



Kyle Holland, **Planner II**  
**Community Development Department**  
316 North Park Avenue, Room 445  
Helena, MT 59623

: Phone: 406-447-8492  
: Fax: 406-447-8460  
: Email: [kholland@helenamt.gov](mailto:kholland@helenamt.gov)

**helenamt.gov**

**Date:** August 9, 2023

**STAFF REPORT**

**To:** Helena Board of Adjustment

**From:** Kyle Holland, City Planner II

**Subject:** Consideration of:

1. A variance from Section 11-4-2 to decrease the minimum side lot line setback from 5' to 1', for a property with a legal description of The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana.
2. A variance from Section 11-4-2 to decrease the minimum front lot line setback from 10' to 4', for a property with a legal description of The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana.

The reason for this variance is to expand an existing garage and shop.

This property is located at 1400 Phoenix Avenue

**OVERVIEW**

**GENERAL INFORMATION**

**DATE OF APPLICATION:** Application received June 7, 2022

**PUBLIC HEARING DATE:** Board of Adjustment - 5:30 p.m., Tuesday, August 22, 2023

**APPLICANT:** Bryan Johnson

**MAILING ADDRESS:** 1400 Phoenix Avenue, Helena, MT 59601

**CONTACT NUMBER:** (406) 439-9994

**EMAIL ADDRESS:** [bjohnson@mt.net](mailto:bjohnson@mt.net)

**PROPERTY ADDRESSES:** 1400 Phoenix Avenue, Helena, MT 59601

**LEGAL DESCRIPTION:**

The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana

**PRESENT LAND USE:** Single dwelling unit with detached garage

**ADJACENT LAND USE:**

- North: R-3-T#25 – Single Dwelling Unit
- South: M-I – Multiple Dwelling Unit / BNSF
- East: R-3-T#25 - Single Dwelling Unit
- West: R-3-T#25 – Single Dwelling Unit

**PRESENT ZONING:** R-3-T#25

**VARIANCE PROPOSALS:**

**1. A variance from Section 11-4-2 to decrease the minimum side lot line setback from 5’ to 1’, for a property with a legal description of The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana.**

**And**

**2. A variance from Section 11-4-2 to decrease the minimum front lot line setback from 10’ to 4’, for a property with a legal description of The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana.**

**HISTORY OF APPLICABLE PERMITTING ACTION:**

- 1) June 2022, electrical permit
- 2) March 2015, remodel work including roofing, HVAC, plumbing, and electrical
- 3) June – October 1986, 36’ x 28’ garage and electrical for garage
- 4) March 1936, the earliest permit on file is for re-stuccoing the house.

**ZONING EVALUATION for the properties legally addressed as 1400 Phoenix Ave., Helena, MT, located in a R-3-T#25 zoning district.**

<b>ZONING REQUIREMENT</b>	<b>Applicable ZONING REGULATION</b>	<b>PRESENT CONDITION</b>	<b>PROPOSAL</b>	<b>VARIANCE REQUIRED</b>
<b>City Code:</b> §11-4-2 (B) (4) LOT REQUIREMENTS FOR ZONING DISTRICTS	The lot line setback is five feet (5') for any lot line that abuts a dedicated public right of way that provides only a secondary means of access to property and is not intended for general travel.	13'	Expand existing garage and shop to 1' from the property line	Yes
<b>City Code:</b> §11-4-2 (Table 2) (R-3) Lot requirements by zoning district	Front lot line setback: 10' Minimum	4'	Expand garage and shop along current setback for length of expanded structure	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 Friday, August 11th, 2023, no comments have been received.

**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 decrease the minimum side lot line setback from 5' to 1', for a property with a legal description of The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana.**

**And**

2. **A variance from Section 11-4-2 to decrease the minimum front lot line setback from 10' to 4', for a property with a legal description of The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN 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:

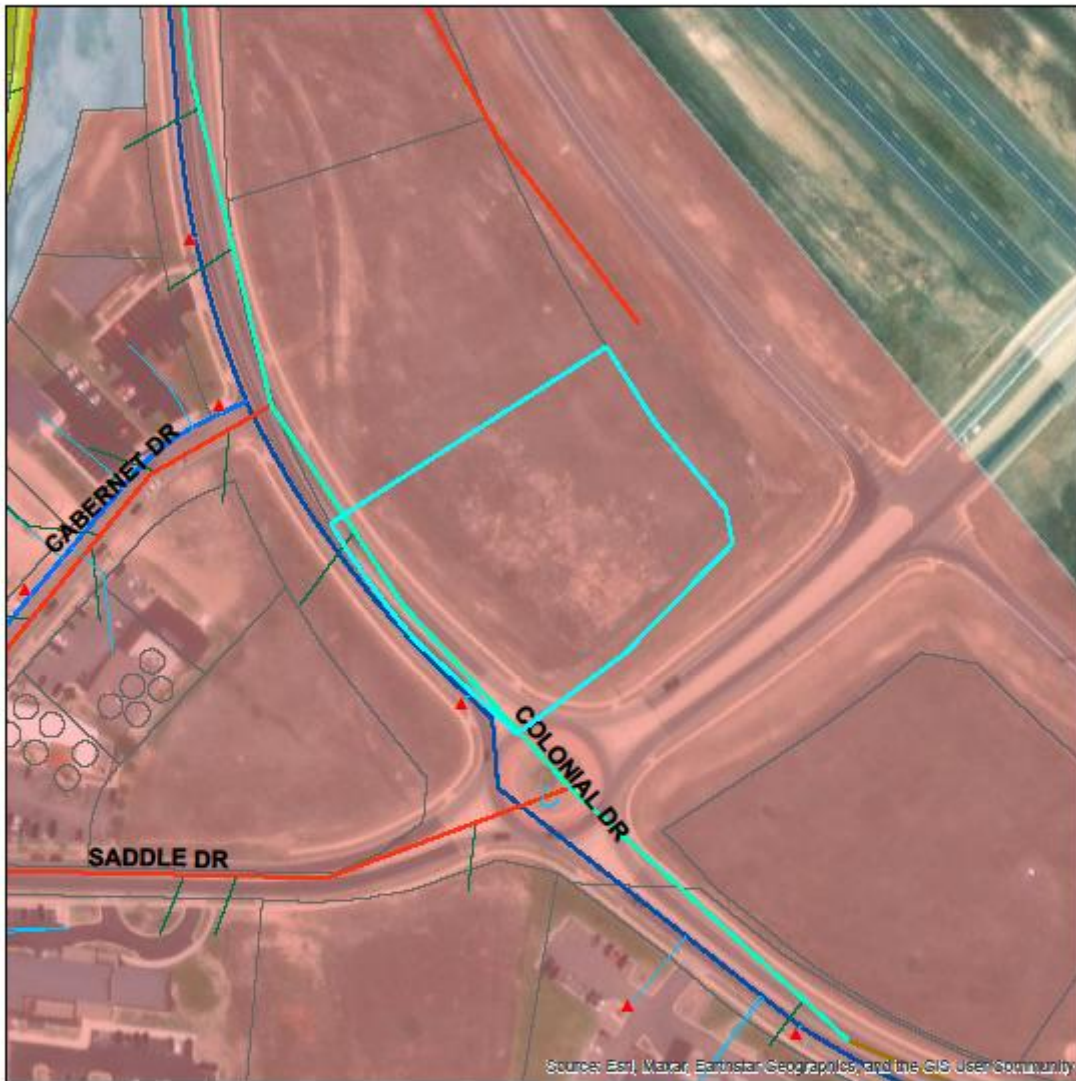
**Building Permit:** A building permit must be obtained within one (1) year.

Regards,

A handwritten signature in black ink, appearing to read "Kyle Holland". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

**Kyle Holland, Planner II**  
Community Development Department  
City-County Building  
316 N. Park Ave, Rm 403  
Helena, MT 59623

# 3196 Colonial Dr



### Legend

- R-2 Residential District
- B-2 General Commercial District
- PLI Public Lands & Institutions District





Kyle Holland, Planner II

Community Development Department

316 North Park Avenue, Room 445

Helena, MT 59623

: Phone: 406-447-8492

: Fax: 406-447-8460

: Email: [kholland@helenamt.gov](mailto:kholland@helenamt.gov)

[helenamt.gov](http://helenamt.gov)

Date: July 24, 2023

**TO WHOM IT MAY CONCERN:** Variances from district dimensional standards requirements are 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 August 22st, 2023 Board of Adjustments public hearing to the City Planning Division, 316 North Park, Helena MT 59623.

