



Kyle Holland, **Planner II**
Community Development Department
316 North Park Avenue, Room 443
Helena, MT 59623

: Phone: 406-447-8492
: Fax: 406-447-8460
: Email: kholland@helenamt.gov

helenamt.gov

Date: April 20, 2023

STAFF REPORT

To: Helena Board of Adjustment

From: Kyle Holland, City Planner II

Subject: Consideration of:

1. A variance from Section 11-9-7-D-3-a to allow parking to be located at the front of the building, for a property with a legal description of Lots 22, 23 and 24A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Retracement Survey filed under Doc. No. 3013758
2. A variance from Section 11-4-2 to reduce the allowable setback of the vehicular entrance of a garage that abuts public right of way from 20' to 5', for a property with a legal description of Lots 22, 23 and 24A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Retracement Survey filed under Doc. No. 3013758

The reason for this variance is to provide off-street parking on a site with severe topographical limitations.

This property is located at 440 S Park Ave.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Application received March 09, 2023

PUBLIC HEARING DATE: Board of Adjustment - 5:30 p.m., Tuesday, May 02, 2023

PROPERTY OWNER: South Park Condominium LLC
MAILING ADDRESS: 440 South Park Ave, Helena, MT 59601
CONTACT NUMBER: (406) 422-3785
EMAIL ADDRESS: rayk138@hotmail.com

APPLICANT: Jacob Augenstein
MAILING ADDRESS: 1470 N. Roberts Street, Helena, MT 59601
CONTACT NUMBER: (406) 457-0360
EMAIL ADDRESS: jacob@slatearch.com

PROPERTY ADDRESSES: 440 S. Park Ave, Helena, MT 59601

LEGAL DESCRIPTION:

BLOCK 1, Lot 22, 23, 24A - 25-28, 15547 SQUARE FEET, COS #3270459 in the Helena Townsite 1869

GENERAL LOCATION: This property is generally located on the northwest corner of Park Ave and S Cruse St.

PROPOSED LAND USE: Three single family townhomes

ADJACENT LAND USE:

North: Vacant Land

South: Residence, Multi family

East: City owned open space between east and west bound lanes of South Cruse Ave

West: Vacant Land (Same owner)

PRESENT ZONING: TR

VARIANCE PROPOSALS:

1. **A variance from Section 11-9-7-D-3-a to allow parking to be located at the front of the building, for a property with a legal description of Lots 22, 23 and 24A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Retracement Survey filed under Doc. No. 3013758**
2. **A variance from Section 11-4-2 to reduce the allowable setback of the vehicular entrance of a garage that abuts public right of way from 20' to 5', for a property with a legal description of Lots 22, 23 and 24A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Retracement Survey filed under Doc. No. 3013758**

HISTORY OF APPLICABLE PERMITTING ACTION:

- 1) The first building permit on site is for storage in 1982.
- 2) Variance to rear yard setback at the 12/19/2006 Board of Adjustment meeting
- 3) Addition and remodel in 2007
- 4) Historic review in 2023
- 5) Demolition permit in 2023

ZONING EVALUATION for the properties legally addressed as 720 Breckenridge, Helena, MT, located in a R-3 zoning district.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: §11-9-7 (D)(3)	No parking is permitted on the property in front of a building along the primary or secondary street frontages, unless it is in the form of a parking structure meeting the requirements of this Section.	N/A	To allow parking in front of the building along primary street frontage	Yes
City Code: §11-4-2 Garage Entrance	20' setback for vehicular entrance of a garage required	N/A	5' setback to vehicular entrance of a garage	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 Wednesday, April 19, 2023, no public 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 11-9-7-D-3-a to allow parking to be located at the front of the building, for a property with a legal description of Lots 22, 23 and 24A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Retracement Survey filed under Doc. No. 3013758**
2. **A variance from Section 11-4-2 to reduce the allowable setback of the vehicular entrance of a garage that abuts public right of way from 20' to 5', for a property with a legal description of Lots 22, 23 and 24A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Retracement Survey filed under Doc. No. 3013758**

