



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

: Phone: 406-447-8492
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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 11-4-2 to reduce the minimum side setback from 8' to 0', for a property with a legal description of The East 8 feet of Lot 4, and the West 30 feet of Lot 5 in Block 65 of the NORTHERN PACIFIC ADDITION to the City of Helena, Lewis and Clark County, Montana.

The reason for the variance is to rebuild a garage in the same location as the garage that it will replace. The applicant contends they have a rebuttable presumption.

This property is located at 1719 Boulder Ave.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Application received March 17, 2023

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

PROPERTY OWNER: Kari Christensen

MAILING ADDRESS: 1719 Boulder Ave, Helena, MT 59601

CONTACT NUMBER: (406) 449-8945

EMAIL ADDRESS: baddins81@bresnan.net

PROPERTY ADDRESSES: 1719 Boulder Ave, Helena, MT 59601

LEGAL DESCRIPTION:

The east 8 feet of Lot 4, and the West 30 feet of Lot 5 in Block 65 of the NORTHERN PACIFIC ADDITION

GENERAL LOCATION: This property line receiving the variance is between 1713 Boulder Ave. and 1719 Boulder Ave. on the south side of Boulder Ave. between N. Oakes and N. Lamborn St.

PROPOSED LAND USE: Replace single car garage

ADJACENT LAND USE:

North: Residence, Single Family

South: Residence, Single Family
 East: Residence, Single Family
 West: Residence, Single Family

PRESENT ZONING: R-2

VARIANCE PROPOSALS:

- 1. A variance from Section 11-4-2 to reduce the minimum side setback from 8' to 0', for a property with a legal description of The East 8 feet of Lot 4, and the West 30 feet of Lot 5 in Block 65 of the NORTHERN PACIFIC ADDITION to the City of Helena, Lewis and Clark County, Montana.**

HISTORY OF APPLICABLE PERMITTING ACTION:

- 1) The first building permit on site is for the house in 1935.
- 2) Earliest permit for garage is to shingle roof in 1949.
- 3) A permit for a boat shelter in 1962.
- 4) A permit to construct garage in 1980.
- 5) A variance to increase lot coverage was approved in 2018.
- 6) A variance to reduce side lot setback was denied in 2018.

ZONING EVALUATION for the properties legally addressed as 1719 Boulder Ave, Helena, MT, located in a R-2 zoning district.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: §11-4-2 Side lot line setback	8' Setbacks required	0' setback to 1713 Boulder Ave.	Maintain current setback for new garage structure	Yes

BOARD OF ADJUSTMENT VARIANCE CRITERIA

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

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

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

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

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

PUBLIC COMMENT:

As of Thursday, April 20, 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 11-4-2 to reduce the minimum side setback from 8' to 0', for a property with a legal description of The East 8 feet of Lot 4, and the West 30 feet of Lot 5 in Block 65 of the NORTHERN PACIFIC ADDITION to the City of Helena, Lewis and Clark County, Montana.**

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

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

Regards,



Kyle Holland, Planner II

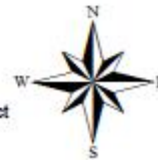
Community Development Department
City-County Building
316 N. Park Ave, Rm 443
Helena, MT 59601

1719 Boulder Ave



Legend

- R-2 Residential District
- CLM Commercial Light Manufacturing District
- PLI Public Lands & Institutions District





Kyle Holland, **Planner II**

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

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helenamt.gov

Date: April 17, 2023

TO WHOM IT MAY CONCERN: Variances from district dimensional standards requirements are being proposed in your area. Please review the enclosed description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the 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/u/abx78Gko9e>.

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

PROPOSAL:

1. A variance from Section 11-4-2 to reduce the minimum side setback from 8' to 0', for a property with a legal description of The East 8 feet of Lot 4, and the West 30 feet of Lot 5 in Block 65 of the NORTHERN PACIFIC ADDITION to the City of Helena, Lewis and Clark County, Montana.

The reason for the variance is to rebuild a garage in the same location as the garage that it will replace. The applicant contends they have a rebuttable presumption.

This property is located at 1719 Boulder Ave.

ADDRESS:

This property is located at 1719 Boulder Ave.

GENERALLY LOCATED:

This property is generally located on the south side of Boulder Ave between N. Oakes St and N. Lamborn St.