**The Helena Board of Adjustments will hold a public hearing on the variance request on Tuesday, August 22, 2023 at 5:30 p. m. via 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/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 decrease the minimum side lot line setback from 5' to 1', for a property with a legal description of The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana.
2. A variance from Section 11-4-2 to decrease the minimum front lot line setback from 10' to 4', for a property with a legal description of The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana.

The reason for this variance is to expand an existing garage and shop.

**ADDRESS:**

This property is located at 1400 Phoenix Avenue

**GENERALLY LOCATED:**

This property is generally located at the northeast corner of Phoenix Avenue and Roberts Street.

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

Sincerely,

**Kyle Holland, Planner II**

Community Development Department

City-County Building


316 N. Park Ave, Rm 403

Helena, MT 59601


# 1400 Phoenix




## Legend

 1400 Phoenix

 R-3 Residential District

 B-2 General Commercial District

 PLI Public Lands & Institutions District

 CLM Commercial Light Manufacturing District

 MI Manufacturing & Industrial District





# BOARD OF ADJUSTMENT VARIANCE APPLICATION

Community Development Department, Planning Division  
316 North Park Avenue, Room 445, Helena, MT 59623  
406-447-8490; [citycommunitydevelopment@helenamt.gov](mailto:citycommunitydevelopment@helenamt.gov)

Date received:

**RECEIVED**

JUN 05 2023

City Comm. Dev. Dept.

APPLICATION FEE: \$125.00  
(PAYABLE TO THE CITY OF HELENA)  
ALL FEES ARE NON-REFUNDABLE

**PROPERTY OWNER: Primary Contact?**

Name: Bryan Johnson Primary Number: 406-439-9994  
Address: 1400 Phoenix Ave Other Phone: \_\_\_\_\_  
Email: bjohnson@mt.net

**APPLICANT (If different from property owner): Primary Contact?**

Name: \_\_\_\_\_ Primary Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Company: \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE: Primary Contact?**

Name: \_\_\_\_\_ Primary Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Company: \_\_\_\_\_

**Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.**

Address of Property 1400 Phoenix Ave Helena MT 59601  
Address City State Zip Code

Legal Description (Block & Lots, Subdivision, COS#) Lot 20 and 15 feet West of Lot 19, Block 6 of Flower Garden

Geocode 05188820303010000

The most recent deed for impacted property

Lot or Parcel Size (square feet) 9867

Current and proposed use of structure or property: Home/Business

Current Zoning District R-3-T #25

Are there other related Land Use Applications being submitted: Yes  No

Submit proof of current paid taxes

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.



**Section 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.*

**Please provide all the information requested in the Application. An incomplete application may delay the review of your request. Please note: "N/A" is not an acceptable answer alone and requires an explanation if used.**

**Dimensional Criteria:**

- Reduce front lot line setback: Roberts st. decrease front line setback from 10' to 4'
- Front lot line setback #2 (corner lot): \_\_\_\_\_
- Reduce garage entrance setback: \_\_\_\_\_
- Reduce side lot line setback: \_\_\_\_\_
- Reduce rear lot line setback: 5' to 1'
- Exceed building height limitation: \_\_\_\_\_

**Lot Coverage/Area Criteria:**

- Lot coverage percentage: 33%
- Front porch lot coverage percentage: \_\_\_\_\_
- Lot area per dwelling unit: \_\_\_\_\_

**Landscaping Criteria:**

- Reduce or eliminate landscaping area: \_\_\_\_\_
- Reduce or eliminate screening: \_\_\_\_\_

**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 size of parking space: \_\_\_\_\_

**Sign Criteria:**

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

**Section 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.*

**Please provide all the information requested in the Application. An incomplete application may delay the review of your request. Please note: "N/A" is not an acceptable answer alone and requires an explanation if used.**

**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: 3 feet to 1 foot
- Exceed building height limitation: \_\_\_\_\_

**Lot Coverage/Area Criteria:**

- Lot coverage percentage: approximately 27%
- Front porch lot coverage percentage: \_\_\_\_\_
- Lot area per dwelling unit: \_\_\_\_\_

**Landscaping Criteria:**

- Reduce or eliminate landscaping area: \_\_\_\_\_
- Reduce or eliminate screening: \_\_\_\_\_

**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 size of parking space: \_\_\_\_\_

**Sign Criteria:**

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

Other:

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**Section 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.

**These are the standards your application for variance will be judged on. Your answers in section D should speak to the review criteria.**

**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.**

**Section D: EVALUATION 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.**

If the above condition applies, 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.

