



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

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helenamt.gov

DATE: February 24, 2023

STAFF REPORT

TO: Helena Board of Adjustment

FROM: Michael Alvarez, City Planner II

SUBJECT:

Consideration of:

1. A variance from Section 11-9-7-A-3 to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).
2. A variance from Section 11-9-7-B-1 to increase the maximum lot line setback from 0' to 10', for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).
for a property with a legal description of Lots 2 and 3 of Block 1 on COS #3100615 of the Nob Hill Subdivision, City of Helena, Lewis and Clark County, Montana.

This property is located at 40 E Lyndale.

The reason for the variances is to construct a hotel where public utilities are lined along E Lyndale Ave, and Memorial Dr, as well as accommodate visitors and the turning movements of emergency services.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Application received January 31, 2022

PUBLIC HEARING DATE: Board of Adjustment - 5:30 p.m., Tuesday, February 07, 2023

PROPERTY OWNER (Lot 1): Buck rea

MAILING ADDRESS: 101 Pine St., Helena, MT 59601

CONTACT NUMBER: 406 431-3937

EMAIL ADDRESS: buck.rea@gmail.com

APPLICANT: Karli Mosey

MAILING ADDRESS: 613 N Jackson St, Helena, MT 59601

CONTACT NUMBER: 608 780-2569

EMAIL ADDRESS: Karli@bellhotelhelena.com

PROPERTY ADDRESS: 40 E Lyndale Ave

LEGAL DESCRIPTION: Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).

GENERAL LOCATION: This property is generally located on the north side of E Lyndale Ave, east of the Starbucks and west of Logan St.

PRESENT LAND USE: vacant land.

ADJACENT LAND USE AND ZONING:

North: City park, PLI zoning

South: United Way, (residential neighborhood beyond), B-2 zoning

East: undeveloped on other half of parcel, (non-condorming residential beyond), B-2 zoning

West: Starbucks, DT zoning

PRESENT ZONING: DT

VARIANCE PROPOSALS:

1. A variance from Section 11-9-7-A-3 to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).
2. A variance from Section 11-9-7-B-1 to increase the maximum lot line setback from 0' to 10', for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).
for a property with a legal description of Lots 2 and 3 of Block 1 on COS #3100615 of the Nob Hill Subdivision, City of Helena, Lewis and Clark County, Montana.

HISTORY OF APPLICABLE PERMITTING ACTION:

- A Demolition permit was issued 07/2022 for the motel that previously occupied the site.
- The submitted design requires two additional administrative adjustments – a ruling memo will be released by the Director of Community Development on 03/01/2023:
 1. **An adjustment from Section 11-9-7-D-1 to decrease the required ground floor, primary street frontage transparency from the required 50% to 47%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).**
 2. **An adjustment from Section 11-9-7-D-2 to decrease the minimum number of entrances along the primary frontage from the requirement of 1 to 0, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).**

ZONING EVALUATION for the property legally addressed as 40 E Lyndale Ave, Helena, MT, located in a DT zoning district.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: §11-9-7-A-3	One freestanding sign permitted	N/A	Two freestanding signs	Yes
§11-9-7-B-1	Height of a freestanding sign shall not exceed thirty four feet (34')	N/A	One freestanding sign to have a height of 45'	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, February 24, 2023, no public comments have been received for 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 11-9-7-A-3 to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).
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for a property with a legal description of Lots 2 and 3 of Block 1 on COS #3100615 of the Nob Hill Subdivision, City of Helena, Lewis and Clark County, Montana.

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

Sign Permit: A sign permit must be obtained within one (1) year.

Vicinity Map of 40 E. Lyndale Ave.



Legend

 OSR Open Space - Residential District	 R-U Residential Urban District	 Airport
 R-1 Residential District - Large Lot	 TR Transitional Residential	 PLI Public Lands & Institutions District
 R-2 Residential District	 DT Downtown	 CLM Commercial Light Manufacturing District
 R-3 Residential District	 B-1 Neighborhood Business District	 MI Manufacturing & Industrial District
 R-4 Residential Office District	 B-2 General Commercial District	 PUD Planned Unit Development
 R-O Residential Office District	 B-3 Central Business District	



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Feb 17, 2023

TO WHOM IT MAY CONCERN: Variances from district design standards 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 March 07, 2023 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 **Feb 28, 2023**.

The Helena Board of Adjustments will hold a public hearing on the variance request on Tuesday, March 07, 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 11-9-7-A-3 to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. **TOGETHER WITH** the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).
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The reason for the variances is to construct a hotel where public utilities are lined along E Lyndale Ave, and Memorial Dr, as well as accommodate visitors and the turning movements of emergency services.

ADDRESS:

This property is located at 40 E Lyndale Street.

GENERALLY LOCATED:

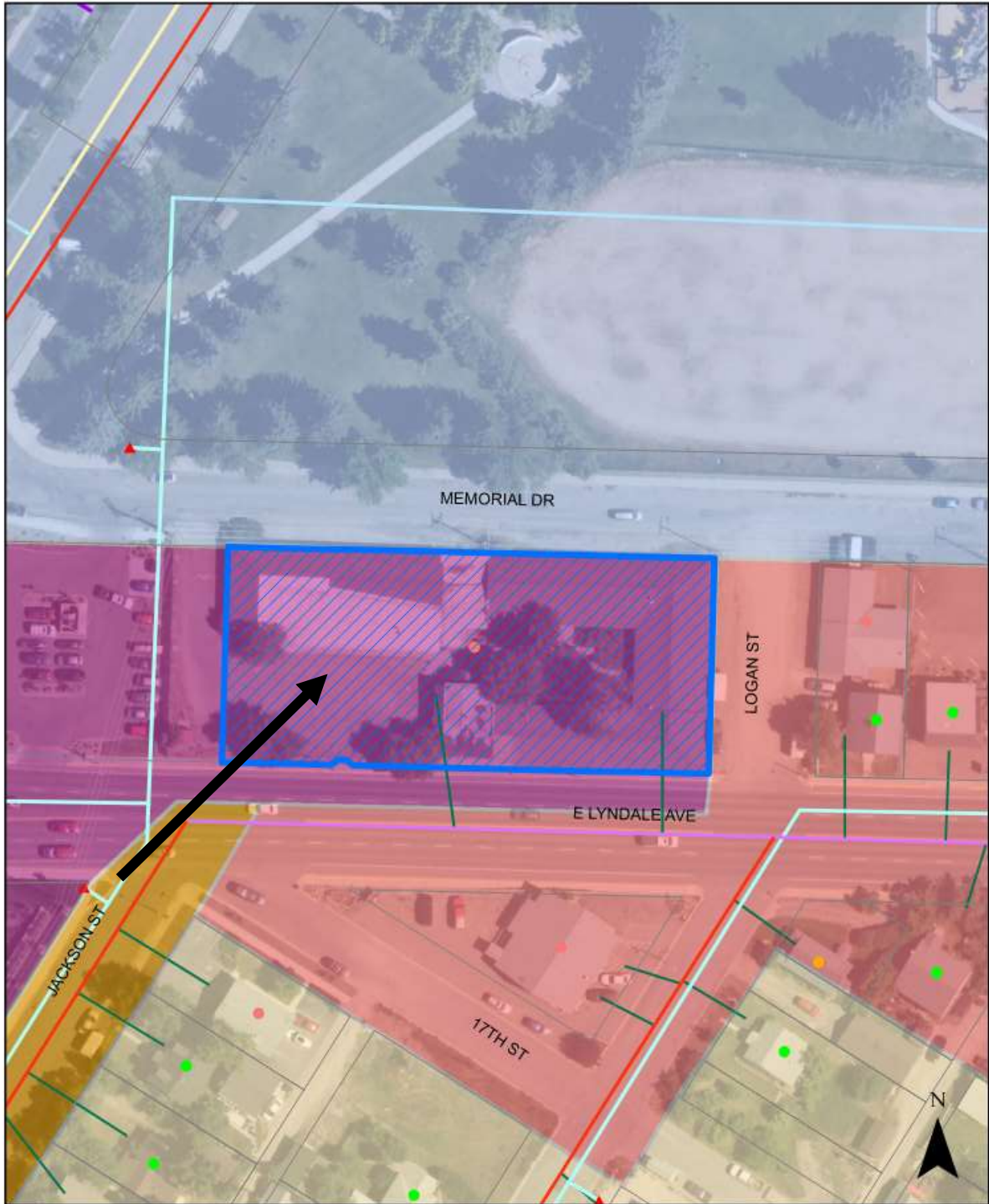
This property is generally located on the north side of E Lyndale Ave, east of the Starbucks and west of Logan St.