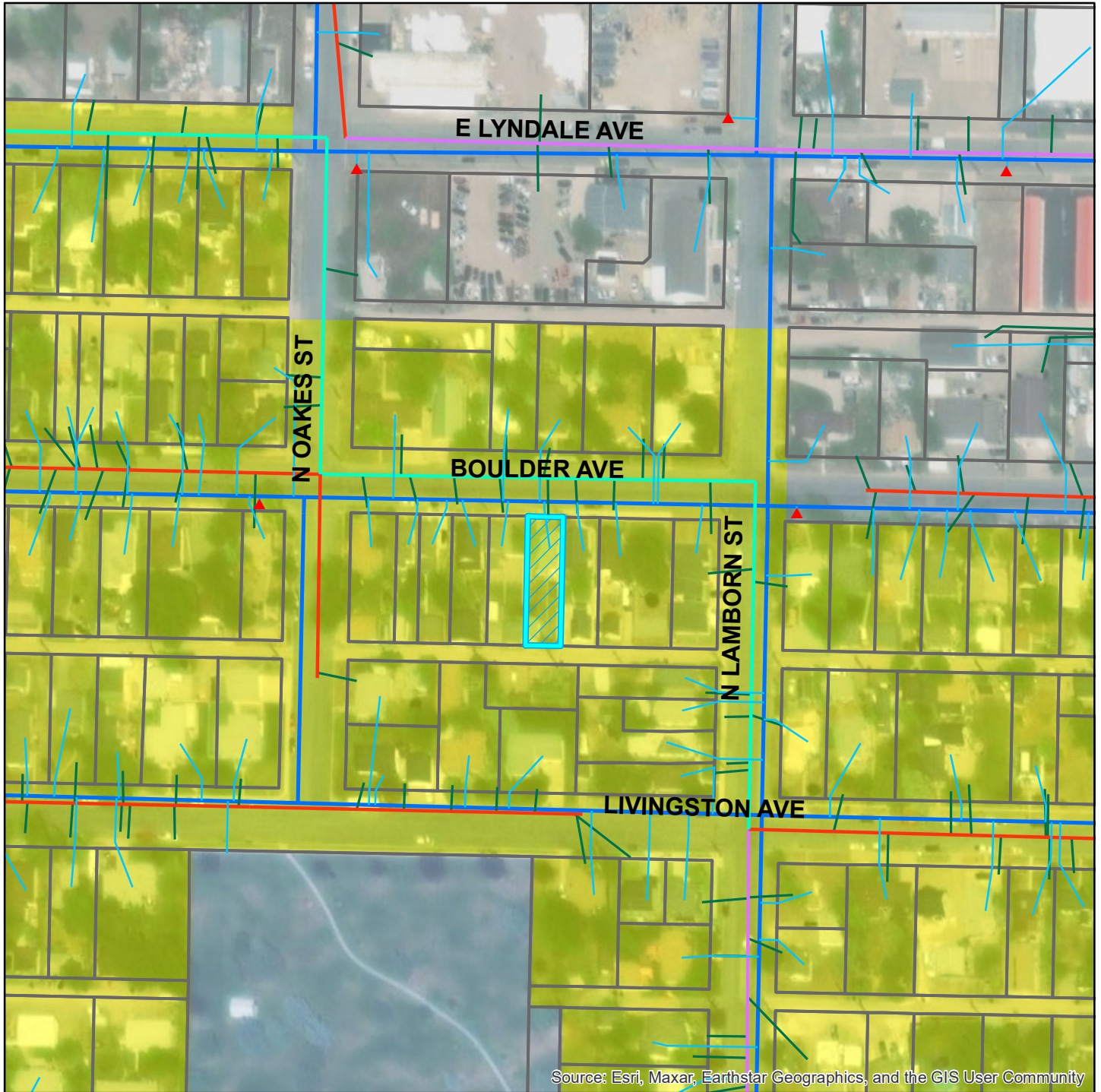
If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8459.

Sincerely,

Kyle Holland, Planner II

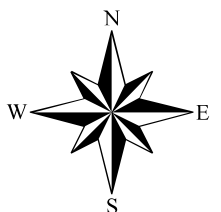
Community Development Department
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1719 Boulder Ave



Legend

-  R-2 Residential District
-  CLM Commercial Light Manufacturing District
-  PLI Public Lands & Institutions District





BOARD OF ADJUSTMENT VARIANCE APPLICATION

Community Development Department, Planning Division

316 North Park Avenue, Room 445, Helena, MT 59623

406-447-8490; citycommunitydevelopment@helenamt.gov

Date received:

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

PROPERTY OWNER: Primary Contact?

Name: Kari Christensen Primary Number: 406-461-9107-cell
Address: 1719 Boulder Ave Other Phone: 406-449-8945
Email: haggins81@Bresnan.net

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

Name: same as above Primary Number: _____
Address: _____ Other Phone: _____
Email: _____ Company: _____

AUTHORIZED REPRESENTATIVE: Primary Contact?

Name: same as above Primary Number: _____
Address: _____ Other Phone: _____
Email: _____ Company: _____

Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.

- Address of Property 1719 Boulder Ave Helena MT 59601
Address City State Zip Code
- Legal Description (Block & Lots, Subdivision, COS#) Block 65 - East 8 feet of lot 4, and West 30 feet of lot 5 in Block 65 of Northern Pacific Addition to city of Helena, Lewis & Clark County.
- Geocode 05188829212360000
- The most recent deed for impacted property
- Lot or Parcel Size (square feet) 38' x 140' 5320 sq. ft
- Current and proposed use of structure or property: House and single car garage
- Current Zoning District R-2
- 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: From the required 8 ft to 0 inches for rebuild of garage
- Reduce rear lot line setback: _____
- Exceed building height limitation: _____

Lot Coverage/Area Criteria:

- Lot coverage percentage: Garage is 16.6' x 22.6' = 358 sq. ft.
- Front porch lot coverage percentage: _____
- Lot area per dwelling unit: house is 1191 sq ft - Total w/ garage 1549 sq. ft

Landscaping Criteria:

- Reduce or eliminate landscaping area: This should not change much. I choose to
- Reduce or eliminate screening: rebuild garage in same area

Parking Criteria:

- Exceed the maximum parking spaces allowed: _____
- Reduce the amount of required on-site parking spaces: Rebuild garage size to 16' x 20' = 352 sq. ft
- Reduce or eliminate loading berths: _____
- Reduce or eliminate required bicycle spaces: _____
- Reduce size of parking space: _____

Sign Criteria:

- Sign area (square footage): the new garage will be less in sq. ft. From 358 sq.
- Sign height: to 352 sq.
- 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.

See typed answer for #1 - page 7

- 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 typed answer for #2 - page 7

- 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 typed answer for #3 page 8

- 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.

See typed answer for #4 page 8

- 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 typed answer for #5 page 8 + 9

Board of Adjustment Variance Application

Page 2

Reduce side lot line setback: From the required 8 feet to 0 inches. Option 8 feet to 1.8 feet.

Page 4 *Section D*

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 abnormal lot configuration, provide a survey of the lot that specifically demonstrates the issue.

