###	###	###
No.	###	###	###

HELENA FIRST
 2210 DODGE AVENUE
 MOSAIC
 ARCHITECTURE

CONCEPT
 PLAN



nf helena first
**CONCEPT DESIGN
PACKAGE**

09.2021

SITE CONSTRAINTS

Four major site constraints exist on this site: (1) existing facilities including utility location, (2) parking, (3) City of Helena zoning, and (4) existing facilities on multiple blocks.

EXISTING FACILITIES

Existing facilities split the main campus into 4 quadrants with the existing Kid's First building in the north west quadrant and the Central building in the east/south east quadrant of the site. Parking lots are located in the north-east and south-east portions of the site. Between the two buildings are utilities (running north/south) and a courtyard. Additionally, each building has a unique architectural style reflective of the time period in which it was constructed. Challenges lie in (1) finding a location on the site for an addition and (2) how to connect existing buildings (each with their own architectural style) into a cohesive singular building.

PARKING

Parking quantity and layout needs to be considered in order to ensure Helena First is meeting the City of Helena's parking requirements. Additional parking is preferred so worshipers do not have to walk a significant distance to/from the building.

Current City of Helena parking requirements & exceptions are as follows:

Off street parking for worship spaces: .25 per seat

Helena First: 700 seats @ .25 = 175 parking spots (with no reductions applied)

Exceptions/Reductions:

- On Street parking sub 1 for 1 if along property
- 20% Reduction if a city transit stop is within 300 ft of the property
Nearest bus stop: Aspen St & National Ave = 1 city block from property = 300 ft
- 2 to 1 reduction for each bicycle parking spot up to 20%
- 10% reduction if min 300 sf landscaped public area is provided (not to be included in landscape reqmts)
- Up to 90% reduction if parking is within 1,000 ft of property

R2
Residential

R3
Residential

B2
Business

ZONING

Helena First is located in R3 zoning which currently requires a conditional use permit in order to house a place of worship. Helena First will need to include the following as a part of the conditional use permit application (per 11-3-1):

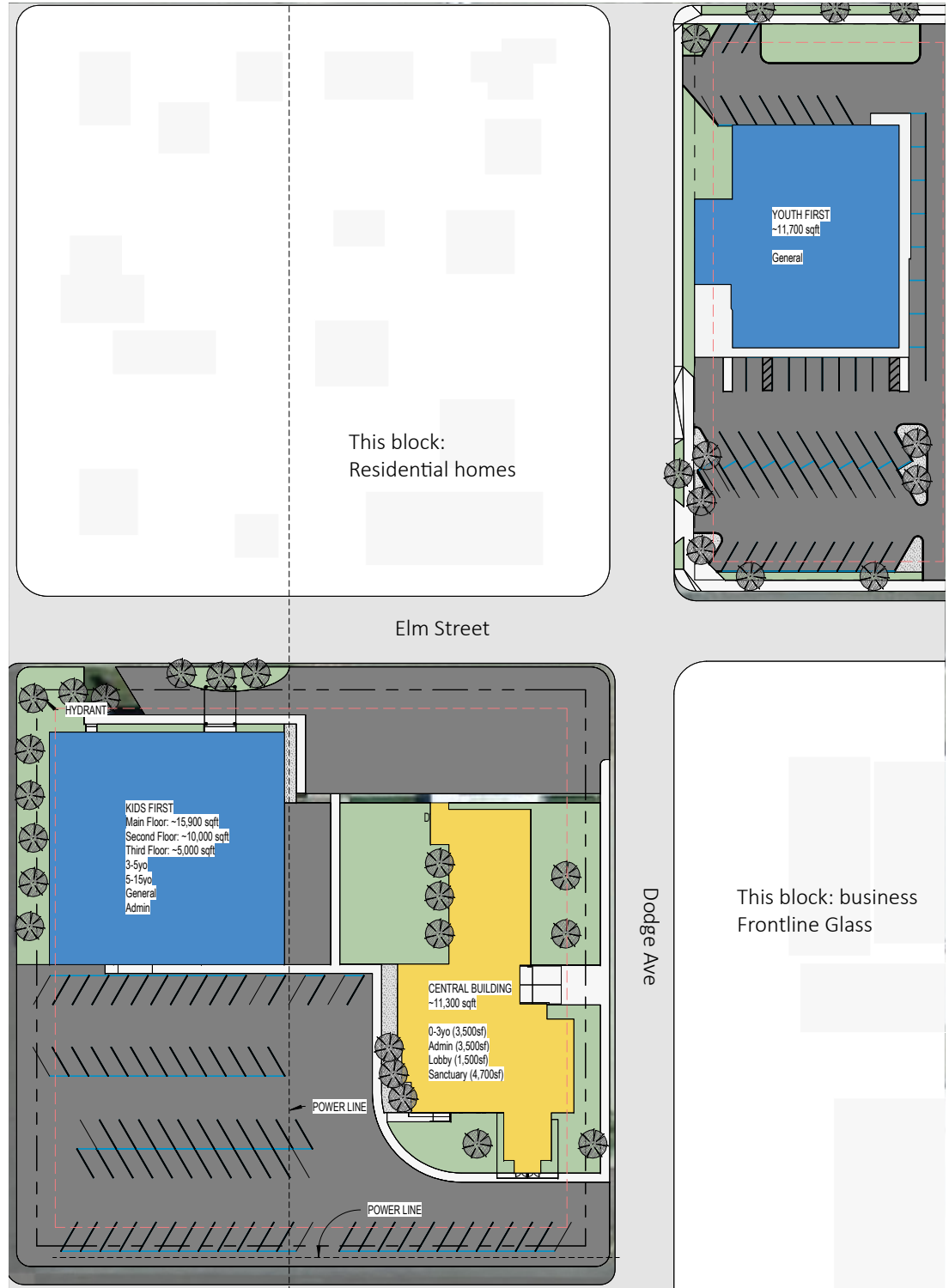
1. Type and extent of the proposed use;
2. Site plan showing the proposed and current location of: a. Pedestrian, vehicular, and bicycle ingress and egress to the property; b. Parking and loading areas; c. Landscaping and screening; d. Solid waste collection areas; e. Utilities; f. Signs; and g. Lighting;
3. Proposed storm water drainage plan;
4. Traffic impact study for any use that will generate more than two hundred (200) vehicle trips a day;
5. Vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets;
6. Planned modifications to the existing structure;
7. Preliminary architectural drawings for new construction with elevations that include building heights;
8. An evaluation of the impacts on the abutting properties and the neighborhood with respect to factors identified in section 11-3-5B. The evaluation must address any potential adverse impacts and how any such adverse impacts will be mitigated.
9. Expected time when the permitted conditional use will commence; and
10. Variances requested. (Ord. 3097, 4-7-2008; amd. Ord. 3279, 1-13-2020)

The City of Helena may modify current zoning ordinances to allow places of worship as a permitted use in R-3 zoning. If this occurs, Helena First will be obligated to follow R-3 lot requirements. This includes (11-4-2): (1) no minimum lot area, (2) 40% maximum lot coverage, (3) 10' minimum setback for front lot line, (4) 10' minimum setback for rear lot line, (5) 6' minimum for each side yard setback, (6) 36' maximum height.