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

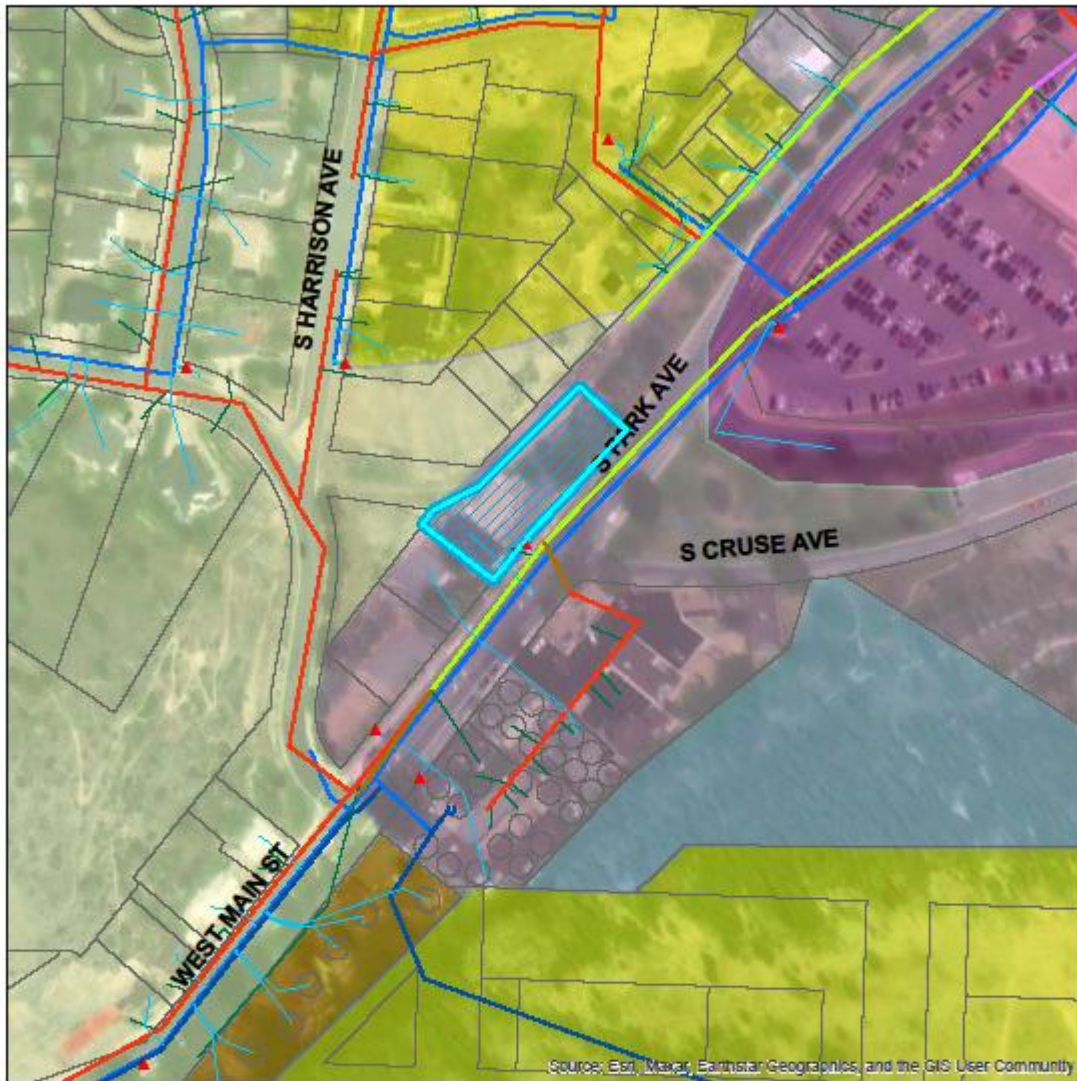
Building Permit: A building permit must be obtained within one (1) year.

Regards,

A handwritten signature in black ink, appearing to read "Kyle Holland". The signature is written in a cursive, flowing style.

Kyle Holland, Planner II
Community Development Department
City-County Building
316 N. Park Ave, Rm 443
Helena, MT 59601

440 S. Park Ave.



Legend

R-1 Residential District - Large Lot	DT Downtown
R-2 Residential District	B-1 Neighborhood Business District
R-O Residential Office District	PLI Public Lands & Institutions District
TR Transitional Residential	





Kyle Holland, **Planner II**

Community Development Department
316 North Park Avenue, Room 443
Helena, MT 59623

: Phone: 406-447-8492
: Fax: 406-447-8460
: Email: kholland@helenamt.gov

helenamt.gov

Date: April 20, 2023

TO WHOM IT MAY CONCERN: Variances from district dimensional standards and district design 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 May 02, 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, May 02, 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/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-D-3-a to allow parking to be located at the front of the building, for a property with a legal description of Lots 22, 23 and 24A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Retracement Survey filed under Doc. No. 3013758
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The reason for this variance is to provide off-street parking on a site with severe topographical limitations.

ADDRESS:

This property is located at 440 South Park Ave.

GENERALLY LOCATED:

This property is generally located on the north west corner of Park Ave and S Cruse St.

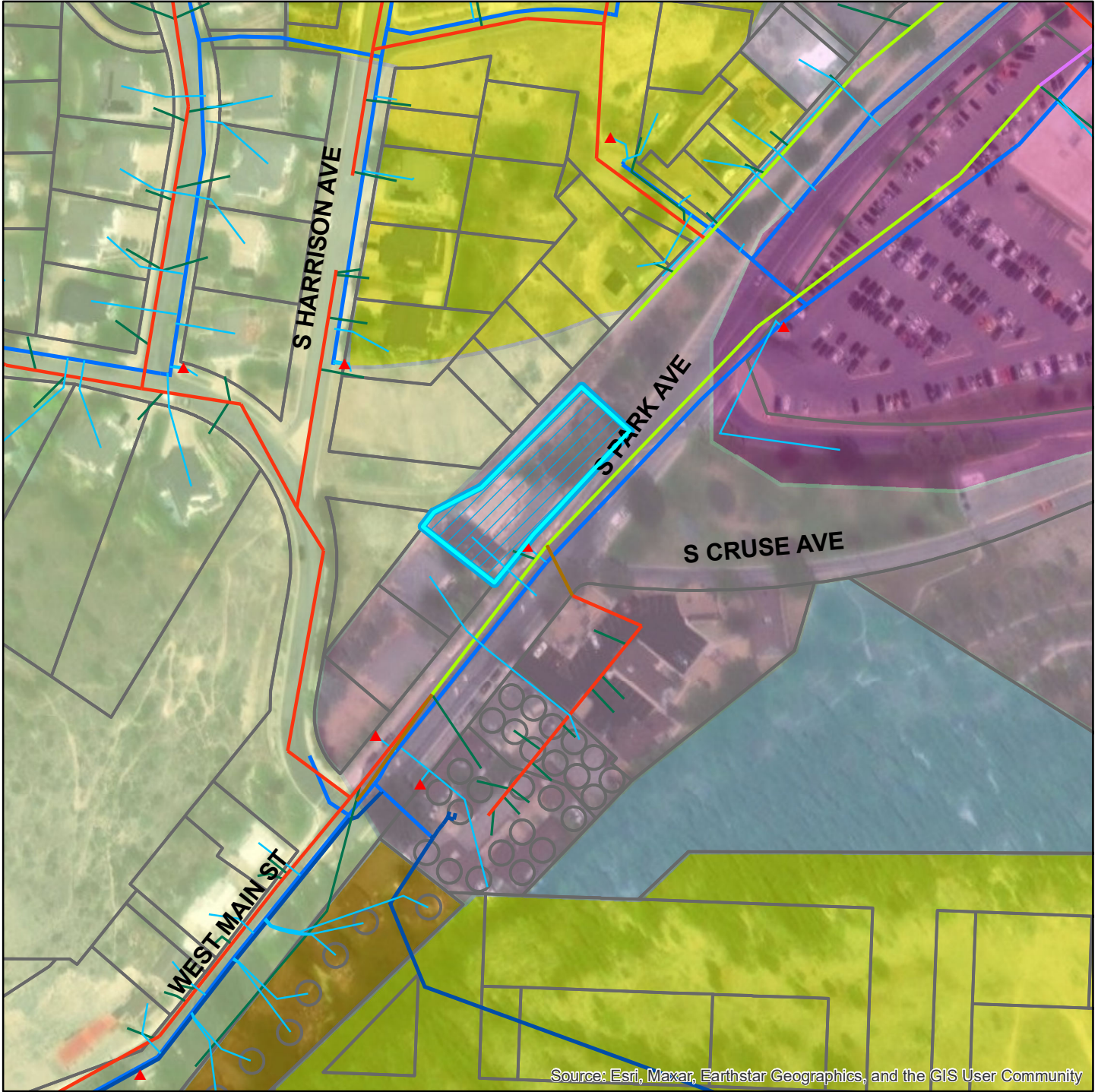
If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8459.