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

Vicinity Map of 40 E. Lyndale Ave.



Legend

 OSR Open Space - Residential District	 R-U Residential Urban District	 Airport
 R-1 Residential District - Large Lot	 TR Transitional Residential	 PLI Public Lands & Institutions District
 R-2 Residential District	 DT Downtown	 CLM Commercial Light Manufacturing District
 R-3 Residential District	 B-1 Neighborhood Business District	 MI Manufacturing & Industrial District
 R-4 Residential Office District	 B-2 General Commercial District	 PUD Planned Unit Development
 R-O Residential Office District	 B-3 Central Business District	

Customer Ad Proof

102-60120441

CITY OF HELENA

Order Nbr 144570

Publication **Helena Independent Record**

Contact	CITY OF HELENA	PO Number	
Address 1	316 N PARK AVE RM 320	Rate	HEL Legal Folio
Address 2		Order Price	65.00
City St Zip	HELENA MT 59601	Amount Paid	0.00
Phone	4064478417	Amount Due	65.00
Fax			
Section	Legal	Start/End Dates	02/19/2023 - 02/19/2023
SubSection		Insertions	1
Category	0701 Legals Helena	Size	100
Ad Key	144570-1	Salesperson(s)	HEL Legals
Keywords	Notice of PH 3.7.23	Taken By	Jamie Narjes

Notes

Ad Proof

NOTICE OF PUBLIC HEARING

The Helena Board of Adjustment will hold a public hearing at 5:30 p.m. on Tuesday, March 07, 2023 in-person in Commission Chambers and via the ZOOM platform. The meeting will be held to consider the following variance proposals:

Item 1:

1. A variance from Section 11-9-7-A-3 to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).

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The reason for the variances is to construct a hotel where public utilities are lined along E Lyndale Ave, and Memorial Dr, as well as accommodate visitors and the turning movements of emergency services.

This property is located at 40 E Lyndale Street.

Zoom information for the meeting:

<https://zoom.us/j/95139091644>

Meeting ID: 951 3909 1644

Dial in at 1 (346) 248-7799 or visit <https://zoom.us/u/abx78Gko9e> to find your local number.

The Board of Adjustment will consider all written and oral comments. If you have questions or wish to submit comments about the proposals, please contact Michael Alvarez, City of Helena, Community Development Department, 316 N. Park Avenue, Room 403, Helena, MT 59623, phone 406-447-8459, email: malvarez@helenamt.gov

Byron Stahly

Board of Adjustment Chair

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: 406-447-8491; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location 316 North Park Avenue, Room 445, Helena, MT 59623. February 19, 2023 144570 **MNAXLP**



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

Date received:

RECEIVED

JAN 31 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: Buck Rea Primary Number: 406 431 3937
Address: 101 Pine St. Helena Other Phone: _____
Email: buck.rea@gmail.com

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

Name: Karli Mosey Primary Number: 608 780 2569
Address: 613 Jackson St. Helena Other Phone: _____
Email: Karli@bellhotelhelena.com Company: Bell Hotel

AUTHORIZED REPRESENTATIVE: Primary Contact?

Name: Karli Mosey Primary Number: _____
Address: _____ Other Phone: _____
Email: _____ Company: _____

Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.

- Address of Property 40 E. Lyndale Helena MT 59601
Address City State Zip Code
- Legal Description (Block & Lots, Subdivision, COS#) Block 53 lots 0-6
Central Addition #3
- Geocode 05-1888-30-1-21-01-0000
- The most recent deed for impacted property
- Lot or Parcel Size (square feet) 18,845
- Current and proposed use of structure or property: Vacant -> Boutique Hotel
- Current Zoning District Downtown
- 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: _____
- 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: _____
- 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:

Primary street transparency
Primary street entrance

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.

see attached document for all evaluation factors

- 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.

- 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.

- 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.

- 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.

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.

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.

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.

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

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: 1-29-2023
Property Owner

Applicant:  Date: 1-31-2023
(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.

Section B: Requested Zoning Variances for the Bell Hotel

1. Lot Coverage: From the required 50% to 42% net coverage/35% gross coverage.
2. Transparency: From the required 50% to 47% (ground floor, primary street frontage).
3. Entrance Access: From pedestrian entrance along the primary, frontage street to entrance access located on the east side of the lobby building.
4. Building Setback on Primary and (Secondary) Street: From 0 feet to 10 feet.

We are seeking four zoning variances; to reduce lot coverage, reduce transparency, adjust the building entrance point, and increase the setback on the Primary (and Secondary) Street. As you will see, all four of these variances are sought due to the special circumstances created when a lot located on State Highway 12 is zoned for Downtown. The close proximity to high-speed traffic instigates unique building conditions limiting the ability to meet the specific Downtown zoning standards. Moderate lot coverage, low transparency, non-frontage pedestrian entrances with deep building setbacks are the norm, not the exception, among structures in the vicinity. We believe that when presented with sensible rationale for these variances, votes in favor of the code adjustments will be in the best interest of this development. Thank you for your consideration.

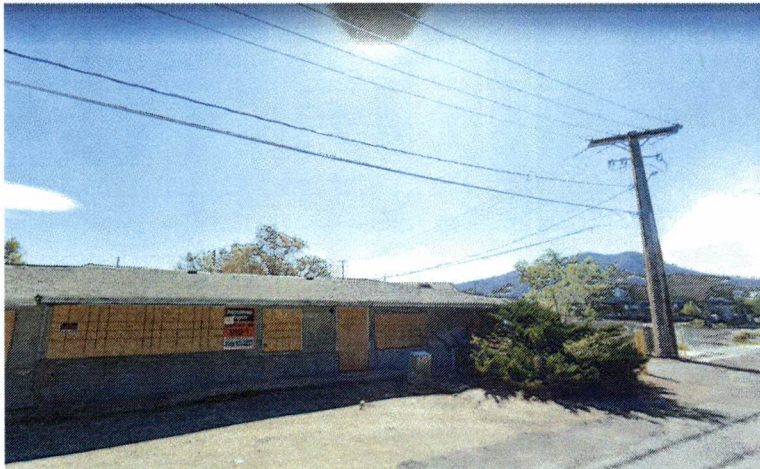
Section D: Evaluation Factors for Lot Coverage Variance Request

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.*

The buildable area on the site is altered by two deviant circumstances that limit our ability to meet the required 50% lot coverage. First, the site is defined by overhead, unmovable electrical lines that reduce the amount of buildable space. Second, the project site requires 14 parking spaces and fire/emergency vehicle accessibility, further minimizing the buildable space.

A3500 sq/ft hotel footprint (7,000 sq. ft total, two stories) and 600 sq/ft lobby building combine to provide 35% gross lot coverage. However, due to overhead Northwestern Energy power lines, the footprint of buildable space is diminished along the site's northern edge. Montana Department of Transportation’s (MDT) streetlamp power lines along the southern edge further deplete the amount of buildable space. According to OSHA safety standards, the buildings must have a 10 ft setback from all power lines. This requirement takes us from 18,845 buildable sq/ft to 15,690 buildable sq/ft. When this actual buildable area is considered, the buildings nearly meet the lot coverage requirement by providing 42% net coverage.