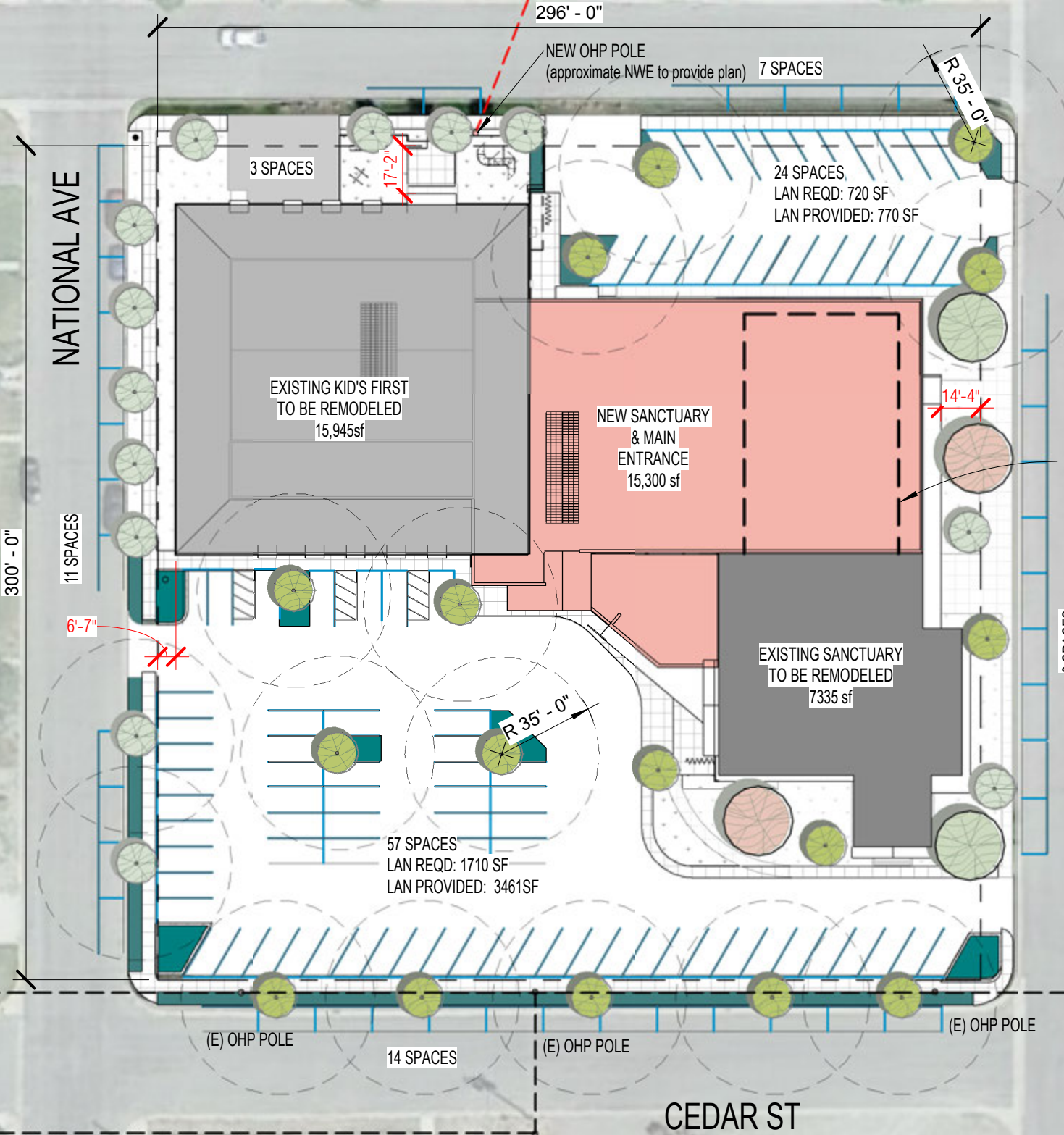
MULTI-BLOCK CAMPUS

Youth First is located across Elm Street, a public street with vehicular access. As such Youth First feels disconnected from the main campus. Possible solutions include incorporating traffic calming elements between the two blocks and purchasing adjacent lots for greater connection between Youth first & the main campus.

EXISTING SITE PLAN



ELM ST



EXISTING BLDG TO BE DEMOLISHED
4750 sf

CITY OF HELENA ZONING

Parking Requirements
 Off Street Parking for worship spaces = .25 per seat
 700 seats @ .25= 175 spots
 Reduction- on street parking: 41 spots
 Reduction- bike parking: 35 spots
 Reduction - public landscape area: 17 spots
 Parking reqd with reductions = 82
 Parking off street provided = 84 (ok)