Sincerely,







Kyle Holland, Planner II

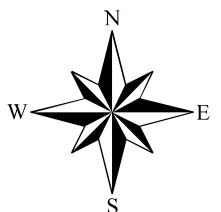
Community Development Department
City-County Building
316 N. Park Ave, Rm 443
Helena, MT 59601

440 S. Park Ave.



Legend

 R-1 Residential District - Large Lot	 DT Downtown
 R-2 Residential District	 B-1 Neighborhood Business District
 R-O Residential Office District	 PLI Public Lands & Institutions District
 TR Transitional Residential	





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:

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

PROPERTY OWNER: *Primary Contact?*

Name: South Park Ave. Condominium LLC Primary Number: (406) 422-3785
Address: 440 South Park Avenue, Helena, MT Other Phone: _____
Email: rayk138@hotmail.com

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

Name: Jacob Augenstein Primary Number: (406) 457-0360
Address: 1470 N. Roberts Street, Helena, MT Other Phone: _____
Email: jacoba@slatearch.com Company: Slate Architecture

AUTHORIZED REPRESENTATIVE: *Primary Contact?*

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

Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.

Address of Property 440 South Parth Avenue, Helena, MT 59601
Address City State Zip Code

Legal Description (Block & Lots, Subdivision, COS#) FLOWER GARDEN ADDN, S20, T10 N, R03 W,
BLOCK 33, Lot 14

Geocode 05-1888-20-3-32-03-0000

The most recent deed for impacted property (Amended Plat was submitted.)

Lot or Parcel Size (square feet) 3 lots total 5,742 sf

Current and proposed use of structure or property: Single Family Townhomes (3)

Current Zoning District TR

Are there other related Land Use Applications being submitted: Yes No (Amended Plat was submitted.)

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: See Attachment A.
- 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:

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.

There is no reasonable way to get a garage developed on this side or rear of the site. There is extreme topography, shallow site depth, and bed rock within 7' of the grade.

See Attachment A.

- 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.

See Attachment A.

- 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 Attachment A.

- 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.

N/A

- 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.

See Attachment A.

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.

Because of the extreme topography, shallow site depth, and bed rock within 7' of the grade, there is no way to construct a garage without abutting the street.

See Attachment A.

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.

See Attachment A.

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.


N/A

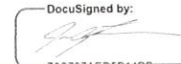
9. Provide any additional information you would like the Board to consider.

See Attachment A.

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: 3-3-2023
Property Owner

Applicant:  Date: 3/2/2023
DocuSigned by:
70c297ae05814db
(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.

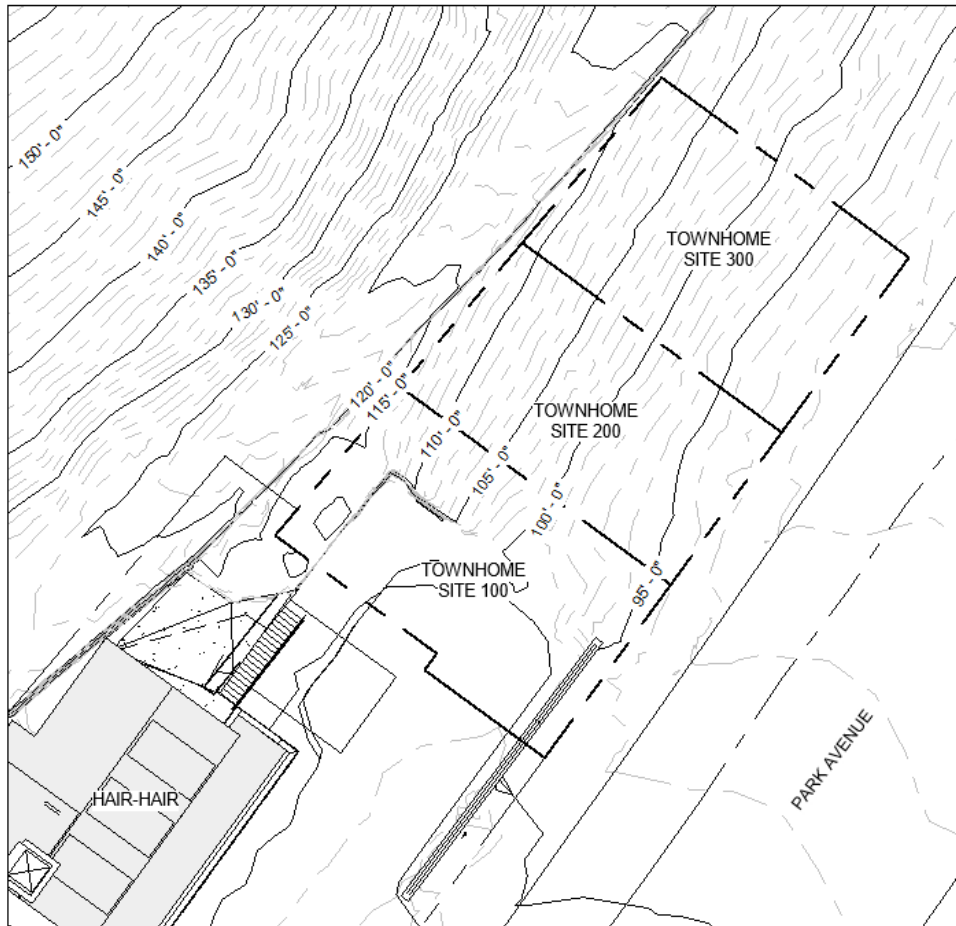
PROJECT NAME: Park Avenue Townhomes
 PROJECT NO.: 2022017.2
 DATE: March 1, 2023