Answer: There are 9 houses that have been built in the last 70 - 100+ years on the 1700 block of Boulder Ave; with the exception of the last house on the corner of Boulder Ave and facing Lamborn Street. Each of these lots vary in size and average around 40 feet in width; and each house faces Boulder Ave and all the garages are located at the back of the lot and entry is from the alley. (see neighborhood map). My property is 38 feet wide x 140 ft long, (see survey map). I don't own the property adjacent to the back alley with the garages. That was sold to a neighbor before I purchased this property at 1719 Boulder Ave. My current garage is 16 ½ feet wide and 22 feet in length and the garage sits .8 ft from the west property line. All the rest of the garages and buildings on this block sit close to the property line and have some distance between on the opposite side, but usually no more than 2 ft. Each property lot does not have enough property size to allow 8 feet on both sides, if even on one side. My neighbor's property to the west has their house and garage (stable) that built in the 1800's. Their garage (stable) sits next to my garage with about 2 ft between the base of both garages. Our garage roof eaves hang out about 8 inches with 8 inches air space between. My garage is of 16.6'x22' of which 18 ft is even in length with my west neighbor's garage (stable). The neighbor's garage ends at 18 ft with 18 ft of my garage and then it tapers in the last 4 ft to be 14 ft in width. The last 4 feet of my garage's length is cut in 1.8 ft on both sides, leaving it 14 ft in width, and this is on my lawn with no structure on the west side neighbors that meets up with the last 4 ft of my garage, leaving us both with open lawn area.

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.

Answer: My house is a single level home, 27ft wide and 41 ft long. It sits 9 ft from west boundary property line and 2 ft from east boundary property line. I have 50 ft lawn space between my house and garage. The single car garage is at the back of the lot by the alley and is 16 ½ ft wide and 22 ft long. The garage sits 8 inches from the west boundary property line and jogs in 1.8 ft for the last 4 ft into the back yard. On the east side of the garage is the sidewalk that runs from the house to the entrance into the alley and then there is a rock wall and garden that take up the remaining lot. (see survey map) The proposed plan is to rebuild the garage in same location, with dimensions of 16 ft wide by 20 ft long square. I will make the exception of the notch in the front of the garage coming in an extra 1.8 ft for the last 2 ft, if required (see proposed garage plan). The base of the garage will be raised up to 1 to 1 ½ feet to avoid future flooding (see J-T Survey plan for foundation). There will be a fire wall on the west side of the new garage and the pitch of the roof will run east and west instead of north and south like the current garage. The pitch will not be as high as the current pitch so with the raise in the floor foundation the building will come out about the same size as the existing size. Setting the roof pitch east and west will avoid possible flooding or damage to the west neighbor's garage in case of ice buildup. The new driveway will taper off on the sides to avoid run off into the neighbor's lot. The new size is basically about the same as the current garage and will not change the appearance of the existing structures to the neighborhood. It will be consistent to what is currently there but better for safety and security.

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.

page 7

Answer: I live in the neighborhood with older homes and they are all affordable housing. They are small simple homes built either in the 1800's or early 1900's. My home was built in 1936. I don't think at the time of building the structures in the neighborhood that they had any property line regulations. Most of the homes and garages were built close to neighboring lots. (see neighborhood map). All these homes are small but equipped with the major necessities. They are all affordable housing and the neighborhood people are all wonderful. The neighborhood is very friendly and everyone watches out for everyone. It's like a small community. There isn't room to build large garages or add on to existing structures because the lots are so small. Each of these homes have been built many years ago using what little space was available to make them accommodating and comfortable. Everyone maintains their property. None of the home here are abandoned or neglected and they are all lived in by the owners. We have no rentals here. To build any structure or garage following the new guidelines of 8 feet of space at both ends of the property would not work for this area since the property boundaries are small to begin and most of the existing structures sit close to the property line. These homes were designed as small affordable homes. Putting a new garage in by following the new guidelines would place the garage out of conformity with the rest of the neighborhood existing lots. It would not be conforming to what already is in existence with the neighborhood structures and would look out of place. It would lower the value of all the properties on this block and neighborhood. It would give the impression that if you bought this place with a garage sitting in the middle of the lot that you would not be able to maintain or improve on the property because having a garage sitting on the middle of the lot would look out of place compared to the rest of the lots on the block. The new regulations would be forced on an area that can't sustain it. It would show that the city doesn't want these properties to exist and be maintained by rightful property owners. It would totally diminish the neighborhood property value. Building a single car garage in the middle of the property would take out the back yard completely and leave nothing but a house and garage. I purchased this property with the house, single car garage with a nice back yard and when I sell it, I would like to keep it that way. Otherwise, it depreciates not only my property but the existing properties in stating that improvements can not be made because our neighborhood can not comply accordingly with the new boundary regulations.

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 nonconformity. Explain

Answer: yes, the middle of the alley has been built up by the city throughout the years for maintenance so when it rained or snowed, all the runoff of the water ran into my garage. The build-up of the alley throughout the years has caused my garage to sit lower than the alley and floods every year. Throughout the years my garage has been damaged by the flooding since the city raised the alley higher than my garage. The concrete floor is gone and the structure is not stable to raise and put in a new concrete floor. I had a survey done by J Bar T Engineers LLC to see how much higher I would need to raise the floor of my garage to get it out of the flooding (see J Bar T survey map). J Bar T recommended the garage be raised a 1 ½ ft to be above the flood water coming in from the alley. The only place to park my car safely is in my garage in the back alley. The front on Boulder Avenue is a busy street and my property size is limited to one vehicle parking, which I would prefer for visitors. I need a garage in the back alley that is structurally fit to be used properly.

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.

Answer: yes, moving the existing garage into the middle of the lot, I would lose the entire back yard. I would have to take out my garden, trees, clothesline, and a sidewalk that runs from the back door of my house to the back yard and alley. That would leave me with no back yard or sidewalk. I would have no decent way to access into back yard and alley without going around to a side and I would have to take out and redo my entire sidewalk. There would be nothing to look at except a garage sitting in the middle of the back yard. I would no longer be able to sit outside and enjoy my yard. I would no longer have a garden space or fruit trees. The garden and fruit trees supply me with food throughout the year so I can afford to buy groceries. There would be no room on the sides of the lot except to be used as wasted

space. I bought this property with a house, garage and a nice back yard and I would like to sell it the same way. To change the location of the garage would take out the use of my existing property and depreciate the value and selling of the property. The existing garage is a single car garage and holds my car, lawn mower, hoses and other yard supplies. The new garage will be close to the old size and just as efficient if not better. If I'm not allowed to have a garage where the existing garage sits than that would leave me with no backyard, no place to park my car, or storage space to hold lawn equipment etc. Without having a decent garage in the same location would depreciate the value of my property and I would no longer have a back yard like my neighbors have.