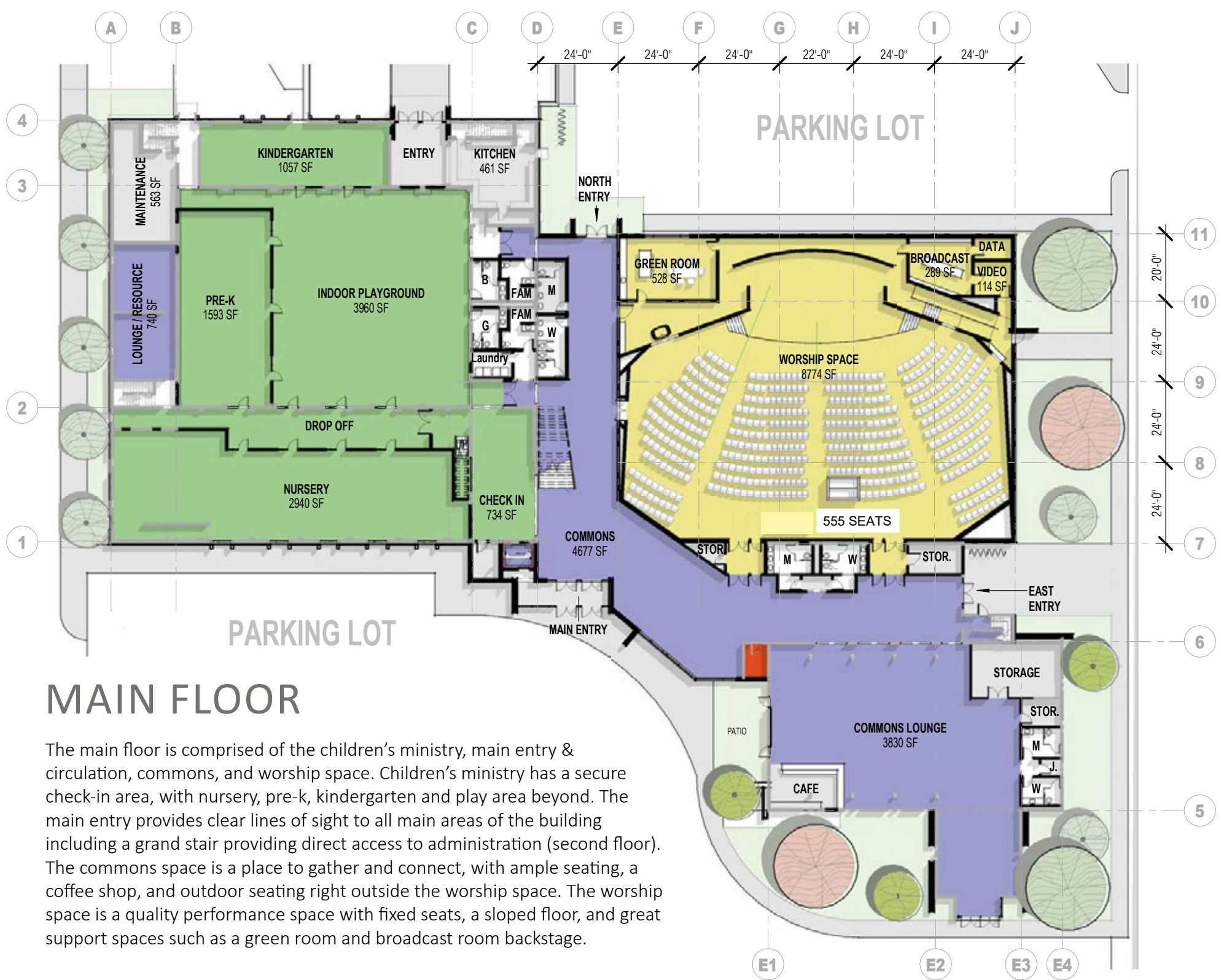
R-3 Setbacks
 Front: 10' minimum (ok)
 Side: 6' minimum (ok)

Lot Coverage
 Site: 88,800 sf
 Total building area: 38,580 sf current design (43.4% lot coverage) variance requested

DODGE AVE

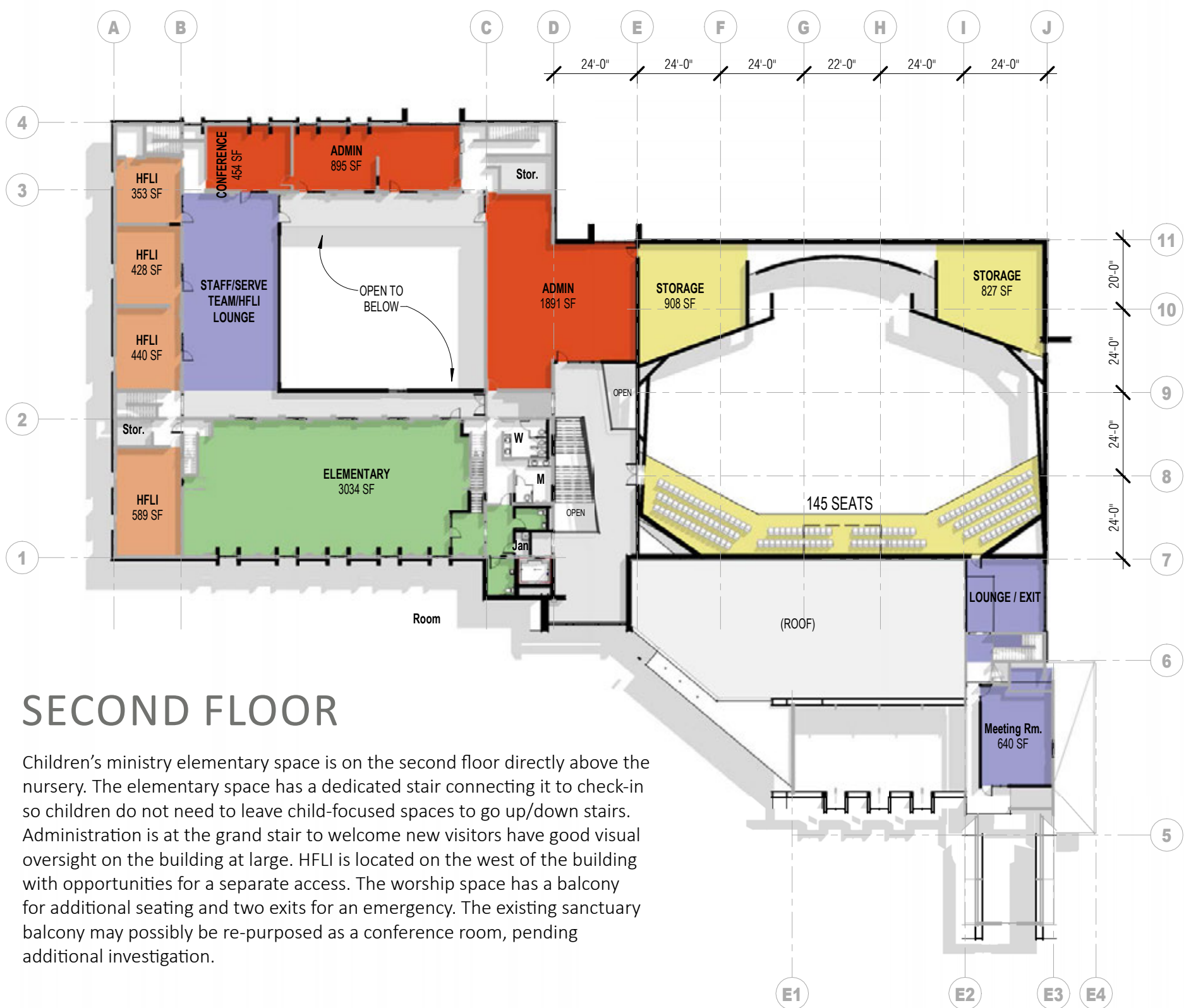
CEDAR ST





MAIN FLOOR

The main floor is comprised of the children’s ministry, main entry & circulation, commons, and worship space. Children’s ministry has a secure check-in area, with nursery, pre-k, kindergarten and play area beyond. The main entry provides clear lines of sight to all main areas of the building including a grand stair providing direct access to administration (second floor). The commons space is a place to gather and connect, with ample seating, a coffee shop, and outdoor seating right outside the worship space. The worship space is a quality performance space with fixed seats, a sloped floor, and great support spaces such as a green room and broadcast room backstage.



SECOND FLOOR

Children’s ministry elementary space is on the second floor directly above the nursery. The elementary space has a dedicated stair connecting it to check-in so children do not need to leave child-focused spaces to go up/down stairs. Administration is at the grand stair to welcome new visitors have good visual oversight on the building at large. HFLI is located on the west of the building with opportunities for a separate access. The worship space has a balcony for additional seating and two exits for an emergency. The existing sanctuary balcony may possibly be re-purposed as a conference room, pending additional investigation.