Zoning 11-4-2: Design Standards:

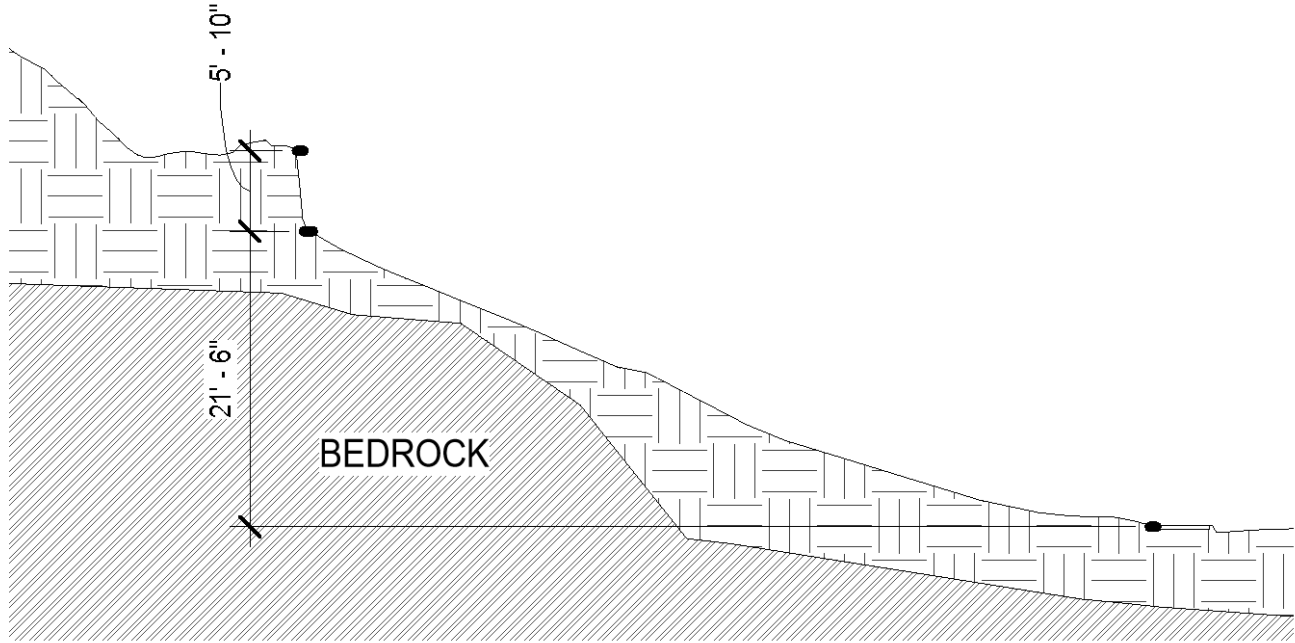
- B. The standards for setback of buildings from property lot lines are;
 - 3. The vehicular entrance of a garage must be set back at least twenty feet (20'), measured in a straight line from the vehicular entrance of the garage to the lot line of the property that abuts public right of way designated as a street and has a driveway approach.

Existing Site Condition:

The existing slope at this site is extremely steep. From the front to the back of the site, there is 22' of elevation change and 26' with the rear retaining wall at the edge of our site. In addition, the bedrock at these lots varies from 2' to 10 feet across these three sites.