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.

Answer: I would like to rebuild a single car garage in the same location. I purchased the property with a single car garage set to one side of the lot so there is a yard to enjoy and I would like to sell the property as the same way. This keeps the property in sync with the rest of the houses on the block and doesn't change the conformity of the other structures on the block and neighborhood. Rebuilding a new garage in the same location would let me keep my back yard and not change the structure of the property as was purchased. It would keep me in conformance with the rest of the block neighborhood. I would like to rebuild the garage in same location, with dimensions of 16 ft wide by 20 ft long instead of the existing garage of 16.6 ft x 22 ft with the exception of the notch in the front of the garage coming in an extra 1.8 ft for the last 2 feet in length on the west side property line, (see plan structure). The current garage is 16 ½ ft wide and 22 ft in length with a notch in the front of the garage of 1'8" on both sides of the last 4 ft in length. Since the new garage would be standard size, it will be shorter than the current garage and a little less in width. I could start the new garage foundation over an extra ½ ft on the west side, giving more space between the garages on the west side. The end width of the garage will end where the current garage exists on my property so I won't change the structure look of the property. The new garage will have a fire wall on the west side that is close to the neighbor's garage. The pitch of the roof will run east and west instead of the current garage's pitch running north and south. This will prevent any water or snow runoff on the west side neighbor's garage since the eaves will be on my property instead of in-between the garages to avoid any damage between the garages. Also the driveway will taper down to avoid any water runoff toward the garages. The pitch will be lower than the current garage to avoid any overhead wires and with the raise of the concrete floor up 1 to 1 ½ ft it will come out about even in height. The design of the new garage will be more beneficial to the west side neighbors because it will have improvement to their garage with flooding, fire safety and more open space for them. The extra 6 inches between the garages will leave the new garage to be at same site as existing garage, with the exception of adding more space between property lines of the garages compared to the current location of the garage. The new design of the garage would benefit the neighbor's property by making is safer for fire plus the runoff of water would run into my lot and not theirs. My garage floor would be sitting up higher, 1 ½ ft compared to the existing garage so I won't have to worry about the garage flooding. The driveway would taper to my property for water runoff and I can put a rain gutter to control the seepage of water to avoid the neighbor's garage. This is a better plan than the existing garage and deals with closeness of neighbor garages. It would benefit not only the neighbors to the west but also show improvements on the block and would up the value of the properties on the block.

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.

Answer: I believe rebuilding a single garage in the same location will improve building regulations on the west side. It keeps the current property plan the same as what it was when purchased. The new plan will be a bit smaller than the current garage but will have a fire wall on the west side next to the neighbor's garage. Also, changing the pitch to run east and west instead the current north and south garage roof will make a better solution for water and snow runoff during the wet seasons between the current roofs of the garages. The new garage will provide better protection for the neighbor's garage. The new garage will benefit the neighborhood better because it will meet the building codes even though the required space for the new regulations is not adaptable for this location.

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.

Answer: Yes, I believe the proposed plan I have submitted will be more in compliance with building codes and will better serve the neighborhood as it exists. The new plan will stay in conformity with the existing neighborhood's structures and lot sizes. If granted, the new proposed garage structure will not be sitting out of place compared to the rest of the neighborhood's existing structures because of lack of space or size of property. Since the neighborhoods' lot size are too small to conform with the new property regulations and guidelines for building new structures should be considered into the main factor. The new 8 feet regulations between properties line doesn't fit in with the existing neighborhood structures. Consideration needs to be addressed for the older neighborhoods that don't have the space to following the new property building space guidelines. These structures were built long ago without the new regulations and to fix up or rebuild about the same structure should be allowed in the same area. I'm not asking to build a huge garage; I just want to replace the existing garage that can't be repaired. However, the newer garage plan is more beneficial with safety standards and complies with building codes. The new garage will benefit the west neighbor's lot and increase the value of the neighborhood.

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

Answer: I have probably repeated myself several times but I would very much like to be considered for the 8 feet to 0 for lot side setback for rebuilding or replacing an existing garage. The garage definitely needs to be replaced. I'm sure historic homes need to keep up in repairs without changing the structure or landscape. I think this guideline should also be considered for my neighborhood rights. I don't want to rebuild a garage in the middle of the lot and have it look out of place compared to the rest of the neighborhood. Thank you very much for considering my application.

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.

See typed answer for #6 page 9

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 typed answer for #7 page 9

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.

See typed answer for #8 page 9+10

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

See typed answer for #9 page 10

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: *Ravi Christensen* Date: 3.17.2023
Property Owner

Applicant: _____ Date: _____
(If different from Owner)

(Property owner must sign application)

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

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

WARRANTY DEED

FIRST MONTANA TITLE
L & C # 54254

For Value Received: **CLAUDIA K. CODER**

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

KARI L. CHRISTENSEN

The grantees, the following described premises, in LEWIS AND CLARK
County, Montana, to-wit:

The East 8 feet of Lot 4, and the West 30 feet of Lot 5 in Block 65 of the
NORTHERN PACIFIC ADDITION to the City of Helena, Lewis and Clark County,
Montana. (Deed Reference Book 129 of Deeds, Page 599)

TO HAVE AND TO HOLD the same premises, with the appurtenances unto said Grantee(s),
his/hcr/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the
said Grantee(s), that he/she/they are/is the owner(s) in fee simple of said premises; that is free from all
encumbrances SUBJECT to all legal taxes and assessments levied with respect to said premises and that
he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 5, 2000

Claudia K. Coder
CLAUDIA K. CODER

STATE OF Montana, COUNTY OF Lewis and Clark

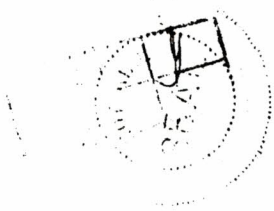
On this 5th day of July, 2000

before me a notary public in and for said State
Personally appeared

CLAUDIA K. CODER

known to me to be the person(s) whose name(s)
are/is subscribed to the within instrument and
acknowledged to me that he/she/they executed
the same.