Northwestern Lines:



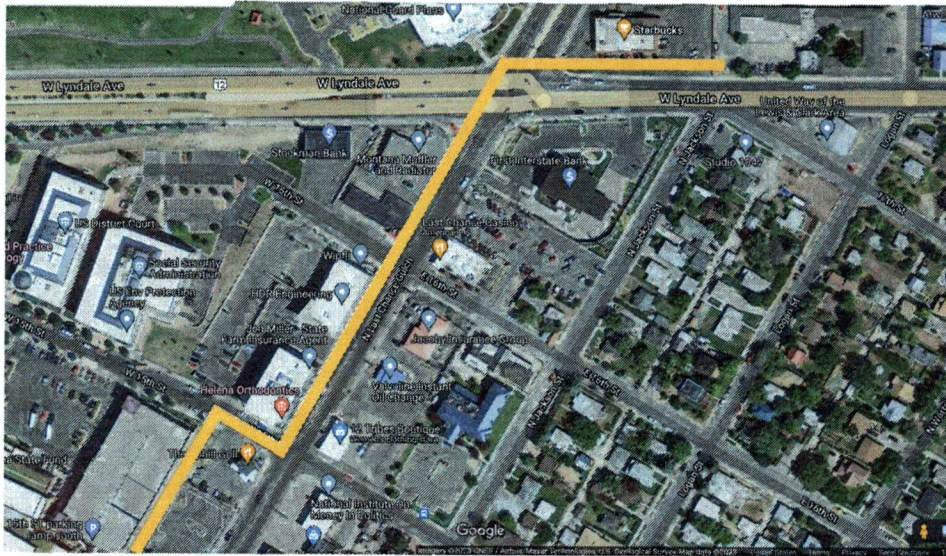
Montana Department of Transportation Lines:



Current zoning standard #11-9-7-D.3 states that up to 1 parking space per dwelling unit are allowed for hotel/overnight accommodation. We are seeking 14 parking spaces (one of which is ADA) for our 14 room boutique hotel. This minimal number of parking allows for no more than one vehicle per room/guest and eliminates staff parking. On-street parking is unavailable on Lyndale. Public parking on Memorial Drive (a designated alley) will be utilized by hotel staff as available, but is not guaranteed.

The closest parking garage is three blocks and three intersections away, including a major intersection at Lyndale and Last Chance Gulch, a state highway (Lyndale Avenue is designated State Highway 12). It would cause unreasonable and unnecessarily impractical to expect hotel guests to haul their luggage and themselves that distance through a dangerous, high-traffic, high-speed intersection.

Walking Route from Parking Garage to 40 E. Lyndale:



Our parking area must provide enough space for fire and emergency vehicles to enter the property, maneuver (within their turning radius), and exit the site. To ensure the health and safety of the public, we need to guarantee appropriate access to emergency services, despite the negative impacts on lot coverage percentage. The site plans have been favorably reviewed by Lou Antonick at the City Fire Department, agreeing that there is sufficient space for the City's largest fire engine to maneuver through the property.

- 2. The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.** *Ex: How is the purposed 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.*

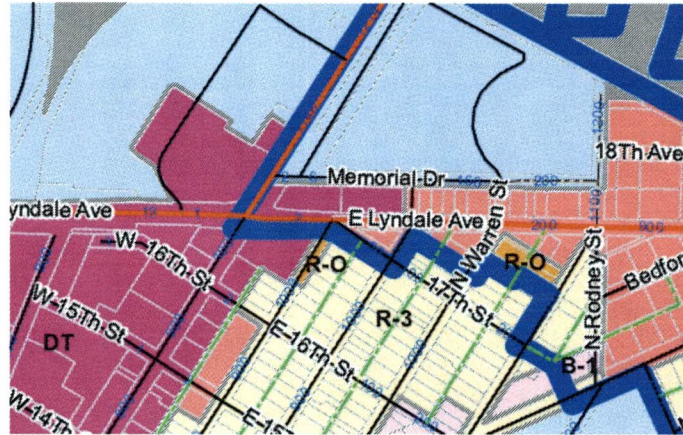
There are no existing structures currently on the property. In the vicinity of the site, along Lyndale and Memorial Drive, no other structures occupy a 50% lot occupancy. All other lots within eyesight include parking spaces that restrain building lot coverage.

- 3. Whether there is a prevalence of nonconformities in the vicinity of the site that is similar to the variance requested.** *If so, what are those nonconformities and provide supporting documentation.*

The Property neighboring 40 E. Lyndale to the West at the intersection of Last Chance Gulch and Lyndale Ave. is not in Downtown code compliance: the site hosts a drive through feature, is not in compliance with lot line setback requirements, is not in compliance with lot coverage and main access entrance is not on the Primary Street. The

Property to the South at the intersection of Last Chance Gulch and Lyndale Ave. is not compliant with Downtown Codes; the structure features a drive through, parking on the Primary and Secondary Streets, not compliant lot line setbacks, and main access entrance is not on the Primary Street. All of the requested variances for the development at 40 East Lyndale Ave. have been deemed acceptable at the neighboring properties zoned Downtown operating with similar property specifications.

Properties neighboring the property to the East are zoned B2 and are in compliance with zoning code. It should be noted that these properties feature structures that are moderate in lot coverage, have entrances and properties set back at minimum 10' on the Primary Street, and offer modest transparency, a majority of the structures reference design of residential homes.



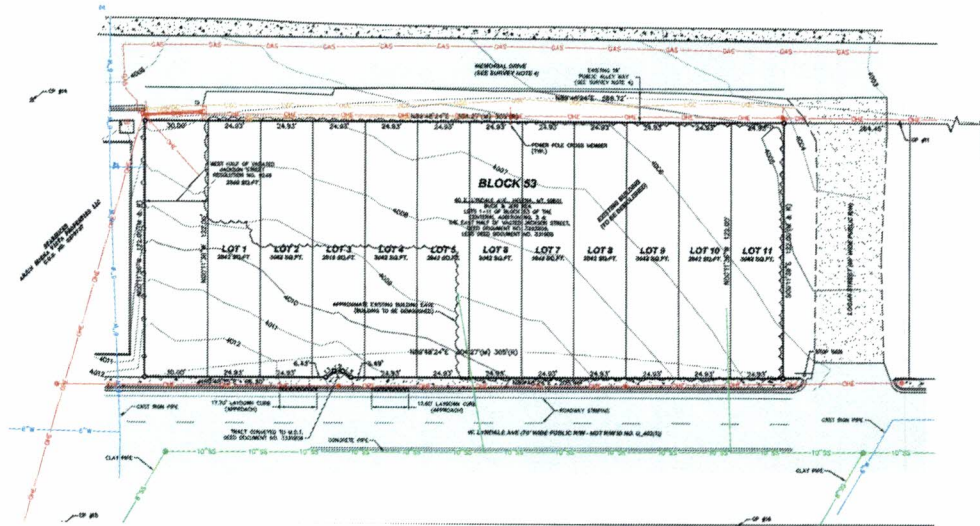
Property to the West



Property to the South

- 4. The subsequent imposition of zoning restrictions creating nonconforming lots of 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 nonconformity. Explain.**

Yes, in 2018, the Montana Department of Transportation purchased 25 sq/ft of property around a light pole along Lyndale (south side of the property) resulting in power lines hanging at the lot line of the site, forcing a reduction to the building envelope for redevelopment. NorthWestern Energy and Charter Communications host overhead lines on the surveyed property along Memorial Drive. The overhead lines stand at the lot line for the length of the property, requiring the structure to exist no more than 10' in proximity according to OSHA standard, further reducing our envelope for development.



5. **Whether a literal interpretation of the provisions of this title would deprive the property owner of the 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.*

Yes, denying the variance would deprive the property owner of rights enjoyed by others similarly situated in the surrounding area. Requiring this site to uphold 50% lot occupancy as the sole property in the neighborhood would be an unfair burden not required of others, directly affecting parking, access points for fire and safety vehicles and subsequently, the customer experience. Removing our parking area where parking areas are typical would revoke the owner of rights granted by off street parking, as noted in section 11-22-3.

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.*

Efforts to accommodate lot occupancy are impacted by parking lot space and maneuverability as well as proximity and location of overhead power lines owned by Charter and Northwestern Energy. An inquiry to bury their overhead electrical lines to utilize the entirety of the lot lead to the following conclusion presented by Northwestern Energy representative Kyle Woodlief by email on 11/14/22 that our request would not be possible due to material supply shortages: "Unfortunately, we won't go overhead to underground on such a short distance. The only way to go underground would be to go from the south side of Lyndale, install switch gear on your property which would require an easement, and go underground for most of Memorial Drive. This would end up costing 100s of thousands of dollars and would not be able to get done until after 2024 as it would take that long to get materials." Follow-up conversations with Mr. Woodlief further solidified the determination that burying the power lines is not an option and that we must set the building back 10ft from the power lines along Memorial Drive and Lyndale, as required by OSHA safety standards.