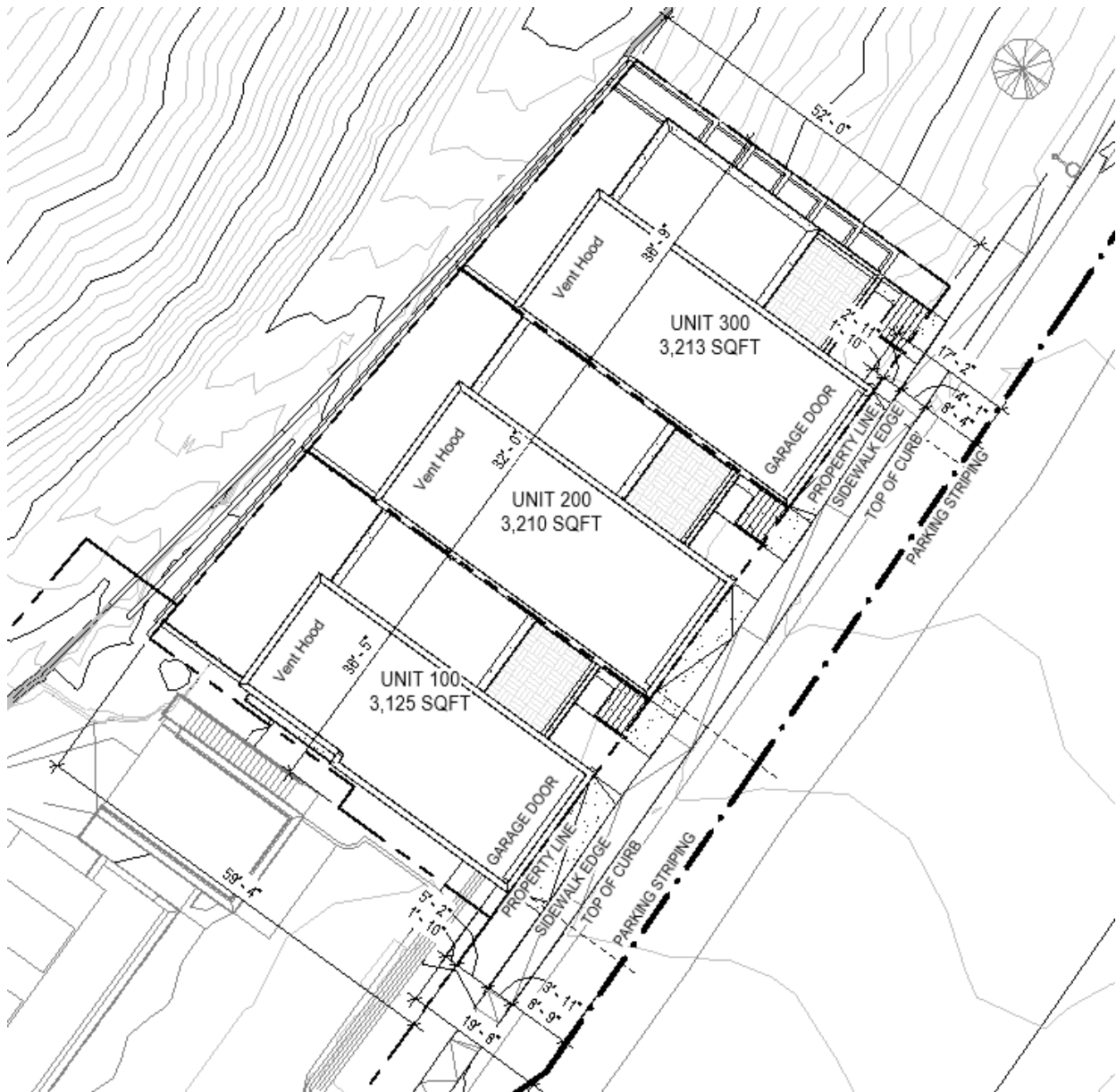
Existing Site Plan



Existing Site Section

Proposed Variance Modifications:

Because there is no feasible way to build a garage or put on-site parking with a 20' setback of these (3) lots, we request that this requirement be waived. We have developed an architectural design that will allow the garage opening to match the architecture of the building and not look like a parking garage. The glazing will be frosted to allow security but also allow the passage of light. This will engage and activate the street front as the TR zoning district prescribes. See the attached renderings and elevations.



Proposed Site Plan



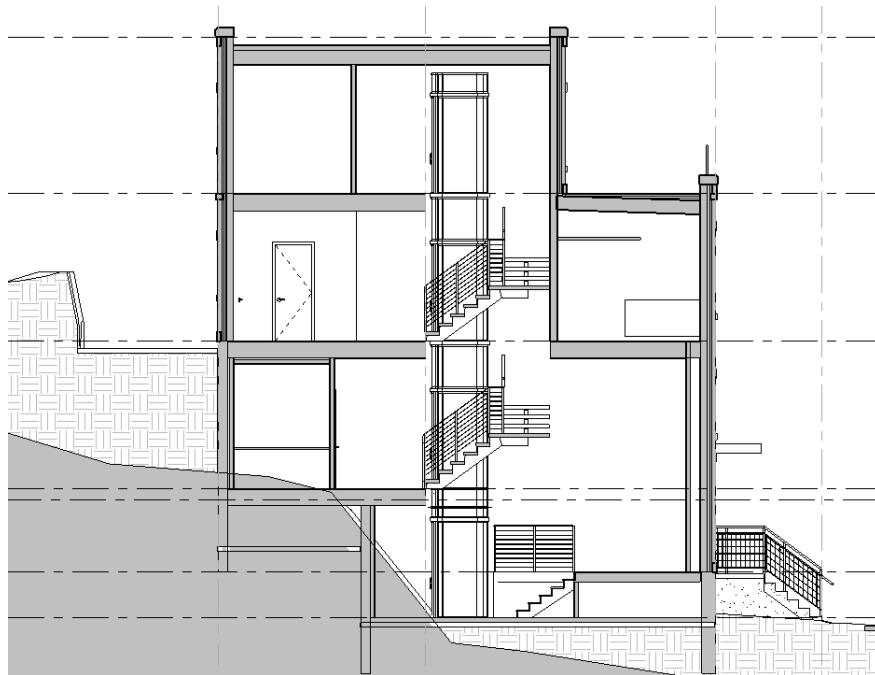
Proposed Exterior Perspective



Proposed Aerial View



Proposed Rear Perspective



Proposed Building Section



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

- 1. The variance will not create a significant risk to the public health, safety, or general welfare;***

Approving this variance will NOT create a significant risk to public health, safety, or general welfare. We meet all of the other requirements of the zoning and building code requirements.

- 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***

This Variance will not reduce or impair the use of the existing property or improvements in the vicinity or district. In fact, by allowing this variance, we can develop the building with the spirit of the new TR district incorporated.

- 3. Excluding monetary hardship, strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.***

Single-family residential buildings can have off-street parking. This protects their vehicles and allows for safe entry into their residences. Given the existing parameters, the front approach is the only feasible way to create garages on these sites. The design we have developed is a sensitive approach that appropriately addresses the intent of the zoning requirements while still providing a solution for this need.