Raini Lofthouse
Notary Public
Residing at Helena
Comm. Exp. 10-1-03



615512
PAULETTE DEHART CLK & REC
LEWIS & CLARK CO
HELENA, MT
00 JUL -5 PM 4:12
BOOK M-3 PAGE 6316
BY Shirley M. Foster
609



Shopping Cart: 0 items [\$0.00]

- [New Search](#)
- [History](#)
- [Payoff](#)
- [Pay Taxes](#)
- [Help](#)

Property Tax ID: 7428

Status: Current
Realware#: 188829212360000
Receipt: 10202

2022 Owner(s):
 CHRISTENSEN KARI L

Mailing Address:
 1719 BOULDER AVE
 HELENA, MT 596013010

Levy District:
 01-01, Tax District 01

2022 Value:

Market: \$151,000
Taxable: \$2,038

2022 Taxes:

First Half: \$1,101.20 **Due:** 11/30/2022
Second Half: \$1,101.19 **Due:** 5/31/2023
Total: \$2,202.39

[View Pie Charts](#)

2022 Payments:

First Half: \$1,101.20
Second Half: \$1,101.19
Total: \$2,202.39

(May include penalty & interest)

[Detail](#)

[Detail](#)

2022 Legal Records:

Geo Code: 05-1888-29-2-12-36-0000 **Date:** 2000-07-05

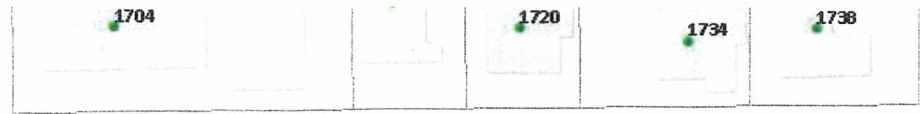
Property address: 1719 BOULDER AVE, HELENA MT 59601
Subdivision: (NP1) SubDiv NP1 **Block:** 65
TRS: T10 N, R03 W, Sec. 29
Legal: NORTHERN PACIFIC ADDN, S29, T10 N, R03
 W, BLOCK 65, E 8' LT 4 & W 30' LT 5
 Acres: 0.12

Note: The accuracy of this data is not guaranteed. Property Tax data was last updated 02/27/2023 02:00 PM.

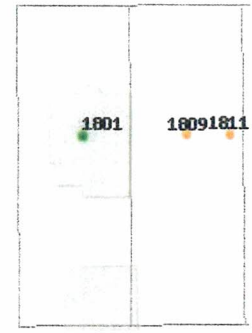
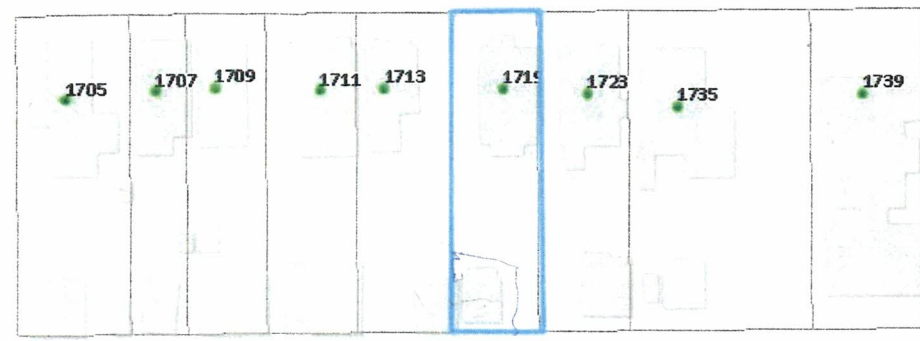
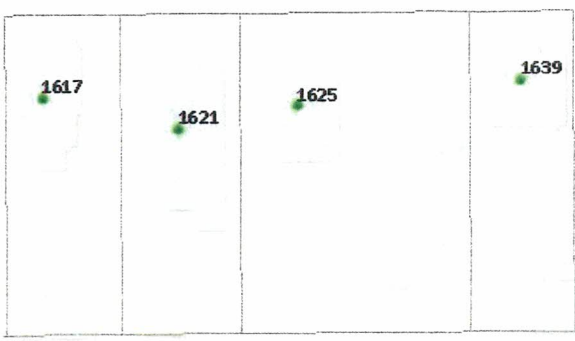
Send Payments to:
 Lewis & Clark County
 316 North Park Ave; Room #113
 Helena, Montana 59623

 Phone: (406) 447-8329
 Email: propertytax@lccountymt.gov



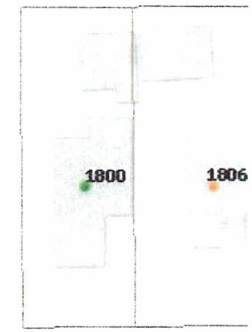
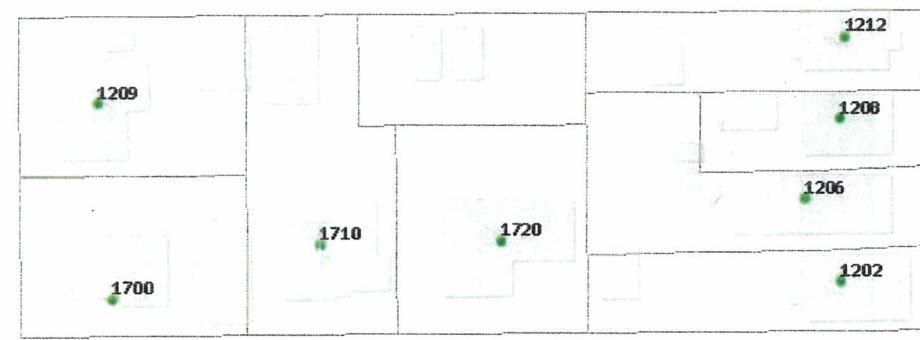
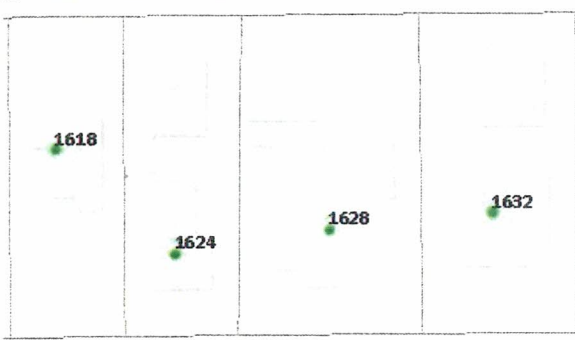