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.**

Downtown zoned properties to the East and South are in non-compliance with similar, if not exact variance adjustments this development is requesting. To require our structure to operate with Downtown zoned required proximity of a 0' Lot Line setback, as well as host our main entrance door, to a State Highway with a speed limit of 35 MPH- is unreasonable and is a privilege all surrounding properties enjoy. The scenic views are as minimal as the pedestrian traffic along Lyndale Ave., an access point at this location would pose inconvenience and a risk of safety for guests, their children and pets. It lacks logic in placement, and undue wear and distress to building materials with proximity to highway snow removal and traffic dirt.

The surrounding properties in the area zoned for B2, are afforded freedom from in depth zoning standards as compared to Downtown zone code. As a result, we would not be determined to have unreasonable special privilege with our proposed lot coverage variance, while our neighbors benefit from less regulation.

8. Do you think a rebuttal presumption, as identified in City Code Sections 11-5-5(E), should apply to your property, yes or no?

11-5-5(E) A property owner who desires to reconstruct a nonconforming building or nonconforming portion of a building must apply for a variance. When reviewing the variance to reconstruct a nonconforming building, the property owner is entitled to a rebuttable presumption that the standards for evaluating the variance are met if the property owner can prove the existence of the prior nonconformity and that the nonconformity can be built in compliance with building and fire codes.

No.

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

While pergolas do not officially count towards lot coverage, we do intend to build two covered pergolas along the west edge of the property in addition to a large covered patio on the north side of the lobby to fully utilize every inch of the property, making the site feel full, cohesive and inviting. This site, designated as a gateway to Downtown, recently assimilated into Downtown zoning poses specific site parameters that are unique to this location. Neighboring Downtown zoned properties that have a primary street on a highway, are void of a secondary street all accommodate to one extent or another, the requested variances for this development. Given the unique parameters to create a successful outcome, it is our hope that the Board of Adjustments recognizes our genuine efforts to accommodate the zoning code while building our community minded, tax generating, small business.

CWG Design Concept Rendering with Pergolas:



Section D: Evaluation Factors for Transparency Variance Request

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.*

The location of the lot and its close proximity to a high-traffic state highway limits our ability to meet the ground floor story, primary street frontage transparency requirement of 50%, narrowly at 47%. Having State Highway 12 as our primary frontage creates three special conditions that drive our need for a transparency variance: proactively protecting against structural damage, increasing public safety, and reducing traffic noise. In a deliberate effort to avoid setbacks, in accordance with zoning, we have compromised transparency to address these extenuating circumstances.

The previous structure was frequently damaged by MDT snow plows, semi-trucks, and other large vehicles that spit out gravel, ice, and debris in all directions when passing by the property. Having additional fragile glass in the lobby along this busy highway would make the building vulnerable to ongoing, costly damage.

In the unfortunate and genuine possibility of a vehicle hitting the lobby, walls provide more safety than windows. There are dozens of these wrecks reported around the country annually, and two incidents recently in Helena. In January 2021, a vehicle crashed into an apartment building at the intersection of Euclid and Glendale Street after swerving to miss a car that cut them off. In 2018, a sedan drove through the front of a coffee shop on Helena's west side. The former Memorial Apartments in this exact location was also struck by a passing vehicle, the photo below demonstrates the damage caused by the incident.



The lobby will serve as a guest lounge and gathering space, which the loud sounds of heavy traffic would negatively impact. The protective wall space improves the lobby's acoustics by better insulating and blocking out undesirable street noise. After proactive discussions with the City Planning Office, the lobby has been reconfigured to boost transparency significantly. The result is a design that balances the transparency requirement with the health, safety, and enjoyment of the public.

2. **The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.** *Ex: How is the purposed 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.*

There are no existing structures currently on the property. In the vicinity of the site, every single surrounding structure has less than 50% transparency on the primary street frontage. These nonconforming structures also have deep setbacks that provide many feet of landscaping to buffer their buildings from Highway 12 for the safety and damage reasons outlined above.

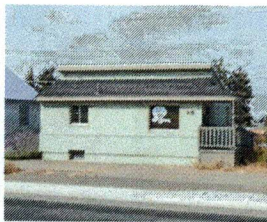
- 3. Whether there is a prevalence of nonconformities in the vicinity of the site that is similar to the variance requested. If so, what are those nonconformities and provide supporting documentation.**

Neighboring properties to the East are zoned B2, and are in compliance with zoning code, however, if the lots in the area were zoned for Downtown, all would be considered nonconforming because they do not provide 50% transparency.

The Property neighboring 40 E. Lyndale to the East hosts transparency significantly less than 50%



Property to the West, zoned DT



Properties to the East, zoned B2

- 4. The subsequent imposition of zoning restrictions created nonconforming lots of 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 nonconformity. Explain.**

Yes. The Downtown zoning regulations are new to this site and do not conform with the surrounding structures. Therefore, this site is being held to standards that are not required in the vicinity. If the variances in this application are not allowed, the result will be inconsistent lots of parcels within a 2-3 block radius. The property was zoned Downtown in 2018 when the former Memorial Apartments was still standing as blight.

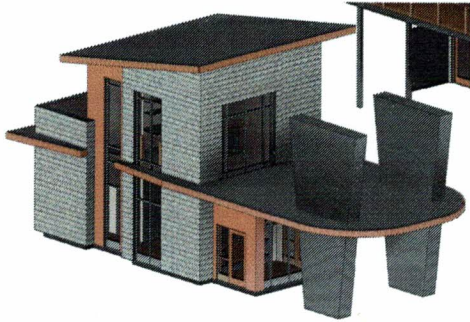
- 5. Whether a literal interpretation of the provisions of this title would deprive the property owner of the rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title. For example, would the denial of the variance deny the property owner the right to safe placement of a garage where garages are typical? If so, explain.**

Yes. The denial of this variance would deny the property owner the opportunity to build structures best suited for this location. All other neighboring buildings in the area have been constructed in ways and locations on the lots that accommodate the high volume, speed, pollution and traffic the State Highway creates as a Primary Street.

- 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.**

The lobby has been thoughtfully modified to maximize transparency following input received from the City. The initial design had 21% transparency. However, we listened closely to the Planning Office's recommendations and moved the lofted office and the bathroom location to accommodate more windows. Despite the added cost of making these changes, we were able to increase transparency from 21% to 47%. In an attempt to accommodate code to the best of our abilities, we have a design that balances the zoning transparency requirement with the health, safety, and enjoyment of the public. (see photos below).

Initial Design:



Redrafted lobby design:



- 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.**

No, granting the variance request will not afford a special privilege. The variance is minimal and will be unnoticeable when viewed in comparison to other buildings zoned Downtown. At 47% transparency, this structure will be built with much more glass on the primary frontage than the surrounding properties. The development at 40 East Lyndale Ave. is in greater compliance with Downtown Zoning Code transparency requirements than any neighboring property.

- 8. Do you think a rebuttal presumption, as identified in City Code Sections 11-5-5(E), should apply to your property, yes or no?**

No.

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

Primary street transparency requirements are intended to stimulate commerce experiences for pedestrian traffic, the intent for this zoning code is not appropriately applied to this location that lacks safe pedestrian traffic options along Lyndale Avenue.

Section D: Evaluation Factors for Entrance Access Variance Request

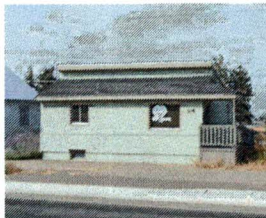
1. **Special conditions and circumstances that are unique to the applicant’s site, including the size of the property, unusual or extreme topography, or unusual shape of the property.** *If the above condition applies, state the specific factors and provide supporting documentation. For example, if the variance request is due to an abnormal lot configuration, provide a survey of the lot that specifically demonstrates the issue.*

Few, if any, structures exist on the lot line of State Highway 12 going both East and South. Incomplete sidewalk stretches line Lyndale Ave. between Montana Ave. and Last Chance Gulch intersections with no safe crossing points that provide pedestrian access along the primary street frontage.