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

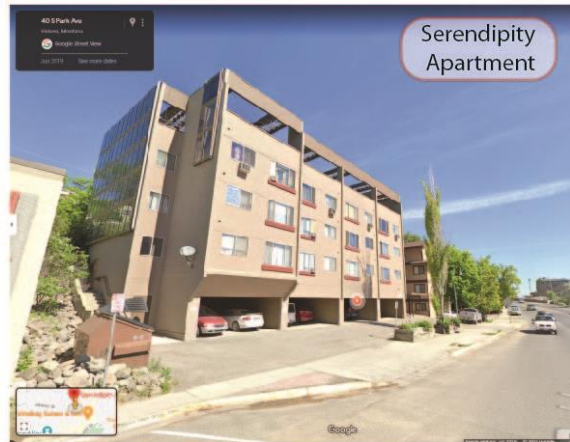
- 1. Are there special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property? If so, please state the specific factors and provide supporting documentation. For example, if the variance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

The following are the special conditions of the site.

- Lot Size: Each townhome will be on its lot. The widths of the lot vary between 32' and 36'. The depths of the lots also vary between 52' and 59'. However, there is no way to gain access to the side or the rear of these sites, and there is no way to set the building back 20' for the garage door.
- Topography: The existing slope at this site is extremely steep. From the front to the back of the site, there is 22' of elevation change and 26' with the rear retaining wall at the edge of our site.
- Bedrock Depth: The bedrock depth at these lots varies from 2' to 10 feet across these three sites. This makes it unreasonable to dig garages below the building.

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

No other buildings in this area meet the new TR district's height, setback, and form requirements. The closest project is the Serendipity apartments which are ¼ mile away. The only other building that is of similar height is the State Building on Park Ave. This building, however, does not meet the intent of the zoning district as it does not front the street and does not have the necessary transparency.



Related Buildings

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

This is the only building in the area currently being designed to meet the new TR District standards.

4. *Is the need for a variance request a result of government action? For example, the zoning changed after construction of the structure therefore creating the non-conformity. Please specify.*

No.

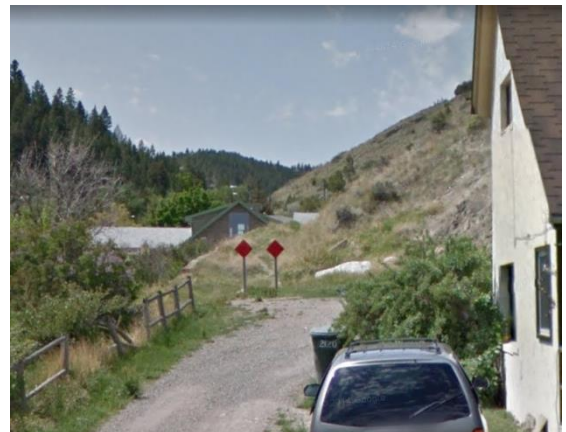
5. *Would a literal interpretation of the provisions in this title deprive the property owner of rights commonly enjoyed by other similar properties in the same zoning district? If so, please explain.*

Yes, other residential properties in this district have off-street parking. Single-family homes of this quality do require garages. Because of the grade and bed rock there is no way to have the 20' setback to the garage access. We have developed a garage design that mimics the style of the architecture.

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

Because of the narrow width and depth of the lots, the extreme topography, and the shallow bedrock, there are no good ways to develop this property with a garage that meets the zoning district standards. Not being allowed to have off-street parking is creating hardship.

The only other option considered was to access the back of the site and create a parking garage up above. The primary issue was that this is an unimproved right of way that the City of Helena is not planning on developing. So, no vehicular access is available. The other is this ROW is an additional 6' above our site and would put the parking on the fourth story creating a maximum height discrepancy.



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

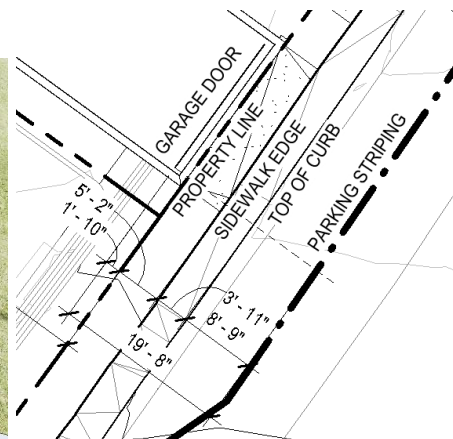
Similar projects in this new zoning district have yet to be developed utilizing the new zoning standards. As such, this project will not create a special privilege. If there are other projects with similar site constraints to this property, it would be reasonable that those future projects apply for a similar variance.