Boulder Ave



N Oakes St

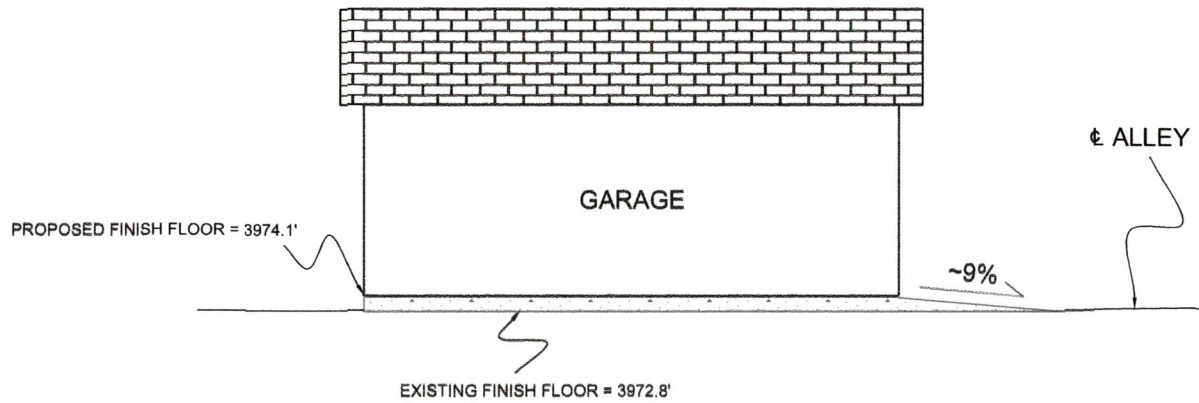
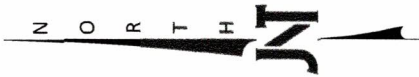
N Lamborn St



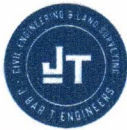
Livingston Ave



Recommended Finish Floor Elevation = 3974.1'
 Current Average Finish Floor Elevation = 3972.8'
 Concrete or asphalt driveway length = 7.0' @ ~9% slope
 Driveway can be +/- 7' long without encroaching into the City owned alley right-of-way



REVISION DESCRIPTION	DATE	BY
1		
2		
3		
4		
5		



J BAR T ENGINEERS LLC
 1229 E. Lyndale Ave.
 Helena, MT 59601
 www.jbartengineers.com
 406.449.1306



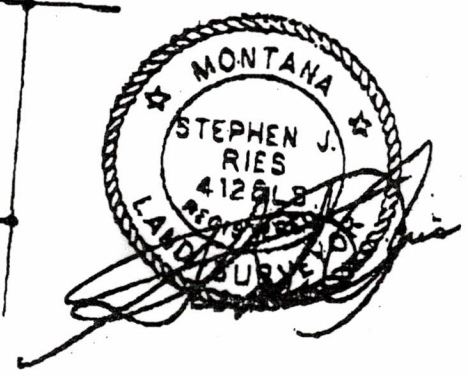
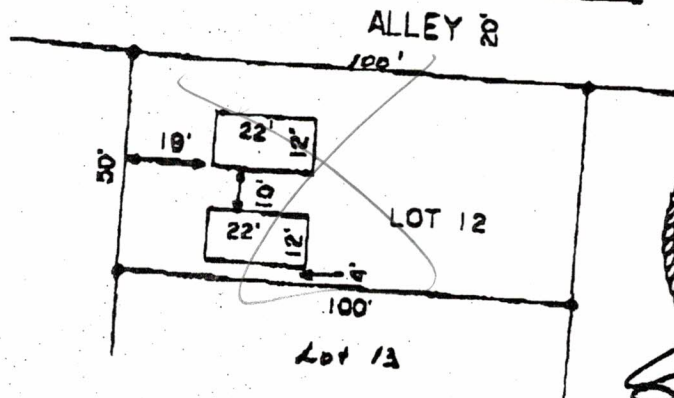
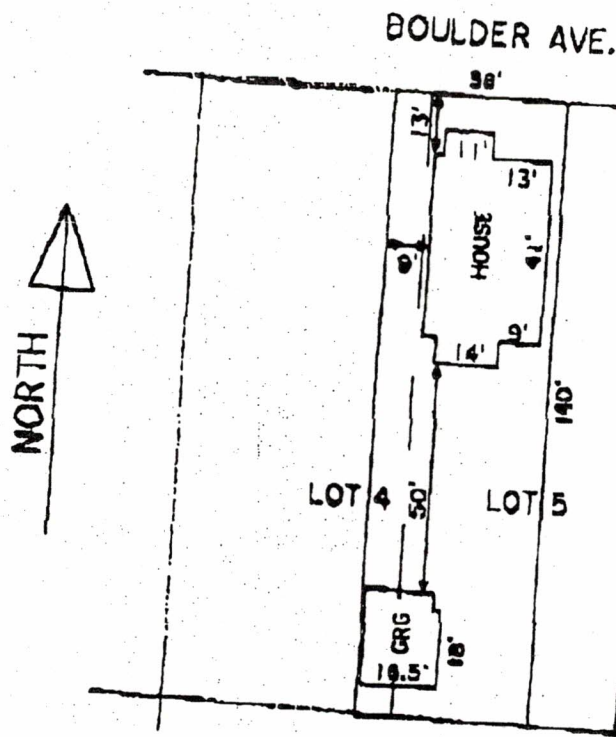
CHRISTENSEN GARAGE
 1719 BOULDER AVE, HELENA
 SIDE ELEVATION VIEW

A2

PROJECT #: 22-101
 DATE: 1/2023
 DRAWN BY: MTN

East 8 feet of Lot 4 and West 30 feet of Lot 5 in Block 65 of Lot 10 in Block 65 of the Northern Pacific Add. to the City of Helena, Lewis and Clark County, MT.