No special circumstances or conditions on property. Planning on extending the existing garage 13 feet to the North.

- 2. **The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.**

Ex: How is the proposed variance compatible with the other structures located on the site or in the vicinity of the site? On the site plan you provide, please represent accurately and to scale the height, location, and dimensions of existing structures.

Neighboring properties have garages/shops that are at the one-foot setback and have a larger footprint than what is being requested.

- 3. **Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.**

If so, what are those nonconformities and provide supporting documentation.

See question 2.

- 4. **The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.**

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, thereby creating the non-conformity. Explain.

The request is not the result of government action. Request is needed to improve productivity and safety in my shop.

- 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.**

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.

Garage structure already exists. Neighboring properties have structures at the one foot set back, denial of my variance request prevents me from having the same concessions as my neighbors.

**6. The extent to which the hardship or difficulty results from the actions of the applicant.**

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.

Current footprint of garage does not allow space to safely maneuver between equipment and is not optimal for larger fabrication projects.

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**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.**

Surrounding properties have structures that are at the one-foot setback.

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**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.**

Existing garage will not be rebuilt. Request is to extend original structure 13 feet to the North.

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**9. Provide any additional information you would like the Board to consider.**

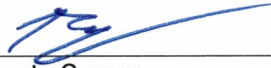
as mentioned previously I am requesting approval to expand my garage to increas productitive and safety fc

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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 AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

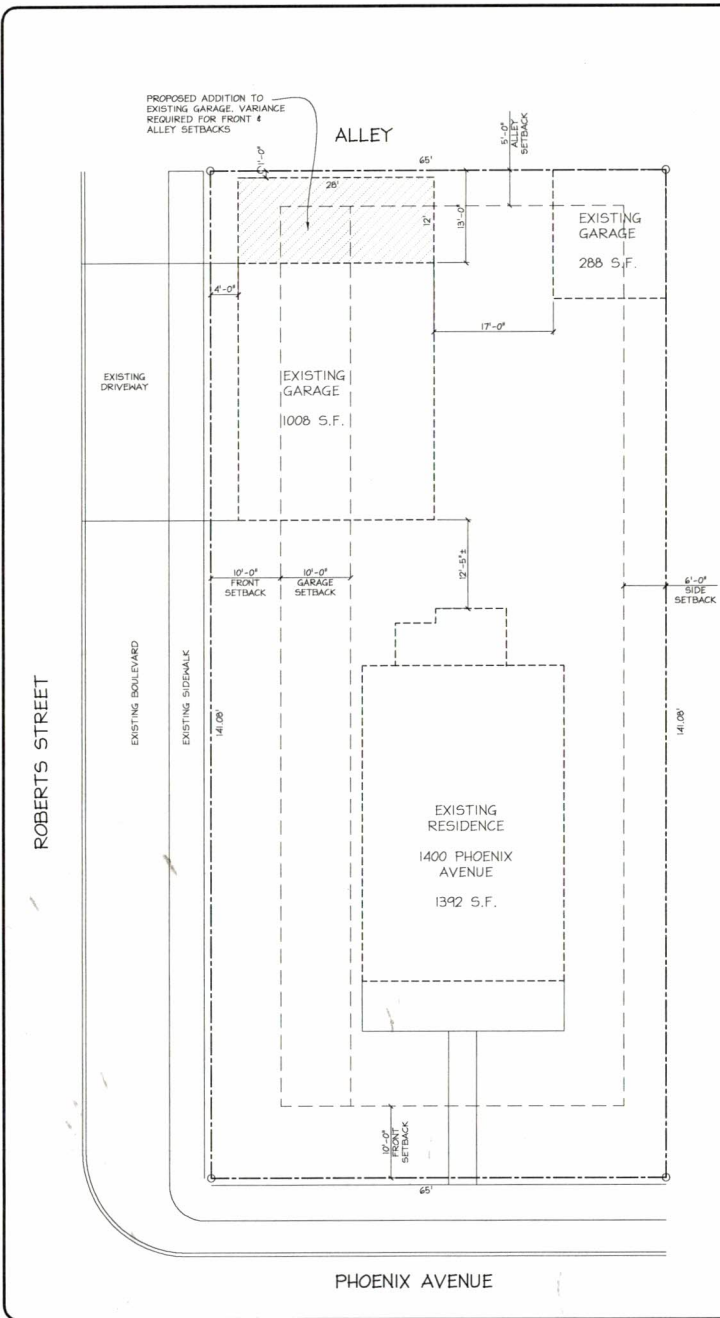
Signed:  Date: 6/1/23  
Property Owner

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
(If different from Owner)

(Property owner must sign application)

**It is recommended that the applicant contact neighbors to inform them of proposal and identify any concerns that the applicant may be able to address.**

City Planning Staff represents the City; staff cannot answer questions for the applicant.