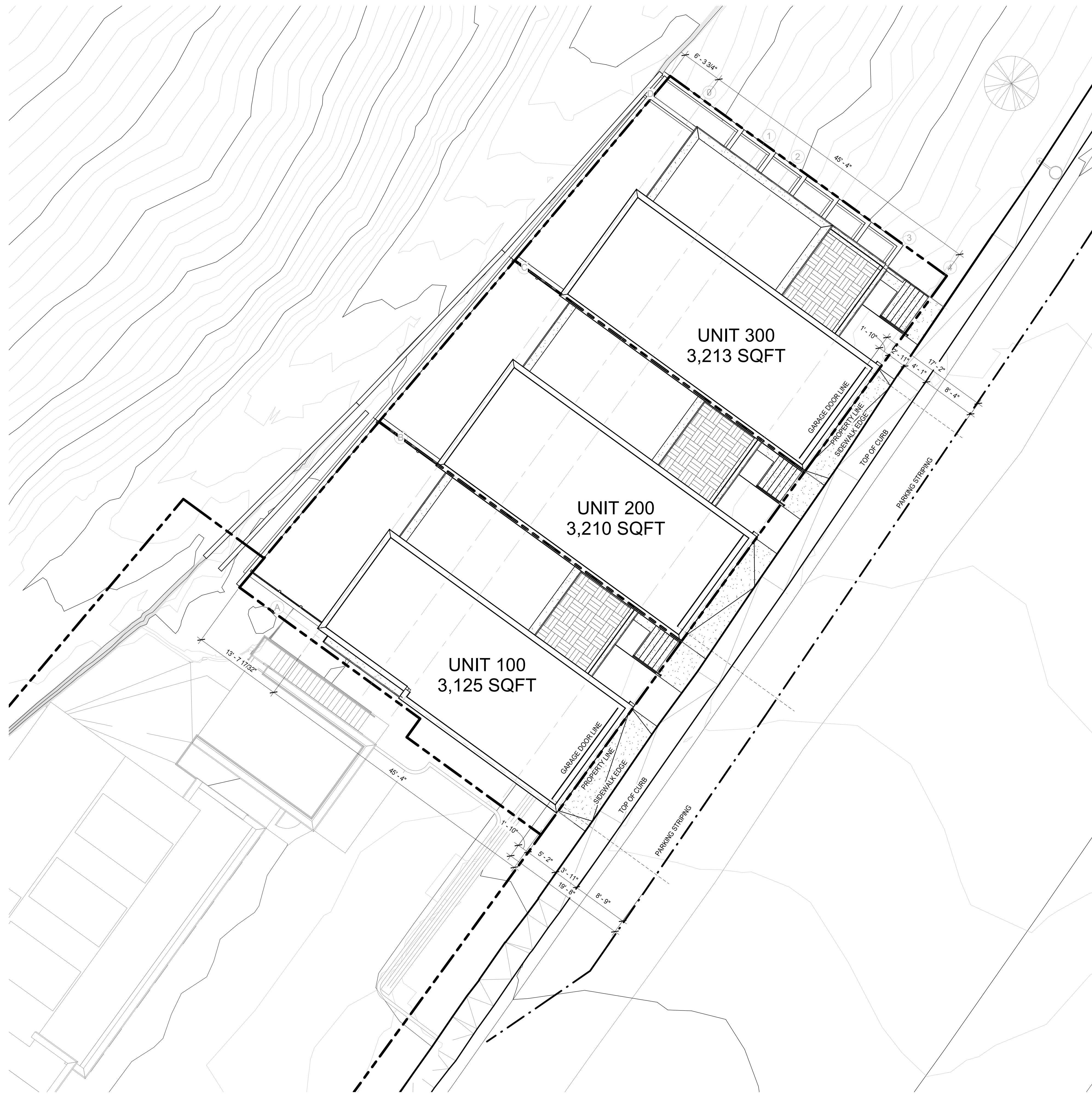
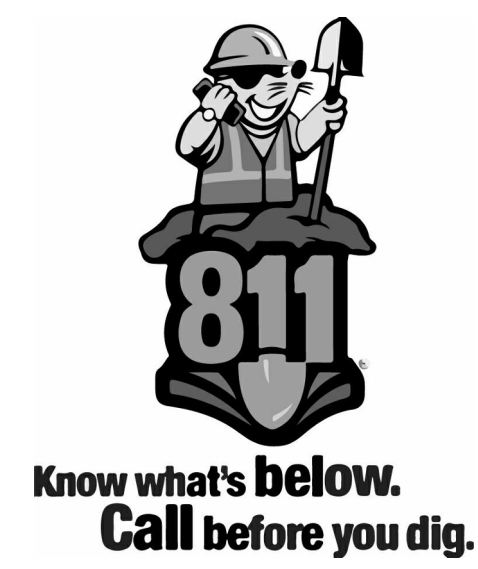
8. Do you think a rebuttable presumption, as identified in City Code Section 11-5-5(E), should apply to your property, yes or no? If yes, show the original footprint of the building. Provide documentation that proves the existence of the prior nonconformity. Document that the nonconformity can be in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

No.

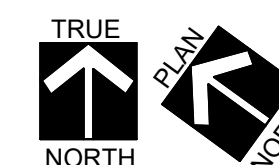
9. Provide any additional information you would like the Board to consider.

While parking is at the front of the site, you will see that locating the parking within garage doors will give a similar architectural aesthetic to the TR zoning standards opening requirements. There is also adequate space to allow for ingress and egress of the garage with the provided dimensions.





1 ARCHITECTURAL SITE PLAN
1/8" = 1'-0"



1470 N. ROBERTS STREET
HELENA, MT 59601
TEL | 406.457.0360
www.slatearchitecture.com

PRELIMINARY
NOT FOR
CONSTRUCTION

DESIGN
DEVELOPMENT
60%
REVISIONS

PHASE II - PARK AVENUE TOWNHOMES
SOUTH PARK AVENUE CONDOMINIUMS, LLC
S PARK AVENUE
HELENA MT, 59601

Project No. | 2022017.2
Issue Date | MARCH 22, 2023

ARCHITECTURAL
SITE PLAN

Sheet No.

A100

Project Reviews

City of Helena

Project Number: ZBOA2303-001

Description: **440 South Park**

Applied: **3/9/2023**

Approved:

Site Address:

Closed:

Expired:

City, State Zip Code: ,

Status: **RECEIVED**

Applicant: **Jacob Augenstein**

Parent Project:

Owner: **South Park Condominium LLC**

Contractor: **<NONE>**

Details:

LIST OF REVIEWS

SENT DATE	RETURNED DATE	DUE DATE	TYPE	CONTACT	STATUS	REMARKS
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Review Group: ALL

3/24/2023	4/18/2023	4/7/2023	TRANSPORTATION SYSTEMS	Mark Young	SEE COMMENTS	
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Notes:

The Transportation Systems Department has a number of concerns with the proposed zoning variance requests.

City Code Section 11-4-2.B

- The required twenty-foot (20') garage set-back allows for one vehicle to park on a driveway between the garage and the sidewalk without impeding pedestrian traffic. The submitted configuration with the existing 48" wide sidewalk leaves only three to five feet between the garage and the sidewalk.
- Roadway Code Enforcement officers would have to check this location daily to ensure that no vehicles were parked across the sidewalk blocking ADA access to and from the downtown area.

- Assuming that residents will pull into the proposed garages and back out, they would have restricted sight lines to see both pedestrians and southbound vehicles as they back out of their garages. Residents could back into the garages which would provide better view of the sidewalk and street. However, there is no way for the City to require this of the residents.