RENDERINGS



Birds eye view of Helena First main entry



Existing Sanctuary entries are remodeled to be a more subdued version of the main entry.





RENDERINGS

The building form highlights the main entry with a sweeping overhanging connecting the entry to outdoor cafe seating and bike parking. The outdoor play area, on the north side of the building, is enclosed with a fence and supports children's ministry.

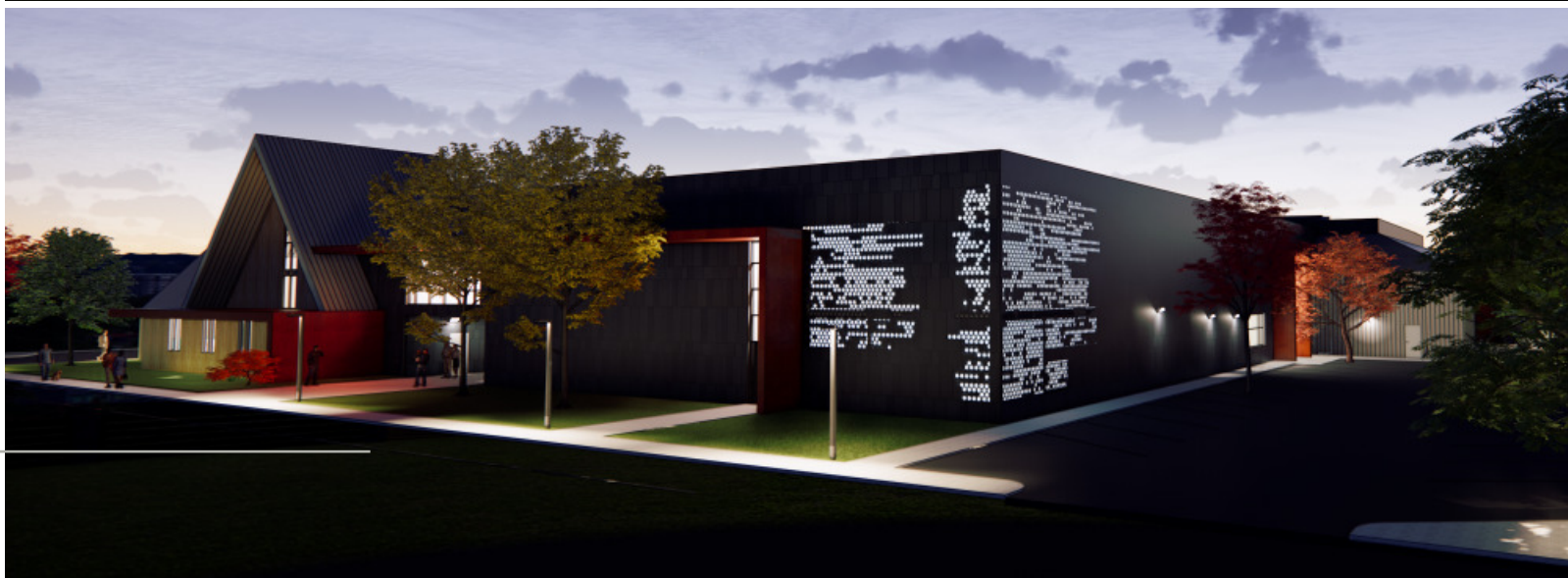


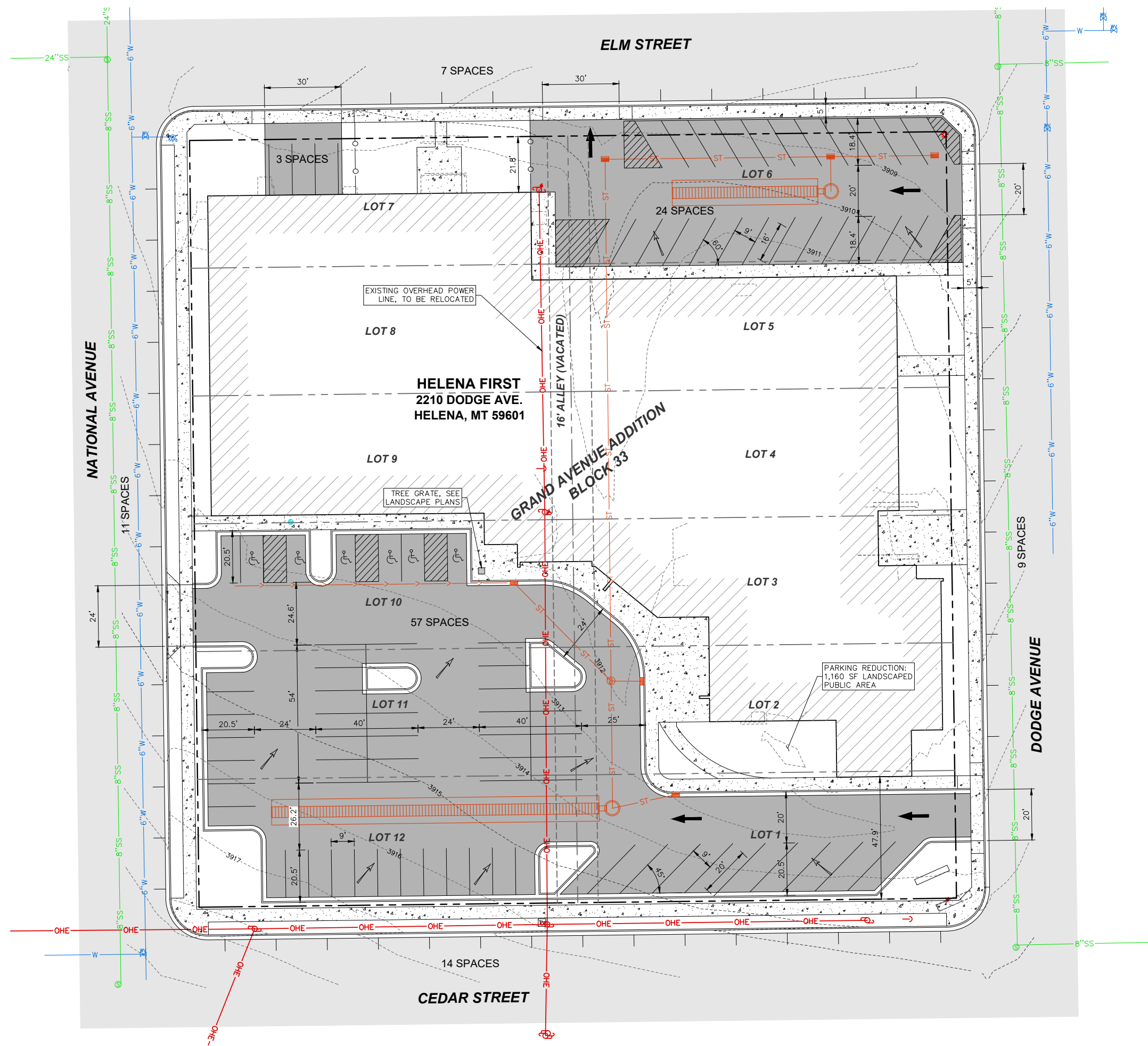


RENDERINGS

As the days get shorter, the perception of the building in the dark becomes more significant. Elements such as building form, window placement, and exterior lighting play an important role to feature Helena First as an active, welcoming community.