Block 65



RIES SURVEYING
6850 Green Meadow Dr.
Helena, MT 59601

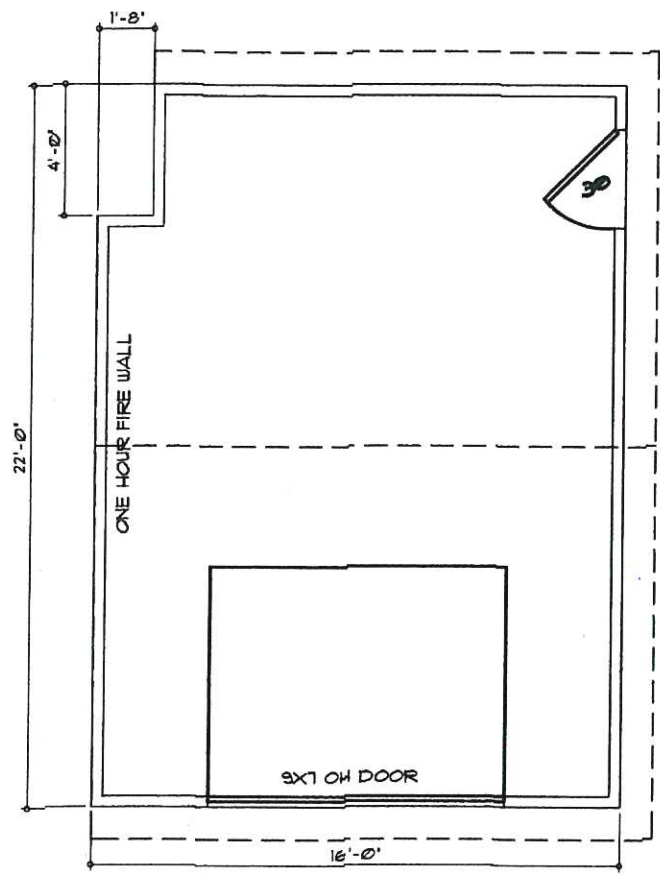
NOV. 06 1997 11:24AM

PHONE NO. : 406-588699

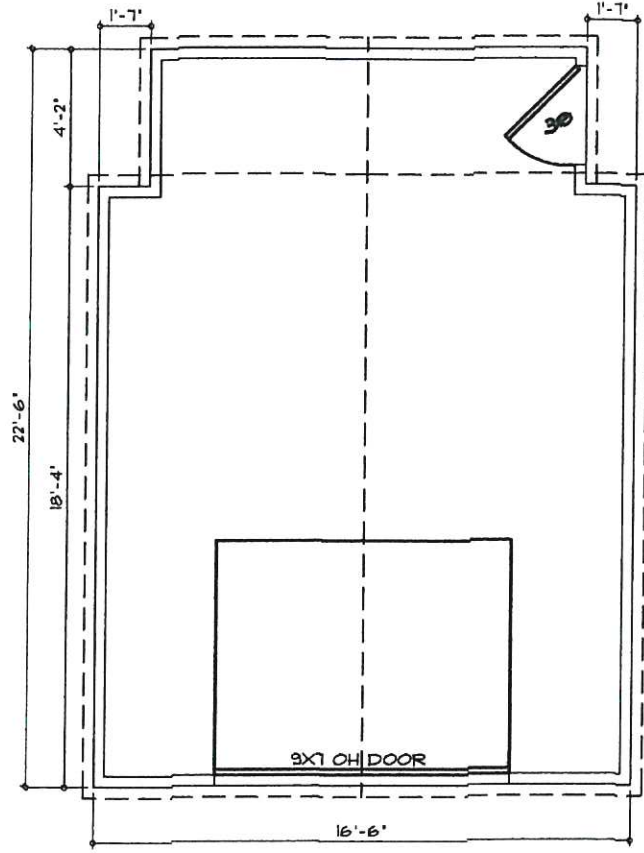
FROM : RIES SURVEYING

RIES SURVEYING
STEPHEN J. RIES
SURVEYING & CONSTRUCTION STAKING
6850 Green meadow Drive