It is evident that property owners know that it simply would not be safe to have an entrance to a building that encourages the public to pin themselves between a high-traffic route near a busy intersection and the front of a building— between a rock and a hard place, and the rock is traveling at 35 MPH. In providing safe access for guests of all ages, abilities, and pets onsite our structure design is intentional. It would be dangerous to have a door on Lyndale/Hwy 12 that could allow young children or pets to run out our doors directly into traffic. Logically and functionally, it makes much more sense to have the entrance just around the corner to the east, where it is safely accessible from the parking lot, nearest to the designated ADA parking location. In addition, as experienced by the land owner of this property, snow removal and pollution from traffic poses extreme wear, tear and damage on a South facing building, potentially covered with windows with minimal lot set back at this site.

2. **The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.** *Ex: How is the purposed 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.*

This proposed variance is compatible with the other structures located in the vicinity of the site. Due to safety concerns, the surrounding buildings also have doors on the eastern sides. The wind is known to rip through the area and damage north/south-facing doors. Starbucks and Grove, situated to the West and East of the site, are examples. Entrance doors with proximity to the parking area creates a natural flow of both vehicle and pedestrian traffic on the site and will encourage access and use of neighboring Memorial Park, which is a noteworthy asset connected to this property.



3. **Whether there is a prevalence of nonconformities in the vicinity of the site that is similar to the variance requested.** *If so, what are those nonconformities and provide supporting documentation.*

All of the neighboring structures zoned downtown to the East and South have setbacks exceeding 10’ away from Lyndale/Hwy 12 Primary Street. Neighboring DT zoned property to the South is in non compliance, hosting a parking lot, sidewalks, and landscaping between its front door and Primary street lot line. The

United Way, directly across the road to the South, zoned B2 is set back off the lot line, and also has its entrance to the side to avoid having a door now facing the busy street.



Property to the South, DT



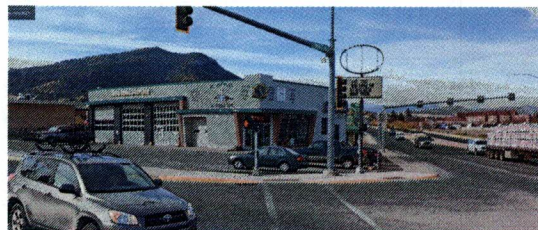
Property to the South, B2

4. **The subsequent imposition of zoning restrictions creating nonconforming lots of 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 nonconformity. Explain.*

No.

5. **Whether a literal interpretation of the provisions of this title would deprive the property owner of the 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.*

Yes. The denial of this variance would prevent the property owner from placing a primary entrance where primary access is typical in the vicinity. As presented by surrounding properties, an entrance off the busy highway is the norm.



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.

A primary frontage entrance would create ample difficulty by requiring the public to walk completely around the lobby and right up against a busy street, demanding parents and pet owners to use extreme caution. It would also create hardship for hotel staff, who would need to devote extra time and attention to monitoring the access and safety of that door. Maintaining and repairing damage caused to a South facing structure with close proximity to State HWY 12 would be unnecessary and unfair in comparison to neighboring properties.

- 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.**

No. Granting this variance would not give unreasonable special privilege considering nearly all other properties similarly located in the area do not have a primary street entrance. Further, it would be obvious to other Downtown zoned property owners that avoiding an entrance on a state highway is a safer, common-sense exception.

- 8. Do you think a rebuttal presumption, as identified in City Code Sections 11-5-5(E), should apply to your property, yes or no?**

No.

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

Unlike other Downtown zoned areas, the public will not be accessing this site on foot. We are not in a typical walkable Downtown location; all guests will arrive by car, pedestrian traffic encouraged to venture North into the Memorial Park trail systems and amenities. Therefore logical design orientates our building doors to a safe, weather acceptable, parking lot accessible location at the East side of the structure, central in the lot.

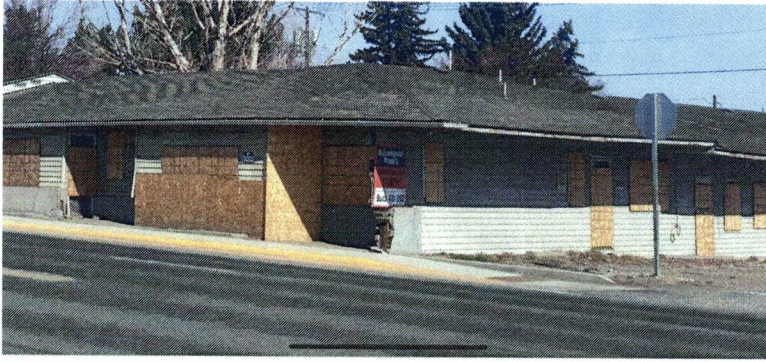
Section D: Evaluation Factors for ***Setback*** Variance Request

- 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.**

Overhead power lines and the location of this building site in proximity to State Highway 12 cumulate to create special conditions that require set back from 0 ft to 10ft.

OSHA safety standards – requirements set by statute, standards and regulations, mandate a minimum 10 ft clearance distance for the uninsulated lines present on this site. Northwestern Energy, as detailed earlier in this application, states that burying the lines is not an option due to supply shortages of the materials needed. The only option is to set the building back 10ft from the power lines located on the boundaries of the north and south edges of the property.

Due to the site location on a state highway, with a speed limit 10 mph faster than in the rest of the Downtown zoned areas, traffic safety is a real concern. When the previous structure had a 0 ft setback, it was struck by a westbound vehicle in 2017. Fortunately no one was hurt but there was significant damage to the building.



Damage caused by vehicle impact at the site of 40 E. Lyndale Ave.

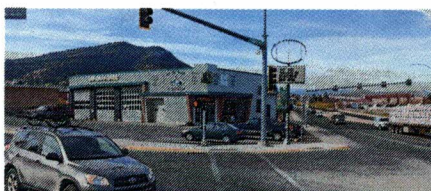
Our request is to move the building 10 ft off of the highway to the South to facilitate a better triangle of vision and create a safety buffer of additional space.

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.*

There are no existing structures on the site, however all other buildings in the vicinity have a 10 ft. or more setback from their primary street frontage on Lyndale.

3. **Whether there is a prevalence of nonconformities in the vicinity of the site that is similar to the variance requested.** *If so, what are those nonconformities and provide supporting documentation.*

All neighboring sites, especially those near the Last Chance Gulch/Lyndale intersection have significant setbacks due to the busy, high speed traffic.



4. **The subsequent imposition of zoning restrictions creating nonconforming lots of 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 nonconformity. Explain.*

No.

5. **Whether a literal interpretation of the provisions of this title would deprive the property owner of the 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.*

Yes, the denial of this variance would deny the property owner and developers the right to safe placement of a building where buildings are typical. It is typical, if not guaranteed, to find buildings along state highways setback 10 ft or more from the road.

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.*

OSHA requirements supercede zoning codes, and Highway 12 is a main artery of through traffic in our State- the only alternative is to set the building back from the lot line 10 ft at a minimum. This variance request not only shows that the public safety is priority but it is a requirement in all development standards.

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.**

Granting this variance will not allow for special privilege since nearly all surrounding buildings are already setback 10 ft or more.

8. **Do you think a rebuttal presumption, as identified in City Code Sections 11-5-5(E), should apply to your property, yes or no?**

No.

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

We believe these variance requests would be made by any and all developers on this site- we are simply the first to develop, and 'blaze the trail', in a newly rezoned area. In accommodating the unique site features in conjunction with Downtown Zoning Codes, our building design is tailored to best outcomes of the property and its future as a part of the big picture in Helena's growth.

HA&TCo.

Return to:
Buck Rea
P.O. Box 1106
Helena, MT 59624

HATCo#1675101

3293205 B: M51 P: 6955 DEED
08/04/2016 11:58 AM Pages: 1 of 1 Fees: 7.00
Paulette DeHart Clerk & Recorder, Lewis & Clark MT



QUIT CLAIM DEED

For Value Received, **JACK L. REA, AS TRUSTEE OF THE JACK L. REA TRUST, and JACK L. REA, AS SUCCESSOR TRUSTEE OF THE HESTER A. REA TRUST**, the grantor(s), do (es) hereby convey release, remise and forever quit claim unto, **BUCK REA and JERI LYNN REA**, the grantee(s), the following described premises in Lewis and Clark County, Montana, to-wit:

All right, title and interest, **together with any after-acquired title, in and to the following described real property:**

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 in Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221)

NOTE: This is a correction deed to correct the signature and notary on the Quit Claim Deed recorded Jan. 24, 2013 in M Book 46 of Records, page 4559.