Additional opportunities exist for the material and building facade to reflect the mission and vision of Helena First. For example, as shown in the lower right hand rendering, light can be projected through perforations in material to provide a graphic message to passersby.





PARKING REQUIREMENTS:

BUILDING [WORSHIP FACILITY]: (700) SEATS
 REQUIREMENT:
 (0.25) PARKING SPACE/SEAT
 (HELENA CITY CODE, 11-22-3-A)

MINIMUM NUMBER OF ADA PARKING SPACES: 6
 (208.2, ADA STANDARDS DESIGN)

PARKING SPACES (BEFORE REDUCTIONS):
 - REQUIRED: 175 (TOTAL), ADA SPACE: 6

PARKING SPACES (AFTER REDUCTIONS):
 - REQUIRED: 114 (TOTAL), ADA SPACE: 6
 REDUCTIONS:
 - 20% IF WITHIN 300 FT OF PUBLIC BUS STOP [REDUCED, 35]
 - 2:1 FOR EACH BICYCLE PARKING SPOT, 18 SPOTS [REDUCED, 9]
 - 10% IF A MINIMUM 300 S.F. LANDSCAPED PUBLIC AREA IS PROVIDED [REDUCED, 17]
 - PROVIDED: 125 (TOTAL), ADA SPACE: 6

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***REFERENCE:** MONTANA POST-CONSTRUCTION STORM WATER BMP DESIGN GUIDANCE MANUAL, SEPTEMBER 2017, SECTION 3.2, EQUATION 3-1.



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ISSUE/REVISION	DESCRIPTION	EOR	QCR
DATE	###	###	###
No.	###	###	###
	CONCEPT PLAN		