PROPOSED ADDITION TO EXISTING GARAGE. VARIANCE REQUIRED FOR FRONT & ALLEY SETBACKS

SITE CALCULATIONS	
ZONE R3	
LOT SIZE	9165 S.F.
ALLOWABLE COVERAGE	40%
ALLOWABLE FOOTAGE	3666 S.F.
EXISTING BUILDINGS	2668 S.F.
PROPOSED ADDITION	336 S.F.
NEW TOTAL BUILDING	3004 S.F.
TOTAL COVERAGE	3004 S.F. = 33% THEREFORE O.K.

**SITE PLAN**  
SCALE: 1/8" = 1'-0"



**PLEASE NOTE:**  
ALL CURRENT FEDERAL, STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS, ETC. SHALL BE CONSIDERED AS PART OF THE SPECIFICATIONS OF THIS BUILDING AND ARE TO BE ADHERED TO EVEN IF THEY ARE IN VARIANCE WITH THE PLAN. THE ASSISTANCE OF A LOCAL ENGINEER MAY BE NECESSARY TO COMPLY WITH CODES AND/OR BUILDING SITE CONDITIONS. DESIGNER ASSUMES NO RESPONSIBILITY OVER ANY PHASE OF CONSTRUCTION OR COMPLETED BUILDING. OWNER ASSUMES RESPONSIBILITY FOR ALL STRUCTURAL ENGINEERING REQUIRED TO COMPLETE DESIGN OF STRUCTURE.

**LEGEND**

- PROPERTY LINE
- SETBACK LINE
- > DRAIN SHALE

**GENERAL NOTES**

1. ALL FINISH GRADES TO SLOPE AWAY FROM BUILDING A MINIMUM OF 1% TO SHALE FOR DRAINAGE.
2. PLUMBING CONTRACTOR TO VERIFY LOCATIONS OF SEWER & WATER SERVICES AND MAKE CONNECTIONS AS REQUIRED.

**LEGAL DESCRIPTION**

LOT 20 & THE WEST 15' OF LOT 19, BLOCK 6 OF THE FLOWER GARDEN ADDITION, CITY OF HELENA, MONTANA.  
1400 PHOENIX AVE.

<p><b>VERIFY SCALE:</b> ALL DIMENSIONS SHALL BE ACCORDANT WITH THE APPLICABLE LOCAL, STATE OR FEDERAL ORDINANCE. PROPERTY SCALE ACCORDANT:</p>																								
<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DESCRIPTION	DATE	BY																	<p><b>DESIGN &amp; DRAFTING SERVICES, LLC</b> HELENA, MONTANA 458-5193</p>	<p>DRAWN BY: JMH CHECKED BY: APPROVED BY: DATE: 5/2023</p>	<p><b>AN ADDITION TO GARAGE</b> FOR <b>BRYAN JOHNSON</b></p>	<p>SHEET NUMBER <b>1</b> OF 1 SHEETS</p>
NO.	DESCRIPTION	DATE	BY																					

# 102347

First Montana Land Title Company  
400 North Park Avenue, Ste 100  
Helena, MT 59601

After Recording Return to:  
First Montana Land Title Company  
400 North Park Avenue, Ste 100  
Helena, MT 59601

3291518 B: M51 P: 5480 DEED  
06/29/2016 04:02 PM Pages: 1 of 1 Fees: 7.00  
Paulette DeHart Clerk & Recorder, Lewis & Clark MT



### WARRANTY DEED (JOINT TENANTS)

For Value Received:

Rick A. Frost and Jeannette G. Frost

the grantor(s) do(es) hereby grant, bargain, sell and convey unto

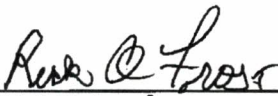
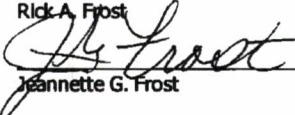
Bryan Johnson and Sarah K. Johnson