TO HAVE AND TO HOLD the premises, with their appurtenances unto the said Grantee(s), (his/her/their) heirs and assigns forever,

Dated: 8-3-16



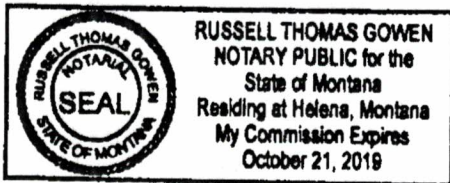
JACK L. REA, Trustee of the Jack L. Rea Trust

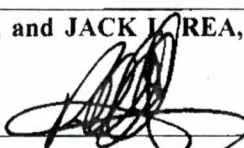


JACK L. REA, Successor Trustee of the Hester A. Rea Trust

STATE OF MONTANA
COUNTY OF LEWIS AND CLARK

This instrument was acknowledged before me on 8-3, 2016, by **JACK L. REA, AS TRUSTEE OF THE JACK L. REA TRUST, and JACK L. REA, AS SUCCESSOR TRUSTEE OF THE HESTER A. REA TRUST,**





Notary Public State of Montana
Residing at:
My Commission Expires:

Date: 01/30/2023
 Time: 13:16:39

LEWIS AND CLARK COUNTY
 *** REPRINTED ***
 CASH RECEIPT
 2022 REAL ESTATE TAXES

Receipt#	Trans Date	Clerk ID	Batch#	Tax Year	Tax Code	Receipt Total
2328625	12/02/2022	DR	20221202-000181	2022	63	\$3,469.52

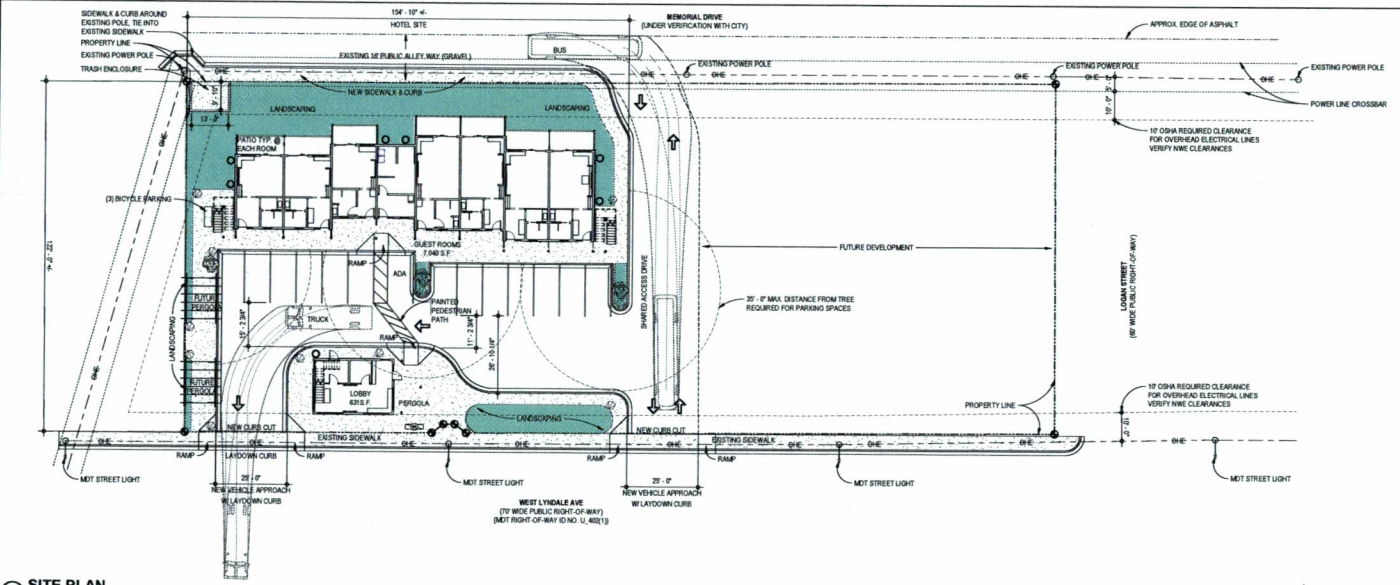
Legal Owner Name	Legal Description
REA BUCK A & JERI LYNN PO BOX 1106 HELENA MT 59624-1106	LOC: 1 GEO: 05-1888-30-1-21-01-0000 TWN: 10 N SCT: 30 RNG: 03 W CT3 SubDiv CT3 LOT: 1 BLK: 53 CENTRAL ADDN NO 3, S30, T10 N, R03 W, BLOCK 53, Lot 1 - 11, & 30X122 CLOSED JACKSON ST. LESS 24 SQFT ROW

Stmt#	MC	Description	1st Half	Status	2nd Half	Status
31723	0000	Tax Distr 01 TIF Rlrd URP	1,367.85	PAID	0.00	
31723	0001	STREET MAINT #1	1,115.58	PAID	0.00	
31723	0008	STORM WATER UTL	331.89	PAID	0.00	
31723	0016	LANDFILL MONITORING	21.10	PAID	0.00	
31723	0061	URBAN FOREST MGMT	19.50	PAID	0.00	
31723	0070	OPEN SPACE MAINT	70.39	PAID	0.00	
31723	0360	LIGHT DISTRICT #360	145.23	PAID	0.00	
31723	2121	FORESTVALE CEM	6.37	PAID	0.00	
31723	2518	OPEN-SPACE LANDS	11.66	PAID	0.00	
31723	8000	WATER QUALITY INSIDE CITY	158.40	PAID	0.00	
31723	TIFRU	TIF RAILROAD URBAN RENEWA	219.89	PAID	0.00	
31723	UNIVT	University - TIF District	1.66	PAID	0.00	
		PAYMENT DATE:	12/02/2022			
		TAX AMOUNT:	\$3,469.52			
		PENALTY:				
		INTEREST:				
		TOTAL:	\$3,469.52			
		RECEIPT TOTAL:	\$3,469.52			

Payment Type	Doc#	Description	Amount
Check	5944	REA INVESTMENTS	3,469.52
TOTAL:			3,469.52

*May payment
 not paid yet -*

1/19/2023 11:21 AM (REVISED) Design - Chicago - 04/20/23 - Rev. 02/23/2023 (REVISED) 1/19/2023 11:21 AM



COORDINATION NOTE

IF ABSOLUTELY NECESSARY THAT ALL TRADES COORDINATE WITH EACH OTHER AND VERIFY THAT THERE ARE NO CONFLICTS IN LOCATION OF DUCTS, CONDUITS, SPRINKLER HEADS OFFSETS, ELECTRICAL BOXES, EQUIPMENT, AND OTHER ITEMS THROUGHOUT THE PROJECT BEFORE FINAL PLACEMENT OF MATERIALS.

**PROGRESS
PRINT NOT FOR
CONSTRUCTION**



REVISIONS

#	DATE

1 SITE PLAN
SCALE: 1" = 20'-0"

PRELIMINARY ZONING ANALYSIS

THE BELL HOTEL
Site Information:
Total Site Area: 37,210 square feet more or less
Hotel Site Area: 18,540 square feet more or less
Zoning: Downtown
Proposed Building:
• (2) 2-story buildings
• Boutique hotel with (14) guest rooms
• Primary Lot Line: Lyndale Avenue - South Property Line
• Secondary Lot Line: Memorial Drive - North Property Line

Zoning Requirements:

11-2-3 Land use table for zoning districts:
Hotels are a permitted use in Downtown zones.