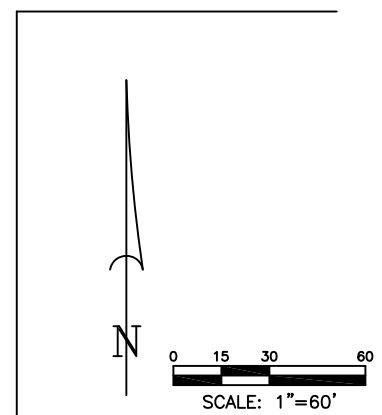
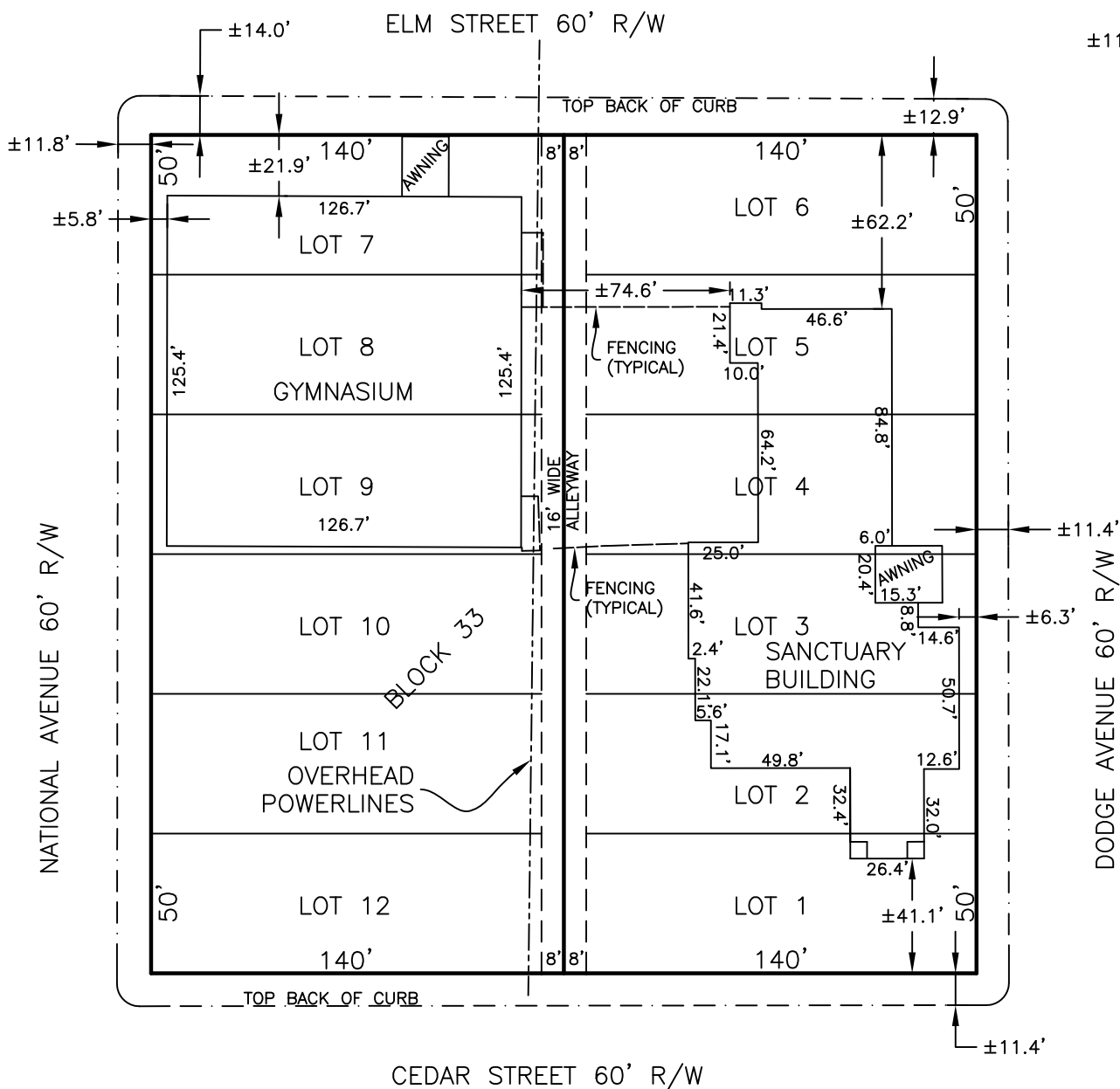
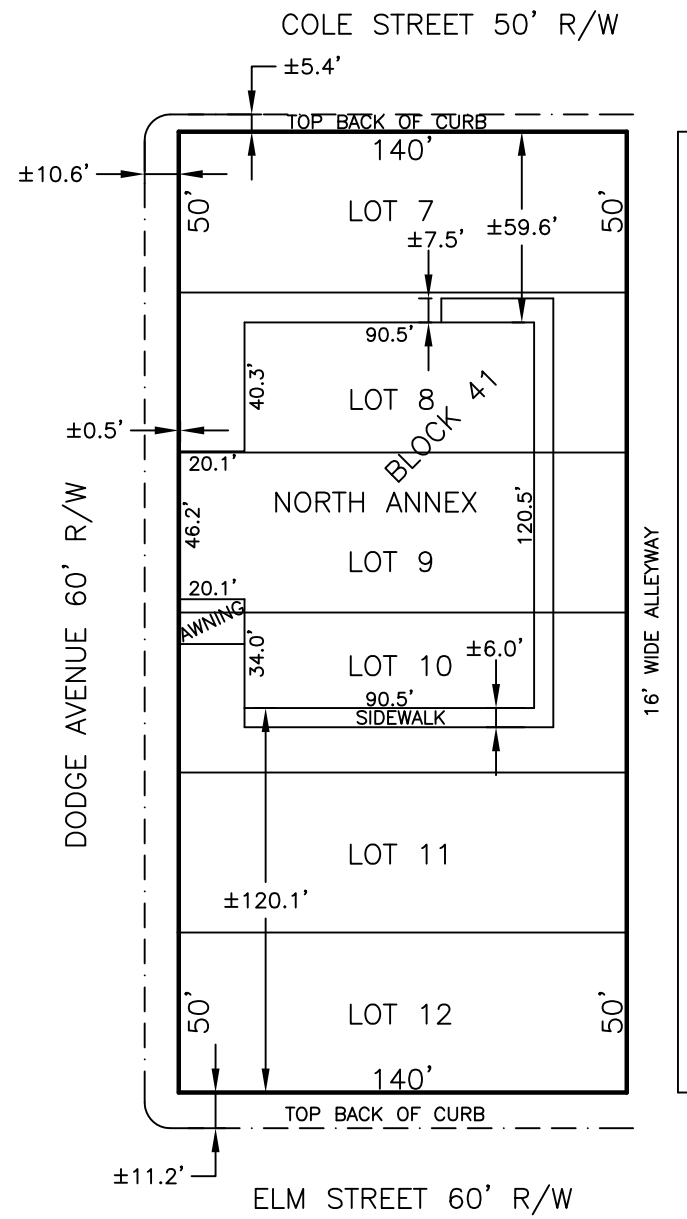
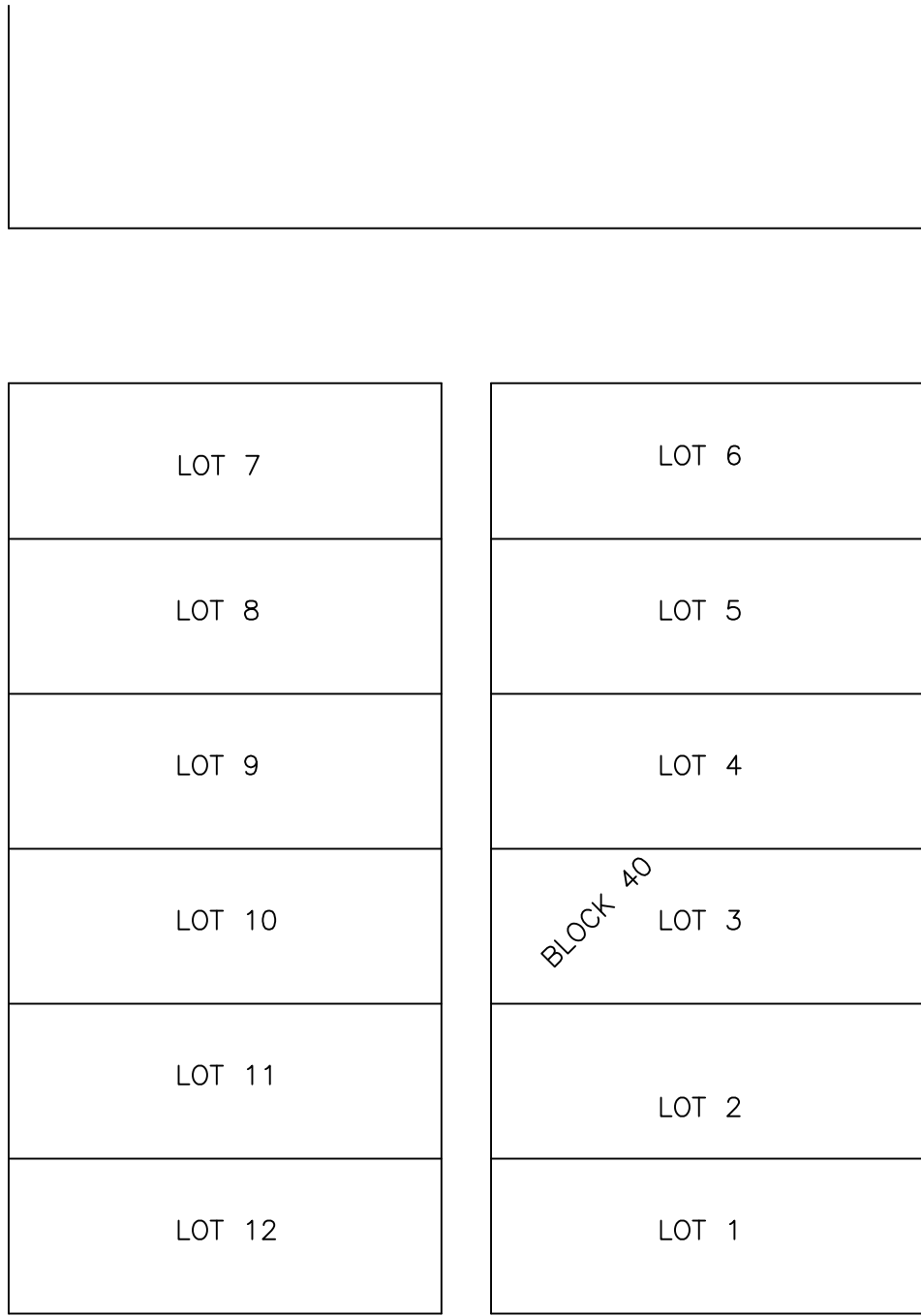
HELENA FIRST
 2210 DODGE AVENUE
 MOSAIC
 ARCHITECTURE

CONCEPT
 PLAN

ENCROACHMENT EXHIBIT

LOTS 1 THROUGH 12 IN BLOCK 33 AND LOTS 7 THROUGH 12 IN BLOCK 41 OF THE GRAND AVENUE ADDITION AS AMENDED TO THE CITY OF HELENA, MONTANA

NOTE : PROPERTY LINE DISTANCES ARE ALL RECORD.