- The proposed development is located between the junctions of Cruse Avenues with Park Avenue. The Department assumes that the majority of the vehicle trips leaving the proposed residences would be heading into town. This would require vehicles to back out across both a southbound (SB) travel lane and a turn lane in order to face north. They could potentially back into the former parking lane and the SB travel lane and then either make a U-turn or make a left onto Cruse Avenue in order to head into town.

- The proposed development is located on a minor arterial roadway. Minor Arterials are typically designed to carry between 5,000 and 15,000 vehicles per day (VPD). MDT's average daily traffic count for this segment of Park Avenue is about 3,000 VPD.

- The ADA accessible driveway approaches would require elimination of at least six (6) on-street parking stalls.

City Code Section 11-9-7.D

- There is right-of-way access from the rear of the property which may be accessible with some creative engineering design.

Review Group: AUTO

3/9/2023		3/12/2023	DIRECTOR REVIEW	Christopher Brink		
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Notes:

Project Reviews

City of Helena

Review Group: ZONING						
3/24/2023	3/24/2023	4/7/2023	ADDRESSING	Jason Danielson	SEE COMMENTS	
<p>Notes:</p> <p>No comments on zoning variance.</p> <p>A City Address Application must be completed and submitted to the Addressing Office for the additional addresses. Notification letters will be sent to the applicant and service providers after the addresses have been assigned.</p> <p>The structure will be assigned addresses from the road in which it's accessed (S Park Ave).</p> <p>Individually owned living spaces (condos, townhomes) will be assigned unique house numbers/addresses.</p> <p>Address numbers must be 4 inches at a minimum and clearly visible in a contrasting and conspicuous location. The installation and maintenance of address numbers shall be the responsibility of the property owner.</p>						
3/24/2023	3/27/2023	4/7/2023	BUILDING	Kim Mack	APPROVED	
<p>Notes:</p> <p>Full building review will be completed at time of plan submittal. Variance request will not have building code restrictions.</p>						
3/24/2023		4/7/2023	CITY ATTORNEY	Attorney Bucket		
<p>Notes:</p>						
3/24/2023	3/28/2023	4/7/2023	FIRE	Lou Antonick	SEE COMMENTS	
<p>Notes:</p> <ol style="list-style-type: none"> 1. Full building review will be completed at time of plan submittal using the adopted International Fire Code at the time plans are submitted. 2. This variance request does not have International Fire Code Restrictions. 3. This development must be constructed using all of the requirements for Fire Department Access and fire protection water supply in the International Fire Code adopted at the time of plan submittal. 						
3/24/2023	4/3/2023	4/7/2023	PARKS	Craig Marr	NO COMMENT	
<p>Notes:</p>						
3/24/2023		4/7/2023	PLANNING	Planning Bucket		
<p>Notes:</p>						
3/24/2023	3/31/2023	4/7/2023	PUBLIC WORKS	JAMIE CLARK	NO COMMENT	No Comment
<p>Notes:</p>						
3/24/2023		4/7/2023	ZONING ENFORCEMENT	Planning Bucket		
<p>Notes:</p>						

RETURN TO:

Name: Helena Abstract and Title Company
Address: PO Box 853
Montana Club Bldg, 6th & Fuller Ave
Helena, MT 59624
File No.: 2279947

WARRANTY DEED

FOR VALUABLE CONSIDERATION, HRELLA BROWN RENTALS, LLC, JOE G. HRELLA, and DAVID B. BROWN, the grantor(s), do(es) hereby grant, bargain, sell, convey and confirm unto SOUTH PARK AVENUE CONDOMINIUMS, LLC, the grantee(s), the following described premises in Lewis and Clark County, Montana, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

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

SUBJECT TO: A. All reservations, exceptions, covenants, conditions and restrictions of record and in patents from the United States or the State of Montana; B. All existing easements, rights of way and restrictions apparent or of record; C. Taxes and assessments for the current year and subsequent years; D. All prior conveyances, leases or transfers of any interest in minerals, including oil, gas and other hydrocarbons; and E. Building, use, zoning, sanitary, and environmental restrictions.

And the said Grantor(s) do(es) hereby WARRANT unto the said Grantee(s), their heirs and assigns, that previous to the date of this conveyance said Grantor(s) has not conveyed the same estate or any right, title, or interest therein to any person other than Grantee(s) and that such estate is at the time of the execution of this conveyance, free from encumbrances done, made, or suffered by them or any person claiming under them.

DATED August 31, 2022.

HRELLA BROWN RENTALS, LLC

By: [Signature]
JOE HRELLA, Member

[Signature]
JOE G. HRELLA

By: [Signature]
DAVID B. BROWN, Member

[Signature]
DAVID B. BROWN

STATE OF MONTANA
COUNTY OF LEWIS AND CLARK

This instrument was acknowledged before me on August 31, 2022 by JOE HRELLA and DAVID B. BROWN individually and as members of HRELLA BROWN RENTALS, LLC

[Signature]
Notary Public for the State of Montana
Residing at:
My Commission expires:

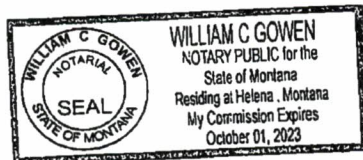


EXHIBIT "A"
LEGAL DESCRIPTION

Parcel A: All of Lots 17 and 18 in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana.

Parcel B: Lots 22, 23 and 24A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Retracement Survey filed under Doc. No. 3270459.

Parcel C: Lots 14A and 41A in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana, as shown on the Amended Plat filed under Doc. No. 3013758.

Parcel D: Lots 25, 26, 27 and 28 in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana.

Parcel E: All that portion of Lot 20 in Block 1 lying north of a certain alley in said block, and all of Lot 21 in Block 1 of the Original Helena Townsite in the City of Helena, Lewis and Clark County, Montana. (Ref: 262 Deeds, page 584)