11-4-2 Design Standards:

Site:
Lot size: No minimum
Lot width: No minimum
Lot coverage: 50% maximum
Designed Coverage:
Building Coverage: 35%
Net Building Coverage: 42%
Landscaping:
5% of ground floor area square footage
Design Landscaping: 8%

Building Placement Setback:
Lot line, primary street - Lyndale Avenue
7' setback
50% maximum of building footage is required to meet the 7' setback.
Design is setback from the property line to provide clearance required for overhead lines.
Lot line, secondary street - Memorial Drive
Per Zoning and Transportation Memorial Drive is not a street and does not count as Secondary Frontage.
7' setback required
Design must respond to lot line setback, and is situated further back because of overhead power lines which require a 10' setback.
Lot line, corner
0' setback
Design provides landscaping at locations where zero lot line setback is not met

Surface parking setback
10' minimum
Applicable only when parking is located adjacent to the building
Design parking is located between the buildings and not along primary or secondary street frontages

Height and Massing:
Building height:
27 maximum
No maximum
Design Heights:
Lobby Maximum height: 20' - 8"
Hotel Maximum height: 30' - 4"
Ground floor area height:
12 maximum from top of floor to top of floor
Design height must be maintained
Primary and Secondary setbacks will segment length
40 maximum, visual attenuation along building footage required
Design needs requirement

Transparency:
Ground floor area, primary street footage
50% maximum
Designed transparency 47%
Ground floor area, secondary street footage
Per Zoning and Transportation Memorial Drive is not a street and does not count as Secondary Frontage.
50% maximum
Designed transparency 30%

Upper Stories:
Based on discussions with Zoning and Transportation Memorial Drive is not a street and does not count as Secondary Frontage.
30% maximum
Designed transparency 30%

Setbacks:
Entrance spacing:
(1) pedestrian entrance minimum along primary street footage required
Design does not meet this requirement
Walk/Approach width:
3' minimum width for single door entrance
10' minimum width for double or revolving door entrance
Design meets this requirement
Awnings and Canopies:
10' minimum height above grade
If maximum overhangs into right-of-way
Ground floor only
Design meets this requirement

Setback:
Floor or side of building
No parking is permitted on the property in front of a building along the primary or secondary street footage
Design parking is located between the buildings and not along primary or secondary street frontages

Space allocation:
No parking minimum
Maximum allowance
Residential uses (1) space per dwelling unit
Design parking for (14) spaces
Tip calculation:
Per the Trip Generation Manual 6th Edition
Minimum generate trips at a rate of 0.53 trips per room
Total 70 trips planned for the site

Landscaping:
Primary and secondary lot line setback
Landscaping is required where a building does not meet the 7' setback requirement along a primary or secondary street footage
Design has landscaping at all locations where the building doesn't meet the required setback

Signs:
Total area:
150 square feet maximum per building
Sign area allowed for 300 square feet of signage
Wall sign:
Maximum of primary building facade square footage
May be externally illuminated with down directed, fully shielded fixtures only
Painted wall sign:
40% maximum of primary building facade square footage
Permitted on any exterior building wall
May be externally illuminated with down directed, fully shielded fixtures only
Window Sign:
30% maximum of primary building facade ground floor area window area
Monument Sign:
(1) sign per building
60 square feet maximum
6 feet height maximum
Controlled signage required for buildings with multiple business activities
Signs may be externally illuminated with down directed, fully shielded fixtures only
Canopy and Awning Sign:
(1) sign per canopy
(1) sign per awning
40 square feet total of awning width
10 feet height maximum
General illumination of a canopy or awning sign is not permitted
Propagating Sign:
(1) sign per business
18 square feet maximum
8 feet height maximum
8 feet minimum projection
4 feet maximum projection
May be externally illuminated with down directed, fully shielded fixtures only
Standard Board sign:
(1) sign per business
12 square feet maximum per sign face

11-2-8 Pedestrian access and bicycle space requirements:
Pedestrian:
Pedestrian pathways must be located through parking areas to provide the shortest feasible connection from the parking area to building entry area, public sidewalks, and transit stops.
Pathways through parking areas must be designed and constructed to meet the following criteria:
• Limit conflict between pedestrians and vehicular traffic
• Be clearly delineated using techniques such as contrasting colored or colored material, striping, segmentation of pathway from vehicle travel lanes, and raised pathway surfaces
• Must be a minimum of 5' wide
• Vehicle stops or curbing must be installed in parking lots where necessary to prevent vehicles from encroaching onto sidewalks, pedestrian pathways, entryway areas, driveways, streets, alleys, or more than 2 feet into landscaped areas

Bicycle:
Parking lots that have (10) or more parking spaces must provide (2) bicycle spaces within 50' of a main building entryway
Design requires (2) bicycle spaces to be provided for securing the bicycle to an immovable object
Does not conflict with pedestrian and vehicle traffic

11-2-6 General landscaping:
A) The provisions of this section apply to trees in all zoning districts and to all uses.
B) All areas of a tract that are not covered by buildings, parking lots, utility poles and boxes, and walkways or nonmotorized paths must be landscaped as provided in section 11-2-6 of this chapter.
11-2-4 of this chapter, parking lot landscaping pursuant to this section, landscape or pathway landscaping pursuant to section 7-4-2 of this code, or any other required landscaping

11-2-4 Parking lot landscaping:
A) All parking lots must have at least 30 square feet of landscaping per vehicle parking space within the boundaries of the parking lot
B) Any edge of a parking space must be within 30' of a trunk of a tree on the same tract or contiguous public-right-of-way
C) All qualified trees on a tract may be used to satisfy subsection B of this section, whether installed by general landscaping pursuant to section 11-2-6 of this chapter, landscaping pursuant to section 11-2-8.5 of this chapter, parking lot landscaping pursuant to this section, landscape or pathway landscaping pursuant to section 7-4-2 of this code, or any other required landscaping

11-2-4.6 General landscaping and parking lot landscaping standards:
A) Except as provided below, general landscaping and parking lot landscaping must contain no less than 80% live vegetation cover and include shrubs, bushes, or trees. If this live vegetation cover consists entirely of plants that do not require supplemental water or irrigation once established, or consists entirely of plants that are native to Lewis and Clark County, then these areas may contain as little as 50% live vegetation cover. The proposed size of an average shrub, bush, or tree of that species at five (5) years of age may be used in calculating minimum vegetation coverage. The remainder of the area may be covered in inorganic materials that are permeable to water.
B) When space permits, additional trees must be planted no more than 30' apart in landscaping islands within the boundaries of the parking lot that have planted trees to meet the requirement in subsection 11-2-4.6 of this chapter. All trees must be expected to grow to at least 20' in height when mature. Deciduous trees must not be less than 1.5" at time of planting.
C) Trees expected to grow to 30' in height or less must be planted in a tree pit of no less than 20 square feet. Trees expected to grow to more than 30' in height must be planted in a tree pit of no less than 40 square feet.
D) Trees within 2' of any edge of a parking space must be protected from damage by vehicles by barriers such as curb stops, tree guards, rubber poles, or other types of vehicle obstructions.



2 SATELLITE VIEW OF SITE
NOT TO SCALE
FIRE HYDRANT LOCATIONS SHOWN FOR REFERENCE ONLY

THE BELL HOTEL
40 E. LYNDALE AVE., HELENA, MT 59601
ZONING

4912-01-01
DRAWN BY ER
APPROVED CWG
DATE 1/27/2023

G1.0

COORDINATION NOTE
 IT IS ABSOLUTELY NECESSARY THAT ALL TRADES COORDINATE WITH EACH OTHER AND VERIFY THAT THERE ARE NO CONFLICTS IN LOCATION OF DUCTS, CONDUITS, SPRINKLER HEADS, DEVICES, ELECTRICAL BOARDS, EQUIPMENT, AND OTHER ITEMS THROUGHOUT THE PROJECT BEFORE FINAL PLACEMENT OF MATERIALS.

**PROGRESS
 PRINT NOT FOR
 CONSTRUCTION**



REVISIONS	
#	DATE



BIRDS EYE VIEW



EAST LYNDALE VIEW



WEST LYNDALE VIEW



MEMORIAL PARK VIEW

THE BELL HOTEL
 40 E. LYNDALE AVE. HELENA, MT 59601
RENDERINGS

4912-01-01
 DRAWN BY ER
 APPROVED CWS
 DATE 1/27/2023

A10.1

Territory of Montana } ss
County of Lewis and Clarke }

I Charles W. Helmick do solemnly swear that I have made a careful survey of Central Addition No. 3 to Helena Montana that the annexed plat thereof is in strict accordance with the said survey and that the widths of the streets are as follows: Main Street 70 ft. 20th Street 30 ft. and 40 ft. Warehouse Track Street 25 ft. Lynndale Avenue 55 ft. all other streets 60 ft. Alleys 16 ft.