BLOCK 32

CERTIFICATE OF SURVEYOR

I, Daniel E. Dengel, a Licensed Professional Land Surveyor in the State of Montana, do hereby certify that this is a true representation of a survey made under my direct supervision.

Daniel E. Dengel 14733LS

cc: Planning
New Nat'l
Engel
Co clerk
Records
Co Assessor

RECEIVED

MAY 25 1978

CITY of HELENA
ENGINEER

AN ORDINANCE CLOSING AND VACATING A PORTION OF THAT CERTAIN ALLEY IN BLOCK 33 OF THE GRAND AVENUE ADDITION TO THE CITY OF HELENA, MONTANA, SUBJECT TO THE USE THEREOF BY ALL PUBLIC UTILITIES NOW IN EXISTENCE THEREON AND THEREIN AND SUCH UTILITIES AS THE CITY OF HELENA MAY DEEM NECESSARY TO PLACE THEREON AND THEREIN IN THE FUTURE, AND PROVIDING FOR REVERSION THEREOF.

WHEREAS, a petition has heretofore been filed requesting the closing and vacating of a portion of that certain alley in the City of Helena, Montana, hereinafter described; and,

WHEREAS, on the 8th day of May, 1978, a resolution of intention to close and vacate a portion of said alley was finally passed by the City Commission of the City of Helena, Montana, in regular session met and held; and

WHEREAS, notice of intention to close and vacate said portion of said alley was duly and regularly served and published in accordance with the law, and a hearing was held thereon on the 28th day of February, 1966; and,

WHEREAS, the owners of fifty-one per cent (51%) of the abutting and affected property failed to appear and object to the closing and vacating of said portion of said alley; and,

WHEREAS, the Commission of the City of Helena, Montana, has deemed that said closing and vacating of a portion of said alley is in the best interests of the City of Helena, the public and the abutting and affected property owners;

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That certain portion of the alley in Block 33 of the Grand Avenue Addition to the City of Helena, Montana, be, and the same is hereby closed and vacated, subject, however, to the use thereof by all public utilities now in existence and in place thereon and therein, and that said City may, from time to time, deem necessary to place thereon and therein in the future; and subject further that in the event that petitioner fails to complete development of the area involved in this closing and vacating within three (3) years from the date hereof, then and in that event, the above-described alley shall revert to and be and become revested in the City of Helena, Montana, for alley purposes, and this possibility of reverter shall be incorporated in the quit claim deed running from the City of Helena to petitioner herein or his successors and assigns.

Ordinances of City of Helena, Montana

FIRST PASSED by the Commission of the City of Helena, Montana, this 8th day of May, 1978.

Kathleen Ramey
MAYOR

ATTEST:

Dora E. Dougherty
CLERK OF THE COMMISSION

FINALLY PASSED BY the Commission of the City of Helena, Montana, this 22nd day of May, 1978.

Kathleen Ramey
MAYOR

ATTEST:

Dora E. Dougherty
CLERK OF THE COMMISSION

STAFF REPORT

DOCKET #CPB-78-6

To: City Planning Board

From: Planning Staff

Date: March 28, 1978

Subject: Requested alley closure and vacation

Applicant: First Assembly of God Church, Del Sharbono

Location: The alley is a 16' wide by 300' long north-south alley in Block 33 of the Grand Avenue Addition. Block 33 is bounded by Cedar Street, National Avenue, Elm Street and Dodge Avenue.

Land Use: The Church is located on the eastern portion of Block 33. Paved parking is located around the structure, as well as in the southwest quarter of the block. The northwestern portion of the Block is vacant. Surrounding land use is residential to the west and north of Block 33. Bair's Truckstop is located south of the block, and Taylor rental is to the east.

Reason for Use: Plans have been drawn up to construct a new multi-purpose building. The plot plan shows a portion of a structure within the platted alleyway. In order to build as planned, closure and vacation is necessary.

Services: Mountain Bell has underground cable in the southern part of the alley, as well as overhead line on poles travelling northward in the alley. Montana Power has overhead line in the entire length of the alley; gas lined are located in nearby streets. A 16' easement to provide for maintenance and future operations has been requested. The proposed multi-purpose building is located such that relocation of the overhead lines will probably be necessary. If so, the Church will be required to pay 100% of relocation costs.

The City of Helena does not have sewer or water in the alley. Since the Church owns all of Block 33, the City Sanitation Department does not foresee that collection services would be impeded by closure; therefore, Sanitation does not object.

Discussion: Policy adopted by the City Commission calls on the Planning Board to make recommendations relative to street closures based on:

1. How the closure or vacation will affect the public's interest,
2. The affect the closure may have on future planning in the area,
3. The severity of the hardships imposed on the applicant if the request is denied. Staff does not believe that closure would adversely affect public interest or future planning, as long as a 16' utility easement is required and the Church bears the full cost of relocation. The applicant has presented firm plans for intended use, and it appears that a hardship could indeed result if the request were denied.

Recommendation: Staff recommends approval of the requested closure and vacation with the following condition:

1. That a 16' utility easement be retained.

STATE OF MONTANA.

County of Lewis and Clark ss. Filed for record this 25th day of February 1969 at 1:16 o'clock P.M. and Recorded in Book of Deeds on Page of the Records of County of Lewis and Clark State of Montana. Clerk and Recorder By Carol Smith

NO. 2 - WARRANTY DEED - SHORT FORM - PHOTO 2.00 STATE PUBLISHER CO., HELENA, MONT.

This Indenture, Made the 19th day of February A. D. one thousand nine hundred and sixty-nine (1969) BETWEEN ORA A. GUFFEY and THEO E. GUFFEY, in her own right and as the wife of Ora A. Guffey, Helena, Montana part 1es of the FIRST PART and ASSEMBLY OF GOD OF HELENA, MONTANA. a Montana corporation of Helena, Montana

the part Y of the SECOND PART;

WITNESSETH, that the said part 1es of the FIRST PART, for and in consideration of the sum of One Dollar & other valuable considerations DOLLAR (\$1.00) lawful money of the United States of America to them in hand paid by said part Y of the SECOND PART, the receipt whereof is hereby acknowledged; do by these presents grant, bargain, sell, convey, warrant and confirm unto the said part Y of the SECOND PART, and to its successors and assigns forever, the hereinafter described real estate situated in the city or town of City of Helena, County of Lewis and Clark and State of Montana, to-wit: Lots Seven (7) and Eight (8), in Block Thirty-three (33) of the Grand Avenue Addition to said City of Helena, as said lots and block are numbered, designated and described on the official plat of said addition on file and of record in the office of the County Clerk and Recorder of Lewis and Clark County, Montana.