The grantees, as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants and to the heirs and assigns of such survivor, the following described premises, in Lewis and Clark County, Montana, to-wit:

The West 15 feet of Lot 19 and all of Lot 20 in Block 6 of the FLOWER GARDEN ADDITION to the City of Helena, Lewis and Clark County, Montana. (Deed reference Book 235 of Deeds, Page 150)

TO HAVE AND TO HOLD the same premises, with the appurtenances unto said Grantee(s), joint tenants with the right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants forever. And the said Grantor(s) do(es) hereby covenant to and with the Grantee(s), that he/she/they are/is the owner(s) in fee simple of said premises; that is free from all encumbrances SUBJECT to all legal taxes and assessments levied with respect to said premises and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 06-29-16

  
\_\_\_\_\_  
Rick A. Frost  
  
\_\_\_\_\_  
Jeannette G. Frost

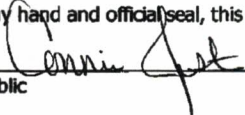
STATE OF Montana

COUNTY OF Lewis & Clark

I, a Notary Public of the County and State first above written, do hereby certify that

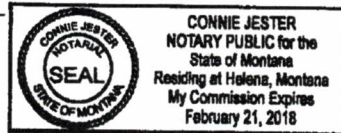
Rick A. Frost & Jeannette G. Frost personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this day June 29, 2016.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

(SEAL)





Flower Garden Addition  
 plat 22 2d 2d of 1888  
 book 29 p 35

Book 29 Page 35

Reference # 1400  
 7. 21. 7. 71 Recorded in Book 45 Page 306  
 Clearance features of Elm Street between Blake  
 294 32

Reference # 1130  
 Using a plat of a portion of the Helena  
 City of Block 21  
 2. 21. 1. 1887 1886 Sep 1887

Acknowledgment

Be it known that the undersigned Samuel T. Hauser, Ellen Hauser his wife, Edward W. Knight, Theo. M. Knight his wife, Theodore H. Kleinschmidt, Mary M. Kleinschmidt his wife, Henry Klein, Henry M. Parchen, and Emma M. Parchen his wife, Erasmus D. Edgerton, E. M. Knight executor, Vernie E. Swett executrix of the last Will and Testament of Wm. C. Swett proprietors of the Flower Garden Addition to Helena situated and described as follows:  
 Being a part of the SW 1/4 of Section 20 T10 N R3 W Montana, commencing at the corner to Sections 19, 20, 29 and 30, thence North 26728 feet between Sections 19 and 20 to an Iron Pin marking the 1/4 Sec. Corner on West boundary of Section 20 in said Township, thence East 26603 feet to a stone Monument placed at the N.W. Cor. of said SW 1/4 of Sec. 20, thence South 26692 feet along East boundary of said SW 1/4 of Section 20, to 1/4 Sec. Corner on South bdy. of Sec. 20, thence West along South bdy. of Sec. 20, 3765 ft. thence North 452 ft. to N.W. Cor. of Depot Add. thence West 10935 ft. thence South 452 ft. thence West along Section Line 11875 ft. to the place of beginning; hereby acknowledge and certify that we procured and caused to be made a survey of the same of which this Plat is a true Plan thereof for the purpose of record and we hereby devote and dedicate the Streets and Alleys therein designated to the public use and benefit forever.  
 In testimony whereof we have hereunto set our hands and seals this - day of June 1887 at Helena Montana Territory

Samuel T. Hauser, Ellen F. Hauser  
 Edward W. Knight, Theodosia M. Knight  
 Theodore H. Kleinschmidt, Mary M. Kleinschmidt  
 Henry Klein, Emma M. Parchen  
 Henry M. Parchen, Emma M. Parchen  
 E. M. Knight executor, Vernie E. Swett, executrix.  
 Erasmus D. Edgerton.

In presence of  
 E. M. Knight Jr.