Subscribed and sworn to before me this 13 day of May 1888.
Notarial Seal
Charles W. Helmick,
Notary Public

Be it known that the undersigned part owners of Central Addition No. 3 to Helena Montana situated in the N² NE² and the N² NW² of Sec. 30 T10N R3W hereby acknowledge and certify that they procured and caused to be made a survey of the same of which this plan is a true plat thereof for the purpose of record, and we hereby do vote and dedicate the streets and Alleys thereon to the public use and benefit forever, excepting and reserving the right of any Railway Company to occupy with Railway tracks, all that portion of Warehouse Track Street from the west side of Warren Street to the right of way of the Montana Central Railway and to use said tracks for Railway purposes.

In testimony whereof we have hereunto set our hands and seals this 13 day of May 1888 at Helena Montana.

William A. Chessman, John Flanniffy
Theodore H. Klunsehnold, Alexander Skille
Henry M. Ruchen, Edward W. Battie
E. W. Knight, Cashier, George F. Skuttie
Samuel J. Hauser, Helena Gas Light & Coke Co. By Wm. Cannon pres.
John L. Thompson, Mrs. Louella E. Sullivan By M. Walker Secy.

Territory of Montana } ss
County of Lewis and Clarke }

Be it known that on this 13 day of May 1888 personally came before me a Notary Public in and for said County, William A. Chessman, Theo. H. Kleinckmidt, A. M. Puchen, S. T. Hauser, John Daniothy, J. D. Thompson, E. W. Knight, A. J. Steele, George D. Beattie, Helena Gas Light and Coke Company (by Wm. Cannon pres.), Loretta K. Ditton and M. W. Beattie personally known to me to be the same persons who signed and sealed the foregoing plan, and acknowledged the same to be their free acts and deeds for the purposes therein expressed, and the said Loretta K. Ditton having been by me first made acquainted with the contents of the above instrument, acknowledged to me on examination apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without fear or compulsion, or undue influence of her husband, and that she does not wish to retract the execution of the same.

Notarial Seal
Jno. J. McNeill
Notary Public

State of Indiana } ss
County of Floyd }

Be it known that the undersigned, executors of the estate of W. C. DePaur (deceased) part owners of Central Addition No. 3 to Helena Montana situated in the N² NE² and the N² NW² of Sec. 30 T10N R3W hereby acknowledge and certify that they procured and caused to be made a survey of the same, of which this plan is a true plat thereof for the purpose of record, and we hereby do vote and dedicate the streets and Alleys thereon to the public use and benefit forever excepting and reserving the right of any Railway Company to occupy with Railway tracks all that portion of Warehouse Track Street from the west side of Warren Street to the right of way of the Montana Central Railway and to use said tracks for Railway purposes.

In testimony whereof we have hereunto set our hands and seals this 13 day of May 1887 at New Albany Indiana.

N. J. DePaur, Peter K. Stoy
C. W. DePaur, Jno. W. Key
Executors of the estate of W. C. DePaur (deceased)

State of Indiana } ss
County of Floyd }

Be it known that on this 5th day of April 1888 personally came before me a Notary Public in and for said County N. J. DePaur, C. W. DePaur, Peter K. Stoy and Jno. W. Key executors of the estate of W. C. DePaur (deceased) personally known to me to be the same persons who signed and sealed the foregoing plan and acknowledged the same to be their free acts and deeds for the purposes therein expressed.

Notarial Seal

Herman Knirshon,
Notary Public.

Filed May 17th 1888. 11:15 AM.

15 pd.

W. C. Frederick Recorder
By Wm Taylor Depty.

Territory of Montana } ss
County of Lewis & Clarke }

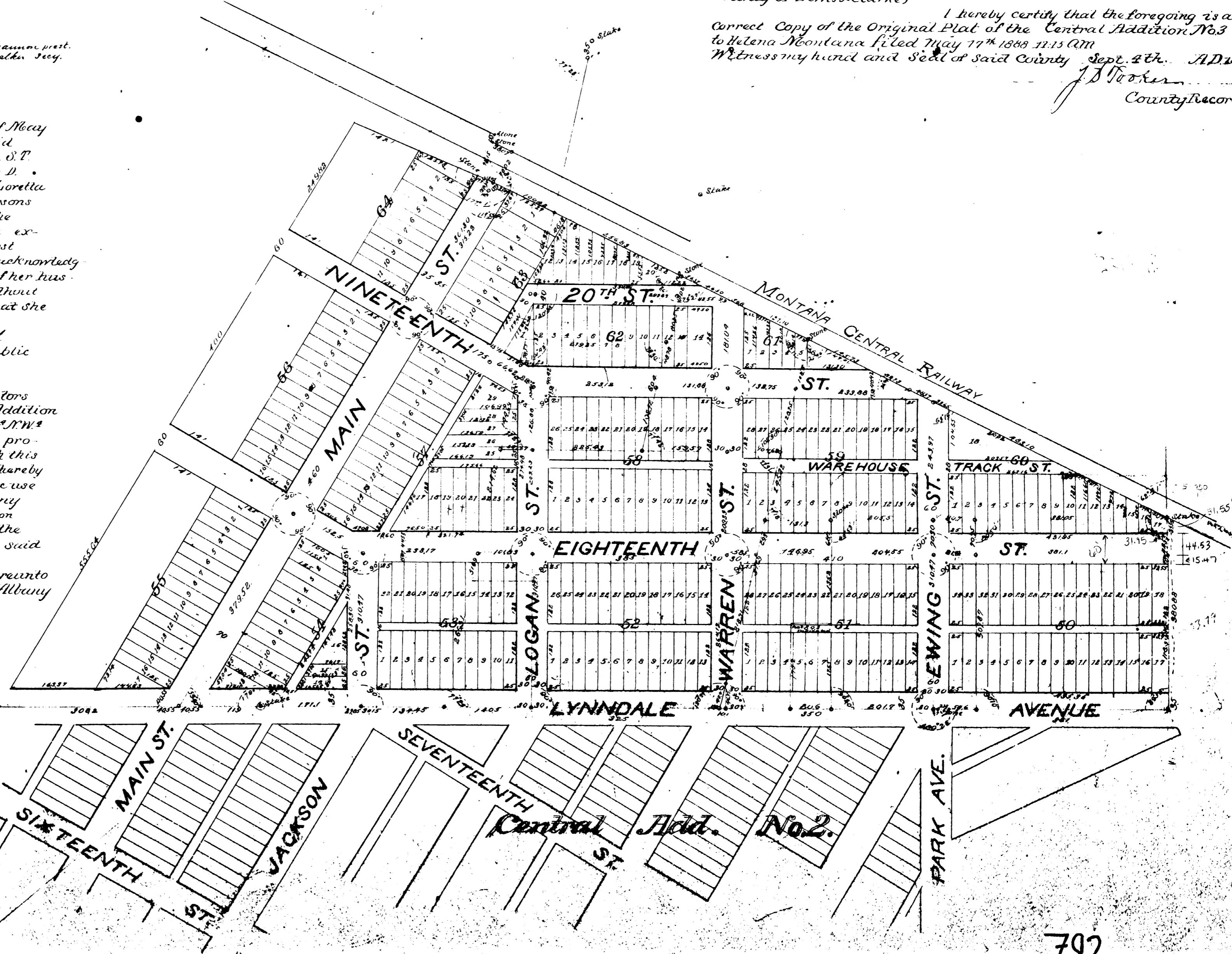
I hereby certify that the foregoing is a correct copy of the Original Plat of the Central Addition No. 3 to Helena Montana filed May 17th 1888 11:15 AM.

Witness my hand and Seal of said County, Sept. 2th AD. 1888
J. D. Tucker
County Recorder

PLAT of CENTRAL ADDITION No. 3

HELENA MONTANA,
SCALE 1 INCH = 150 FEET.

Iron Pins at Points marked o except where noted.



792