TOGETHER with all and singular the hereinbefore described premises together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim and demand whatsoever, as well in law as in equity, of the said part 1es of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said part Y of the SECOND PART, and to its SUCCESSORS and assigns forever.

And the said part 1es of the FIRST PART, and their heirs, do hereby covenant that they will forever WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said part Y of the SECOND PART its successors and assigns, against all acts and deeds of the said part 1es of the FIRST PART, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said part 1es of the FIRST PART have hereunto set their hands and seals the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of

[Signatures of Ora A. Guffey and Theo E. Guffey] (SEAL)

STATE OF MONTANA,

County of Lewis and Clark ss.

On this 19th day of February in the year nineteen hundred and sixty-nine (1969) before me Paul W. Smith, a Notary Public for the State of Montana, personally appeared ORA A. GUFFEY and THEO E. GUFFEY

known to me (or proved to me on oath of) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

[Signature of Paul W. Smith] Notary Public for the State of Montana.

Residing at Helena, Montana My Commission expires June 24 1970

MABLE M. MILLER, Administratrix)
of the Estate of THOMAS E.)
NEWCOME, Deceased, to ASSEMBLY)
OF GOD OF HELENA, MONTANA, a)
Montana corporation.)

281-193

D E E D

THIS INDENTURE, made the 17th day of July, 1975, at Helena, County of Lewis and Clark, State of Montana, by and between MABLE M. MILLER, the duly appointed, qualified and acting Administratrix of the Estate of THOMAS E. NEWCOME, Deceased, the Party of the First Part, and ASSEMBLY OF GOD OF HELENA, MONTANA, a Montana corporation, of said county and state, the Party of the Second Part,

W I T N E S S E T H :

WHEREAS, on the 6th day of May, 1975, the District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark, made its Order of Sale authorizing said Party of the First Part to sell certain real estate belonging to said estate, and which is situate in said county and state, and specified and particularly described in said Order of Sale, reference to which is hereby made, and,

WHEREAS, under and by virtue of said Order of Sale, said Party of the First Part, on the 30th day of June, 1975, sold said real estate subject to confirmation by said District Court, to said Party of the Second Part, for the sum of \$13,086.00, and,

WHEREAS, said Court did, on the 16th day of July, 1975, make an Order confirming said sale and directing proper conveyance to be executed to the purchaser of said property, a certified copy of which Order of Confirmation was recorded in the Office of the County Recorder of said County of Lewis and Clark, State of Montana, on said 16th day of July, 1975, which said Order of the Court is now on file and of record, in said District Court and with said Recorder's Office, hereby referred to and made a part of this indenture,

NOW, THEREFORE, the said MABLE M. MILLER, as Administratrix of the Estate of said THOMAS E. NEWCOME, Deceased, the Party of the First Part, pursuant to the Order last aforesaid of said District Court, for and in consideration of the payment to her of the sum of \$13,086.00 lawful money of the United States by said Party of the Second Part, receipt of which is hereby acknowledged, has bargained, granted, sold and conveyed, and by these presents, does grant, bargain, sell, and convey to said Second Party, its successors in interest, and assigns, forever, all right, title, interest and estate of the said THOMAS E. NEWCOME, Deceased, at the time of his death, and also, all the right, title, and interest that such party had according to law or otherwise, or may have acquired at the time of his death, in and to all that certain real property situate in said County of Lewis and Clark, State of Montana, and more particularly described as follows, to-wit:

Lots 9, 10, 11 and 12 of Block 33 of the Grand Avenue
Addition to said City of Helena, Lewis and Clark County,
State of Montana,

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, to have and to hold, all and singular, the above-described premises, together with the appurtenances, unto the said Party of the Second Part, its successors in interest and assigns, forever.

IN WITNESS WHEREOF, the said Party of the First Part, Administratrix, as aforesaid, pursuant to authority of the Court hereinabove referred to, has hereunto set her hand the day and year first above written.

Mable M. Miller
Mable M. Miller, Administratrix of the Estate of Thomas E. Newcome, Deceased.

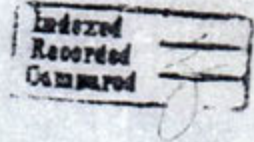
STATE OF MONTANA)
: ss.
County of Lewis and Clark)

On this 17th day of July, 1975, before me, VICTOR H. FALL, Notary Public for the State of Montana, personally appeared MABLE M. MILLER, known to me to be the person who executed the above and foregoing conveyance, and who did execute the same in my presence and declared the same to be her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first in this certificate above written.



Victor H. Fall
NOTARY PUBLIC for the State of Montana,
Residing at Helena, Montana.
My Commission expires 1/4/78.



255269

STATE OF MONTANA }
COUNTY OF LEWIS & CLARK } ss:

I hereby certify that the within instrument was filed in my office on this 17 day of July A.D. 19 75 at 5:55 min. past 2 o'clock P.M. and recorded on page 194 of Book 281 Records of Lewis and Clark County, State of Montana.

John L. ...
County Recorder
4:00

ASSEMBLY OF GOD CHURCH
2210 DODGE AVE
HELENA, MT. - 59601

Know All Men by These Presents:

That ASSEMBLY OF GOD OF HELENA, MONTANA, a Montana Corporation, ~~formerly~~ incorrectly called HELENA ASSEMBLY OF GOD, a Montana Corporation a corporation, organized and existing under the laws of the State of MONTANA in consideration of the sum of One Dollar and other valuable consideration Dollars (\$ 1.00 & OVC), the receipt whereof is hereby admitted, does hereby grant, bargain, sell, convey and confirm unto ASSEMBLY OF GOD OF HELENA, MONTANA, a Montana Corporation

and to its heirs and assigns, **FOREVER**, the following described real property, situated in the city or town of Helena County of Lewis and Clark, State of Montana, to-wit:

Lots 1, 2, 3, 4, 5 and 6 in Block 33 of the Grand Avenue Addition to the City of Helena, Montana.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

And the said GRANTOR hereby covenants that it will forever **WARRANT** and **DEFEND** all right, title, and interest in and to said premises, and the quiet and peaceable possession thereof, unto the said GRANTEE, its heirs and assigns, against the acts and deeds of said grantor, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, said GRANTOR has caused its corporate name to be subscribed and its corporate seal to be affixed, by its proper officers, thereunto duly authorized, on this 23rd day of April, A. D. 19 76.

ASSEMBLY OF GOD OF HELENA, MONTANA
By [Signature] President.

ATTEST:
Secretary.

STATE OF MONTANA,
County of Lewis & Clark ss.

On this 23rd day of April in the year 19 76, before me the undersigned, a Notary Public for the State of Montana, personally appeared [Signature] (known to me or proved to me on oath of [Signature]) of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

[Signature]
Notary Public for the State of Montana.
My Commission expires 12/18, 1977

Residing at Helena, Montana

"Your Locally Owned Title Co."
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1 N. Last Chance Gulch — Helena, Montana 59601
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