Territory of Montana } ss.  
 County of Lewis & Clarke }

On this 7 day of Aug. AD one thousand eight hundred and eighty eight, personally appeared before me, a Notary Public in and for said Territory of Montana, Samuel T. Hauser, Ellen F. Hauser his wife, Edward W. Knight, Theo. M. Knight his wife, Theodore H. Kleinschmidt, Mary M. Kleinschmidt his wife, Henry Klein, Henry M. Parchen and Emma M. Parchen his wife, E. M. Knight executor and Vernie E. Swett executrix of the Will and Testament of Wm. C. Swett, Erasmus D. Edgerton, the signers and Sealers of the foregoing plat who each of them acknowledged to me that they each of them respectively executed the same freely and voluntarily and for the uses and purposes therein mentioned.  
 And the said Ellen F. Hauser the wife of the said Samuel T. Hauser, Theo. M. Knight the wife of the said Edward W. Knight, Mary M. Kleinschmidt the wife of the said Theodore H. Kleinschmidt, Emma M. Parchen the wife of the said Henry M. Parchen, Vernie E. Swett the wife of the said William C. Swett, of Wm. C. Swett having been by me first made acquainted with the contents of said instruments acknowledged to me on examination apart from and without the hearing of their husbands that they executed the same freely and voluntarily without fear or compulsion or undue influence of their husbands and that they do not wish to retract the execution of 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.  
 Notarial Seal Edward W. Knight Jr. Notary Public.

Territory of Montana } ss.  
 County of Lewis & Clarke }

I, A. S. Hovey do solemnly swear that I made careful survey of the Flower Garden Addition to Helena Montana and that the Streets and Alleys are of the width stated in figures on the plat drawn on this sheet and that said Addition has been laid out on the ground according to this Plan and that said Addition embraces a part of the SW 1/4 of Sec. 20 T10 N R3 W Montana, commencing at the Cor. to Sections 19, 20, 29 and 30, thence North 26728 feet between Sections 19 and 20 to an Iron Pin marking the 1/4 Sec. Cor. on west boundary of Sec. 20 in said Township, thence East 26603 feet to a Stone Monument placed at the N.W. Cor. of said SW 1/4 of Sec. 20, thence South 26692 feet along East boundary of said SW 1/4 Sec. 20 to 1/4 Sec. Cor. on a South bdy. of Sec. 20, thence West 3765 ft. thence North 452 ft. thence West 10935 ft. thence South 452 ft. thence West along Sec. line 11875 ft. to the place of beginning as shown on this Plat.

Sworn to and Subscribed before me this 13th day of June 1887.  
 Notarial Seal Albert S. Hovey Civil Engineer.  
 John Bean Notary Public.

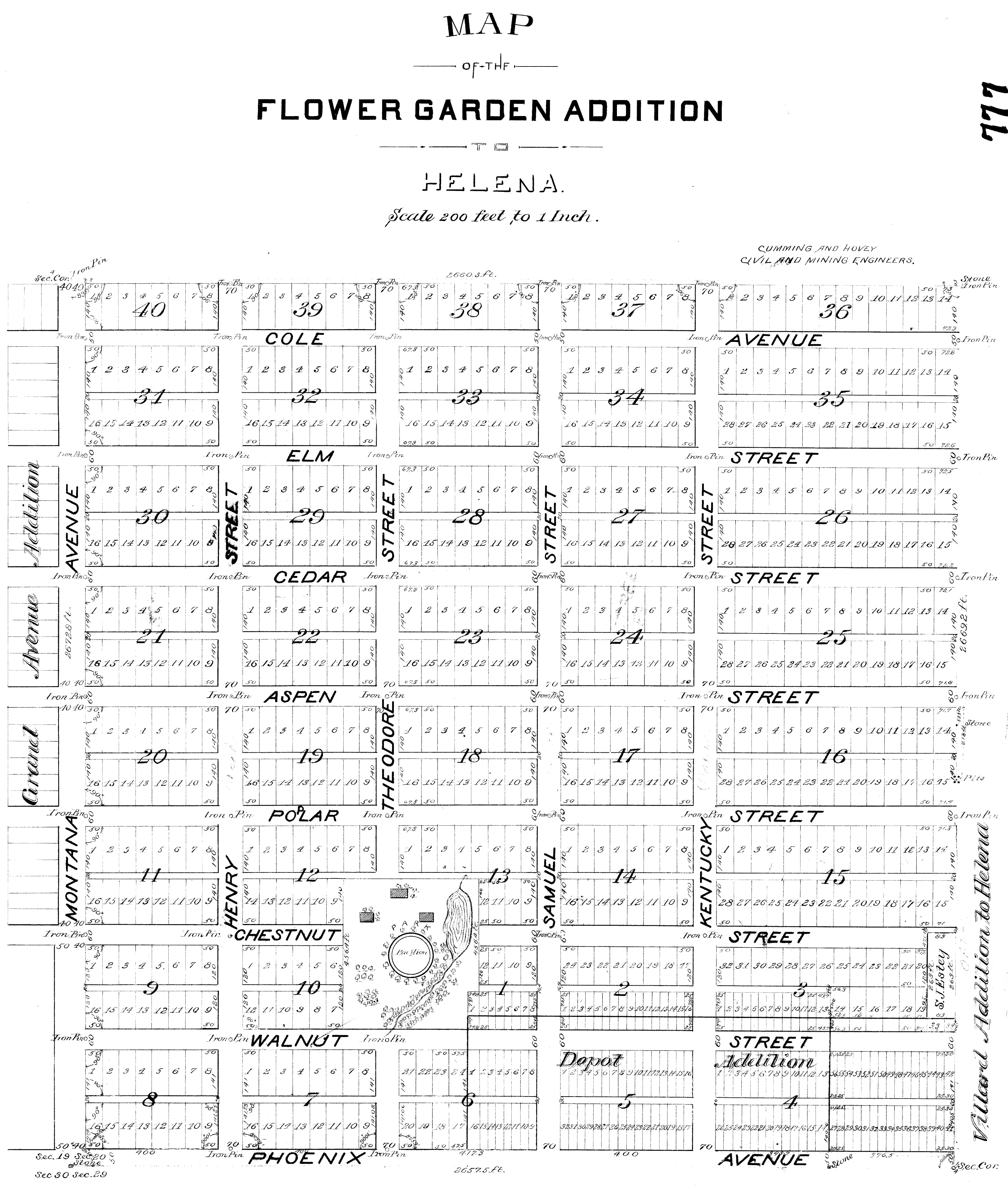
Filed December 12th AD 1888 3:45 P.M.