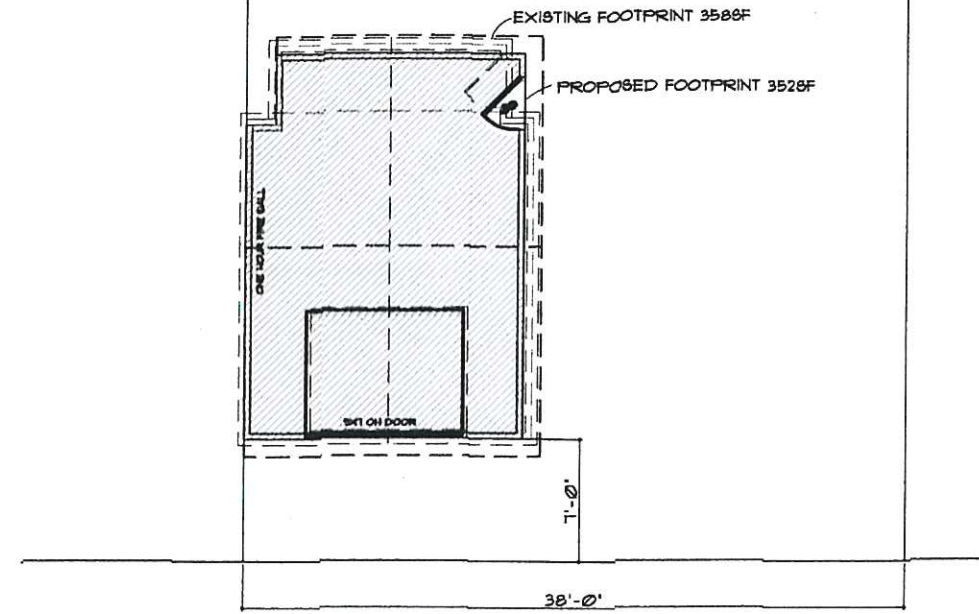
404: 10
Helena Home
Loans
409-7118



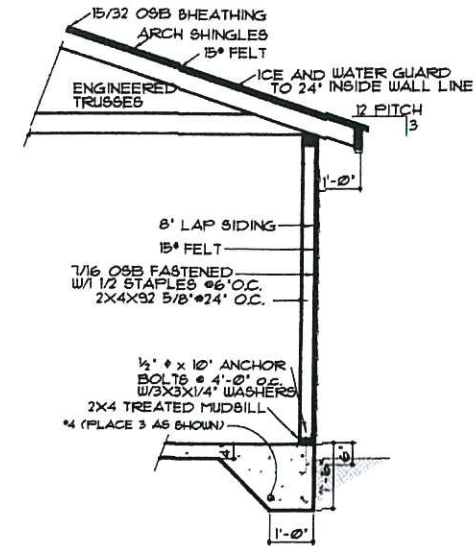
PROPOSED NEW GARAGE
SCALE: 3/16" = 1'-0" 352 SQUARE FEET



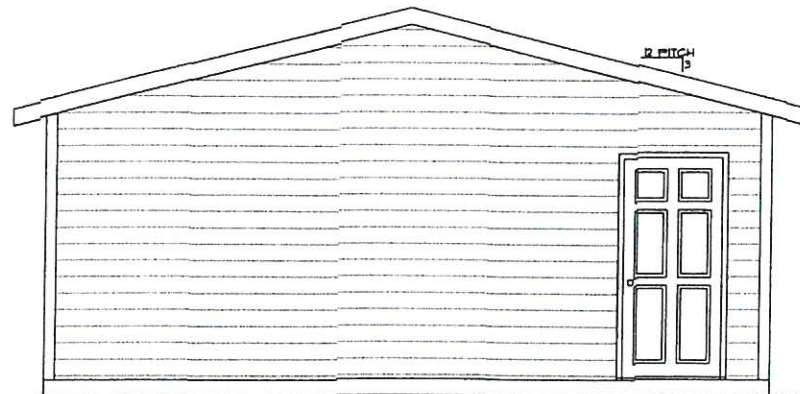
EXISTING GARAGE
SCALE: 3/16" = 1'-0" 358 SQUARE FEET



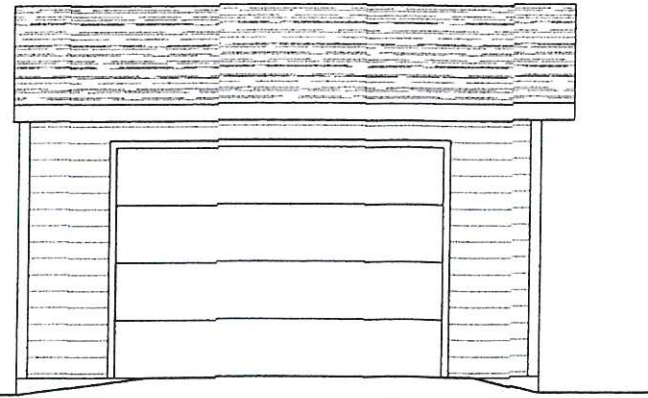
SITE PLAN
SCALE: 1" = 10'-0"



TYPICAL SECTION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

Drawing	GARAGE PLAN	Date	2/28/2023
		Drawn By	DJB
Scale	AS SHOWN	Drawing File Title	1719BoulderAve
Name	KARI CHRISTENSEN		
Address	1719 BOULDER AVE HELENA, MT		

© 2023

Derek Brown
CONSULTING
 HELENA, MONTANA
 (406) 465-3191

Project Reviews

City of Helena

Project Number: ZBOA2303-002

Description: **1719 Boulder Ave**

Applied: **3/17/2023**

Approved:

Site Address: **1719 BOULDER AVE**

Closed:

Expired:

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

Status: **RECEIVED**

Applicant: **<NONE>**

Parent Project:

Owner: **CHRISTENSEN KARI L**

Contractor: **<NONE>**

Details:

LIST OF REVIEWS

SENT DATE	RETURNED DATE	DUE DATE	TYPE	CONTACT	STATUS	REMARKS
Review Group: AUTO						
3/17/2023		3/20/2023	DIRECTOR REVIEW	Christopher Brink		
Notes:						
Review Group: ZONING						
3/24/2023	3/30/2023	4/7/2023	BUILDING	Kim Mack	SEE COMMENTS	
Notes:						
Full building review will be completed when project is submitted for permits. Grage shall conform to full requirements of 2021 International Residential Code. Fire resistive construction required on wall as well and roof construction. No openings permitted where less than 3 feet from property line. Suggest moving the building to 3 feet from property line to allow room for constructing the garage and for maintenance of the garage wall in the future.						
3/24/2023		4/7/2023	CITY ATTORNEY	Attorney Bucket		
Notes:						
3/24/2023	4/4/2023	4/7/2023	FIRE	Lou Antonick	SEE COMMENTS	
Notes:						
Construction of this project must meet any applicable section within the 2012 International Fire Code - Chapter 5, Fire Service Features.						
3/24/2023		4/7/2023	HCC			
Notes:						
3/24/2023		4/7/2023	PLANNING	Planning Bucket		
Notes:						

Project Reviews

City of Helena

3/24/2023	3/31/2023	4/7/2023	PUBLIC WORKS	JAMIE CLARK	NO COMMENT	No Comment
Notes:						
3/24/2023		4/7/2023	ZONING ENFORCEMENT	Planning Bucket		
Notes:						