31 cts. pd. M. E. Frederick Recorder  
 By Wm. Taylor Depy.

Territory of Montana } ss.  
 County of Lewis & Clarke }

I hereby certify the foregoing to be a correct copy of the Original Plat of the Flower Garden Addition to Helena, filed December 12th. AD. 1888 3:45 P.M.  
 Witness my hand and Seal of said County - Sept. 2th AD. 1889

J. S. Dozier  
 County Recorder



Wellard Addition to Helena

# Project Reviews

## City of Helena

**Project Number: ZBOA2306-001**

Description: **1400 Phoenix**

Applied: **6/7/2023**

Approved:

Site Address: **1400 PHOENIX AVE**

Closed:

Expired:

City, State Zip Code: **HELENA, MT 59601**

Status: **RECEIVED**

Applicant: **<NONE>**

Parent Project:

Owner: **JOHNSON BRYAN**

Contractor: **<NONE>**

Details:

### LIST OF REVIEWS

SENT DATE	RETURNED DATE	DUE DATE	TYPE	CONTACT	STATUS	REMARKS
Review Group: ALL						
7/28/2023	7/28/2023	8/7/2023	BUILDING	Kim Mack	APPROVED	
Notes:						
2. Building plans shall be submitted for permitting. All elements of the building construction will be reviewed when plans are submitted. See our website for submittal requirements. <a href="https://www.helenamt.gov/government/departments/community-development/building/permitting-applications/permit-types">https://www.helenamt.gov/government/departments/community-development/building/permitting-applications/permit-types</a>						
7/28/2023		8/7/2023	CITY ATTORNEY	Attorney Bucket		
Notes:						
7/28/2023	8/3/2023	8/7/2023	FIRE	Lou Antonick	NO COMMENT	
Notes:						
7/28/2023		8/2/2023	PLANNING	Planning Bucket		
Notes:						
7/28/2023	8/9/2023	8/7/2023	PUBLIC WORKS	JAMIE CLARK	NO COMMENT	
Notes:						
7/28/2023	8/7/2023	8/11/2023	TRANSPORTATION SYSTEMS	Mark Young	SEE COMMENTS	
Notes:						
The 3-car garage is already larger than all adjacent property garages. The three-foot (3') setback for the R-3-T #25 zone is smaller than the typical ten-foot (10') back yard setback required in R-3 zones. I do not see how "strict compliance with the provisions of Title 11 would create unnecessary hardship or practical difficulty". However, aside from encroaching close to the overhead power lines, there is no transportation related objection to the request.						

# Project Reviews

## City of Helena

Review Group: AUTO

6/7/2023		6/10/2023	DIRECTOR REVIEW	Christopher Brink		
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Notes: