



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

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

helenamt.gov

Date: October 26, 2023

STAFF REPORT

To: Helena Board of Adjustment

From: Kyle Holland, City Planner II

Subject: Consideration of:

1. A variance from Section 11-4-2 to decrease the minimum setback for a side lot line from 8' to 4' for a property with a legal description of Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana.
2. A variance from Section 11-4-2 to decrease the minimum setback for a lot line that abuts a dedicated public right of way that provides only a secondary means of access to property and is not intended for general travel from 5' to 0' for a property with a legal description of Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana.

The reason for these variances is to replace an existing garage. The applicant contends that they have a rebuttable presumption.

This property is located at 733 East Broadway Street.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Application received October 02, 2023

PUBLIC HEARING DATE: Board of Adjustment - 5:30 p.m., Tuesday, November 7, 2023

PROPERTY OWNER: Jeff and Brandy Ries
MAILING ADDRESS: 733 East Broadway Street, Helena, MT 59601
CONTACT NUMBER: (435) 979-7054
(801) 750-1674
EMAIL ADDRESS: randybreece@gmail.com

PROPERTY ADDRESS: 733 East Broadway Street, Helena, MT 59601

LEGAL DESCRIPTION:

Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana

PRESENT LAND USE: Single dwelling unit
PRESENT ZONING: R-2

ADJACENT LAND USE:

- North: R-2 – Residential – Single Dwelling Unit
- R-2 – Residential – Multiple Dwelling Unit
- South: R-2 – Residential – Single Dwelling Unit
- East: R-2 – Residential – Single Dwelling Unit
- West: R-2 – Residential – Single Dwelling Unit

VARIANCE PROPOSALS:

1. A variance from Section 11-4-2 to decrease the minimum setback for a side lot line from 8’ to 4’ for a property with a legal description of Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana.
2. A variance from Section 11-4-2 to decrease the minimum setback for a lot line that abuts a dedicated public right of way that provides only a secondary means of access to property and is not intended for general travel from 5’ to 0’ for a property with a legal description of Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana.

HISTORY OF APPLICABLE PERMITTING ACTION:

- 1) Various roofing, plumbing, and remodel permits from 1983 to 2015
- 2) September 1961 – Additions to the house
- 3) August 1942 – Permit for a garage
- 4) July 1923 – Permit for a garage

ZONING EVALUATION for the properties legally addressed as 733 East Broadway Street, Helena, MT, located in a R-2 zoning district.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: §11-4-2 (Table 2) (R-2) LOT REQUIREMENTS BY ZONING DISTRICTS	Side lot line setback: 8’ Minimum	4’	Replace existing structure while retaining existing footprint	Yes
§11-4-2 (B) (4) LOT REQUIREMENTS FOR ZONING DISTRICTS	The lot line setback is five feet (5’) for any lot line that abuts a dedicated public right of way that provides only a secondary means of access to property and is not intended for general travel.	0’	Replace existing structure while retaining existing footprint	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, October 26, 2023, no comments have been received.

City Attorney's Office:

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

CONCLUSION

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

Motion:

Move to Approve or Deny

1. **A variance from Section 11-4-2 to decrease the minimum setback for a side lot line from 8' to 4' for a property with a legal description of Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana.**
2. **A variance from Section 11-4-2 to decrease the minimum setback for a lot line that abuts a dedicated public right of way that provides only a secondary means of access to property and is not intended for general travel from 5' to 0' for a property with a**

**legal description of Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION
of the City of Helena, Lewis and Clark County, Montana.**

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

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

Regards,

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

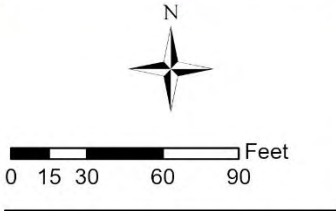
Kyle Holland, Planner II
Community Development Department
City-County Building
316 N. Park Ave, Rm 403
Helena, MT 59623

733 E Broadway Zoning Map

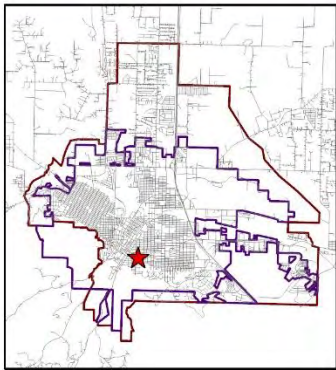


- 733 E Broadway
- Paved
- Unpaved
- Alley
- MT Parcels w Condos

Community Development
City/County Building
316 North Park Avenue, Rm. 445
Helena, MT 59623



Legal Description: BLAKE
ADDN AMENDED, S31, T10 N,
R03 W, BLOCK N, Lot 2





Kyle Holland, **Planner II**

Community Development Department
316 North Park Avenue, Room 445
Helena, MT 59623

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

helenamt.gov

Date: October 12, 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 November 7th, 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, November 7th, 2023 at 5:30 p. m. in the Commission Chambers, 316 N Park Ave, and via Zoom at <https://zoom.us/j/95139091644>, Meeting ID: 951 3909 1644. Dial in at (346) 248-7799 or find your local Zoom phone number by going to <https://zoom.us/u/abx78Gko9e>.

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

PROPOSAL:

1. A variance from Section 11-4-2 to decrease the minimum setback for a side lot line from 8' to 4' for a property with a legal description of Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana.
2. A variance from Section 11-4-2 to decrease the minimum setback for a lot line that abuts a dedicated public right of way that provides only a secondary means of access to property and is not intended for general travel from 5' to 0' for a property with a legal description of Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana.

The reason for these variances is to replace an existing garage.

ADDRESS:

This property is located at 733 East Broadway St.

GENERALLY LOCATED:

This property is generally located south of East Broadway between South Raleigh St and South Beattie St.

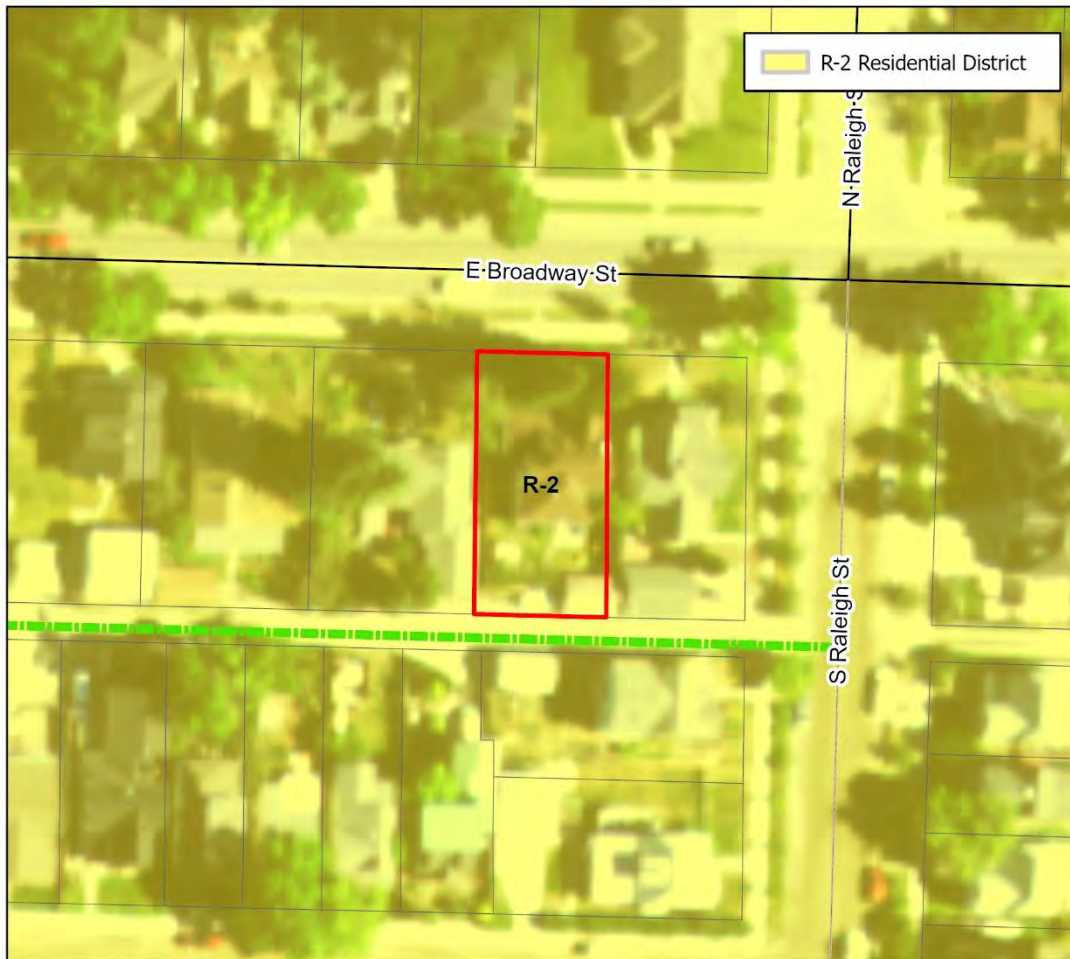
If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8459.

Sincerely,

Kyle Holland, Planner II

Community Development Department
City-County Building
316 N. Park Ave, Rm 403
Helena, MT 59601

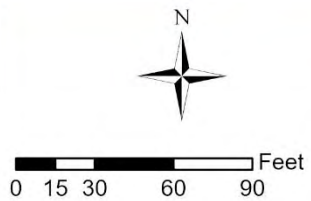
733 E Broadway Zoning Map



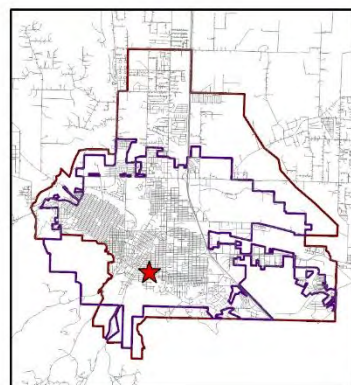
-  733 E Broadway
-  Paved
-  Unpaved
-  Alley
-  MT Parcels w Condos



Community Development
City/County Building
316 North Park Avenue, Rm. 445
Helena, MT 59623



Legal Description: BLAKE
ADDN AMENDED, S31, T10 N,
R03 W, BLOCK N, Lot 2





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

OCT 02 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: Jeff & Brandy Ries Primary Number: 435-979-7054 Brandy cell
Address: 733 E Broadway St. Helena Other Phone: 801-750-1674 Jeff cell
Email: randybreece@gmail.com

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

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

AUTHORIZED REPRESENTATIVE: Primary Contact?

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

Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.

- Address of Property 733 E Broadway St. Helena MT 59601
Address City State Zip Code
- Legal Description (Block & Lots, Subdivision, COS#) Blake Addn Amended, 931, T10 N, R03 W, BLOCK N, Lot 2
- Geocode 05-1888-31-1-28-23-0000
- The most recent deed for impacted property
- Lot or Parcel Size (square feet) 5,000
- Current and proposed use of structure or property: 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 8 ft to 4 ft
- Reduce rear lot line setback: re-build on same footprint dimension to 0ft.
- 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.

Site has downhill grading which causes and did cause faster deterioration of garage. Would like to rebuild unstable one.

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.

Existing garage is 12x18. Built in 1901. We would like to re-build on same footprint.

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.

Yes many of the adjacent homes have similar nonconformities

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.

This structure was built in 1901 prior to set-back laws.

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.

Since we have downhill grading moving the garage further in our yard would need extensive grading work and cause for improper drainage.

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.**

most properties in area have similar conditions.

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.**

would be built to code and old one removed for safety reasons- will include inspection detail. ^{new structure}

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

We are just trying to replace this building on same plot and remove old unstable one.

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: 9/29/23
Property Owner

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

(Property owner must sign application)

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

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

RIES & ASSOCIATES, P.C.
6850 Green Meadow Dr
Helena, MT 59602
406-458-5243



BILL TO
1108643/Ries
Direct Mortgage, Corp

INVOICE # 13139
DATE 09/05/2023
DUE DATE 10/05/2023

ADDRESS
733 E. Broadway St, Helena

JOB NUMBER
1108643/Ries

DESCRIPTION

AMOUNT

INSPECTION EXHIBIT: GPSCONTROL SURVEY, ENCROACHMENT INSPECTION,
SURVEYORS REPORT, EXHIBIT, CALCULATIONS, DRAFTING, RESEARCH,
TRANSPORTATION, MATERIALS, ETC.

RESEARCH AND CONSULTING TIME

160.00

FIELD/TRAVEL TIME ~ TWO MAN

480.00

OFFICE TIME

510.00

GPS EQUIPMENT CHARGE

112.50

TRANSPORTATION

16.10

PRINTING: PAPER, DRAFTS, POSTAGE, FILE, ETC.

4.00

Subtotal: 1,282.60

DISCOUNT

-482.60

Thanks for your Business!

BALANCE DUE

\$800.00


PROFESSIONAL LAND SURVEYOR

INSPECTION EXHIBIT

BUYERS: JEFF & BRANDY RIES
733 EAST BROADWAY STREET
HELENA, MT 59601

LEGAL DESCRIPTION:

LOT 2 OF BLOCK N OF THE AMENDED MAP OF THE BLAKE ADDITION TO THE CITY OF HELENA, LEWIS & CLARK COUNTY, MONTANA.

SURVEYOR'S NOTE:

(1) THE ATTACHED EXHIBIT WAS CREATED TO THE ACCURACY NECESSARY TO DETERMINE IF ANY BUILDING ENCROACHMENTS EXIST UPON SAID PROPERTY, AND IS NOT TO BE USED AS AN EXTENSIVE BOUNDARY SURVEY. (2) THIS INSPECTION WAS PREPARED FOR COMMITMENT No. 1108643 ISSUED BY FLYING S TITLE OF HELENA, TO BE USED EXCLUSIVELY FOR SAID TITLE COMMITMENT. (3) MEASUREMENT ACCURACY: 2 FT. OR LESS CONCERNING BUILDING/MAJOR IMPROVEMENTS (FOR PRECISE MEASUREMENT AN EXTENSIVE BOUNDARY SURVEY IS NEEDED). (4) MONUMENTS SHOWN ON THIS EXHIBIT WERE USED TO DETERMINE IMPROVEMENT LOCATION ONLY (PRECISE/PROPER LOCATION OF MONUMENTS WAS NOT DETERMINED BY THIS INSPECTION EXHIBIT, A RETRACEMENT SURVEY IS REQUIRED TO VERIFY).



Christopher J. Ries

ENCROACHMENT #1:

LOT 2'S WOOD FENCE ENCROACHES ONTO LOT 3

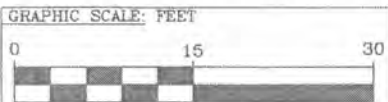
ENCROACHMENT #2:

LOT 1'S CHAIN LINK FENCE & CONCRETE PAD ENCROACHES ONTO LOT 2



PREPARED BY

RIES & ASSOCIATES PC.
6850 GREEN MEADOW DR.
HELENA, MONTANA 59602



LEGEND

- = FOUND MONUMENT
- = CALCULATED POINT
- X = FENCE - APPROX. LOCATION (WIRE/WOOD/CH. LINK/ETC.)
- = CONCRETE
- OHP = OVERHEAD UTILITY LINES

FIELD: CJR, PAC	DRAFTED BY: PAC
JOB #: BROA733	DATE: 09/05/2023

BROADWAY STREET

~ 70' R/W

STONE RETAINING WALL +/- TO PROPERTY LINE



ENCROACHMENT #3:

GARAGE ENCROACHES ONTO 16' ALLEY (EAVES ADDITIONAL 1 FOOT) - SEE CITY

ENCROACHMENT ORDINANCE #3276

GARAGE & ITS EAVES +/- PROPERTY LINE

SURVEYOR'S REPORT

RIES & ASSOCIATES, PC.

6650 GREEN MEADOW DR. HELENA, MT. 59602 * * (406) 458-5243; (406) 458-3707; FAX: (406) 458-8699

THIS IS TO CERTIFY THAT I HAVE MADE AN INSPECTION OF THE PROPERTY LOCATED IN:

LOT 2 OF BLOCK N OF THE AMENDED MAP OF THE BLAKE ADDITION TO THE CITY OF HELENA;

HELENA

LEWIS AND CLARK

MONTANA

CITY

COUNTY

STATE

KNOWN AS STREET NUMBER: 733 EAST BROADWAY STREET

AS SHOWN ON THE ACCOMPANYING INSPECTION EXHIBIT.

FURTHERMORE, I MADE A REASONABLE INSPECTION ON THE 31ST DAY OF AUGUST, 20 23 OF SAID PROPERTY AND OF THE BUILDINGS OR MAJOR IMPROVEMENTS:

LOCATED THEREON AS PER COMMITMENT No. 1108643 ISSUED BY (ATTORNEY TITLE ; FLYING S TITLE ; HA & T Co. ; ROCKY MT TITLE ;) ISSUED ON AUGUST 14, 20 23. THIS INSPECTION IS TO BE USED EXCLUSIVELY FOR SAID TITLE COMMITMENT.

I MADE A REASONABLE INSPECTION WITH RESPECT TO THE FOLLOWING ITEMS AND REPORT THE EXISTENCE OF EVIDENCE OF THE FOLLOWING: (IF NONE, STATE NONE)

1. RIGHT OF WAYS, INCLUDING THOSE FOR ROADS, LANES, DRIVEWAYS, OR WALKS THROUGH SAID PROPERTY: NONE

2. STREAMS, PONDS OR LAKES LOCATED ON OR RUNNING THROUGH SAID PROPERTY: NONE

3. IRRIGATION DITCHES, OR SURFACES DRAINAGE DITCHES RUNNING THROUGH SAID PROPERTY: NONE

4. JOINT DRIVEWAYS/WALKWAYS, PARTY OF CURTAIN WALLS, PORCHES OR STEPS USED IN COMMON, OR ADJOINING GARAGES: NONE

5. ENCRoACHMENTS OF BUILDINGS OR MAJOR IMPROVEMENTS, ONTO ADJOINING PROPERTIES, OR FROM ADJOINING PROPERTIES ONTO THIS PROPERTY; [MAJOR IMPROVEMENTS SHALL INCLUDE: FENCES OF SIGNIFICANT VALUE, WELLS, DRAIN FIELDS (APPROXIMATE LOCATION) AND OR OBJECTS OF PERMANENCE WHICH HAVE SIGNIFICANT VALUE.]

ENCROACHMENT #1: LOT 2'S WOOD FENCE ENCRoACHES ONTO LOT 3;

ENCROACHMENT #2: LOT 1'S CHAIN LINK FENCE & CONCRETE PAD ENCRoACHES ONTO LOT 3;

ENCROACHMENT #3: GARAGE (EAVES ADDITIONAL 1') ENCRoACHES ONTO 16' ALLEY - SEE CITY

ENCROACHMENT ORDINANCE #3276.

6. PHYSICAL EVIDENCE USED IN DETERMINING ENCRoACHMENTS: ADJOINING PROPERTY CORNERS

7. EVIDENCE OF NEW CONSTRUCTION: NONE

8. CEMETERIES OR FAMILY BURIAL GROUNDS LOCATED ON SAID PREMISES: NONE APPARENT

9. TELEPHONE, TELEGRAPH OR ELECTRIC POWER POLES OR WIRES OVERHANGING OR CROSSING SAID PREMISES, WHICH SERVE OTHER PROPERTY OR PROPERTIES: OVERHEAD UTILITY LINES +/- TO PROPERTY LINE

10. UNDERGROUND INSTALLATIONS SUCH AS SEWERS, WATER PIPES, GAS OR OIL PIPE LINES, CONDUITS, ACROSS SAID PREMISES THAT ARE DISCLOSED BY PHYSICAL EVIDENCE ON SAID PREMISES: NONE APPARENT

THIS INSPECTION WAS DONE TO THE DEGREE OF ACCURACY NECESSARY TO DETERMINE IF ANY BUILDINGS OR MAJOR IMPROVEMENTS ENCRoACH AND IS NOT AN EXTENSIVE PROPERTY LINE SURVEY. THIS INSPECTION WAS PERFORMED ACCORDING TO THE STANDARDS FOR MORTGAGE LOAN INSPECTIONS UNDER SECTION III(B) OF THE MONTANA ASSOCIATION OF REGISTERED LAND SURVEYORS "STANDARDS OF PRACTICE MANUAL".


PROFESSIONAL LAND SURVEYOR

NOTE: DUE TO WEATHER CONDITIONS (SNOW ON GROUND) OR TERRAIN SOME MAJOR IMPROVEMENTS MAY NOT BE LOCATED OR IDENTIFIED. IF APPLIES CHECK HERE. (DRAINFIELD / WELL / SEPTIC)

Property Record Card

Summary

Primary Information:

Property Category: RP **Subcategory:** Residential Property
Geocode: 05-1888-31-1-28-23-0000 **Assessment Code:** 0000007222
Primary Owner: TOMMERUP MICHAEL J & KELSEY A **PropertyAddress:** 733 E BROADWAY ST
733 E BROADWAY ST HELENA, MT 59601
COS Parcel:

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: BLAKE ADDN AMENDED

Legal Description:

BLAKE ADDN AMENDED, S31, T10 N, R03 W, BLOCK N, Lot 2

Last Modified: 7/14/2023 3:10:50 AM

General Property Information

Neighborhood: 205.215 **Property Type:** IMP_U - Improved Property - Urban
Living Units: 1 **Levy District:** 05-048701-0101
Zoning: **Ownership %:** 100
Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0 **Limited:** 0

Property Factors

Topography: **Fronting:**
Utilities: **Parking Type:**
Access: **Parking Quantity:**
Location: **Parking Proximity:**

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.115	102,250.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
9/9/2016	M51	8532	9/9/2016	3295089	Warranty Deed
10/29/2015	M50	6517	11/3/2015	3281663	Other
8/31/2015	M50	4097	9/9/2015	3279004	Termination of Joint Tenancy by Death

Owners

Party #1

Default Information: TOMMERUP MICHAEL J & KELSEY A
 733 E BROADWAY ST
Ownership %: 100
Primary Owner: "Yes"
Interest Type: Fee Simple
Last Modified: 9/12/2016 4:26:54 PM

Other Names

Other Addresses

Name	Type
------	------

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2023	102250	233850	336100	MKT
2022	74292	165908	240200	MKT
2021	74292	165908	240200	MKT

Market Land

Market Land Item #1

Method: Sqft **Type:** Primary Site
Width: **Depth:**
Square Feet: 5,000 **Acres:**
Valuation
Class Code: 2201 **Value:** 102250

Dwellings

Existing Dwellings

Dwelling Type	Style	Year Built
SFR	10 - Old Style	1892

Dwelling Information

Residential Type: SFR **Style:** 10 - Old Style
Year Built: 1892 **Roof Material:** 10 - Asphalt Shingle
Effective Year: 1995 **Roof Type:** 3 - Gable
Story Height: 1.0 **Attic Type:** 2
Grade: 5 **Exterior Walls:** 1 - Frame
Class Code: 3501 **Exterior Wall Finish:** 6 - Wood Siding or Sheathing
Year Remodeled: 2015 **Degree Remodeled:**

Mobile Home Details

Manufacturer: **Serial #:** **Width:** 0
Model: **Length:** 0

Basement Information

Foundation: 2 - Concrete **Finished Area:** 0 **Daylight:** N
Basement Type: 0 - None **Quality:**

Heating/Cooling Information

Type: Central **System Type:** 5 - Forced Air
Fuel Type: 3 - Gas **Heated Area:** 0

Living Accomodations

Bedrooms: 2 Full Baths: 1 Addl Fixtures: 3
Family Rooms: 0 Half Baths: 1

Additional Information

Fireplaces: Stacks: 0 Stories:
 Openings: 0 Prefab/Stove: 0
Garage Capacity: 0 Cost & Design: 0 Flat Add: 0
% Complete: 0 Description: Description:

Dwelling Amenities

View: Access:

Area Used In Cost

Basement: 0 Additional Floors: 0 Attic: 150
First Floor: 1221 Half Story: 0 Unfinished Area: 0
Second Floor: 0 SFLA: 1371

Depreciation Information

CDU: Physical Condition: Average (7) Utility: Average (7)
Desirability: Property: Good (8)
 Location: Good (8)

Depreciation Calculation

Age: 27 Pct Good: 0.8 RCNLD: 180380

Additions / Other Features

Additions

Lower	First	Second	Third	Area	Year	Cost
	11 - Porch, Frame, Open			25	0	1363
	34 - Deck, Concrete			60	0	355

There are no other features for this dwelling

Other Buildings/Improvements

Outbuilding/Yard Improvement #1

Type: Residential Description: RRS1 - Shed, Frame
Quantity: 1 Year Built: 1901 Grade: A
Condition: Functional: Class Code: 3501

Dimensions

Width/Diameter: 12 Length: 18 Size/Area: 216
Height: Bushels: Circumference:

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel

Property Inspection Report



Mountain Ridge Property Inspections, Inc.

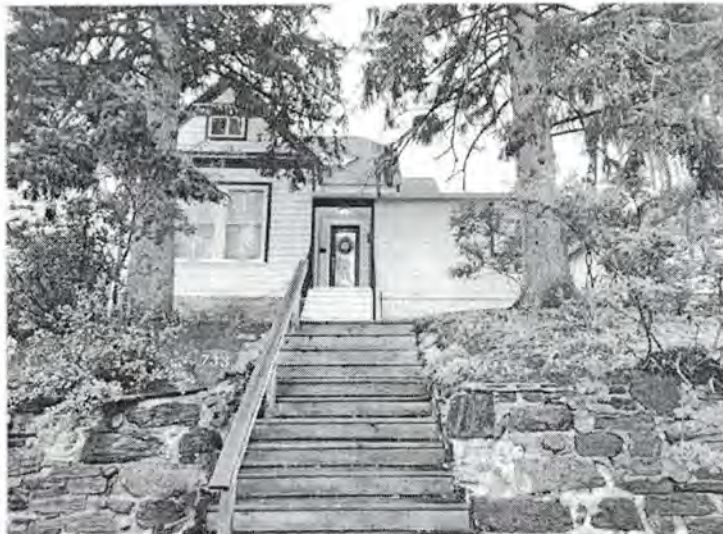
Inspector: Scott Bailey

Phone: 406-431-0232

Email: mtnridgepropertyinspections@gmail.com

Property Address:

733 E Broadway St,
Helena, MT 59601



OK = Working Condition | R = Repair | S = Safety | NI = Not Inspected | NP = Not Present



19 Garage

Walls - Ceilings - Floors

Garage Type

The garage is detached from the house. Number of cars is one.

121) Exterior Conditions (if detached)

R

The exterior of the garage showed extensive signs of damage and deterioration. Repair or replacement of the exterior is recommended.



122) Roof Conditions (if detached)

R

The roof was worn and deteriorated. There was moss growing on the roof. It is suggested that a "Licensed Roofing Contractor" be contacted for further evaluation and repair.

OK = Working Condition | R = Repair | S = Safety | NI = Not Inspected | NP = Not Present



123) Rain Gutters and Down Spouts

R

The property has a partial gutter system. Recommend adding gutters and downspouts where needed. Water seepage into crawl spaces, basements and under foundations are primarily caused by inadequate removal of rainwater from the perimeter of the house.

124) Ceiling Conditions

OK

Not finished- Good Condition - No defect found at time of inspection.

125) Wall Conditions

OK

Not finished- Good Condition - No defect found at time of inspection.

126) Floor Conditions

R

There was a wood floor present in the garage. The floor was not visible due to the personal belongings being present. A full inspection is recommended prior to closing.



127) Window Conditions

OK

Good Condition - No defect found at time of inspection.

128) Door Conditions

R

The door did not seal at the time of the inspection. Repair is recommended.

OK = Working Condition | R = Repair | S = Safety | NI = Not Inspected | NP = Not Present

129) Vehicle Door Conditions

R

The doors did not seal properly. Repair is recommended.

130) Heat Source

NP

No source was installed at time of inspection

20 Radon Test

Radon Test Results

Radon Test Description

Mountain Ridge Property Inspections, Inc. will conduct a short term (48 Hours +) radon test. The conditions of this test are as follows: the house needs to be what is called a closed system, which means only normal entry and exit are allowed, windows must remain closed, and no excess air circulation can be present during the testing period and for a period of 12 hours prior to the test. The monitor cannot be tampered with or moved for any reason. If any of these conditions are not met it will affect the accuracy of the meter results. The standard for a short-term radon test is equal to or less than 4 pCiL.

131) Results

NI

There was no radon test performed at the time of the inspection.

Radon Mitigation System

132) Radon Mitigation System Condition

NP

There was no radon mitigation system found at the time of the inspection.

AMENDED MAP OF THE Blake Addition to HELENA MONTANA

Scale 1 inch = 80 feet.

Acknowledgment. Be it known the undersigned James Blake proprietor of the Blake Addition to Helena Montana, being the N.W. 1/4 of Sec. 31 T. 10 N. R. 3 W. of the principal Meridian, hereby acknowledge and certify that I procured and caused to be made a survey of the same of which this map is a true plan thereof, for the purpose of record, and I hereby do vote and dedicate the streets and alleys therein designated, to the public use and benefit forever.

In presence of *James Blake*

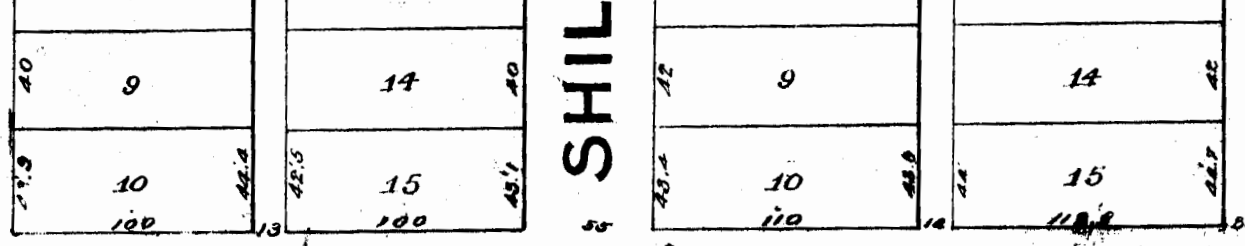
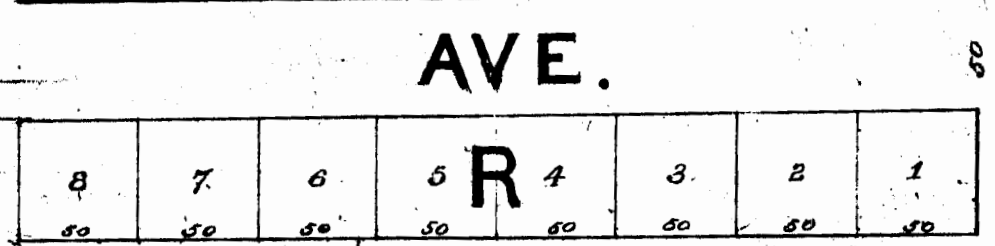
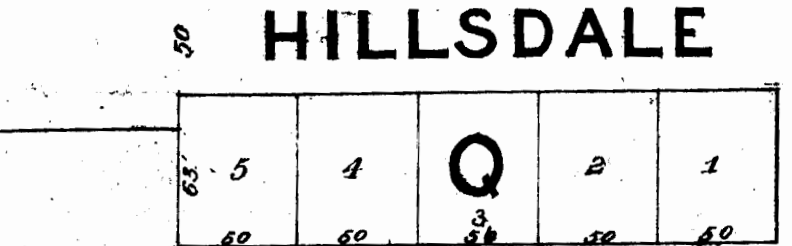
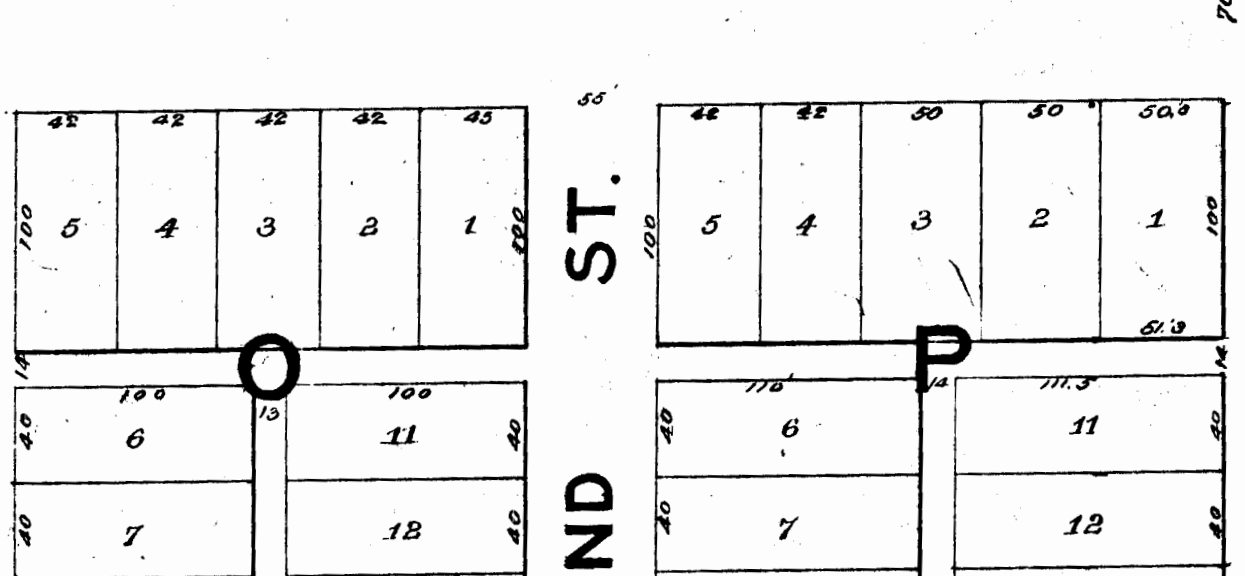
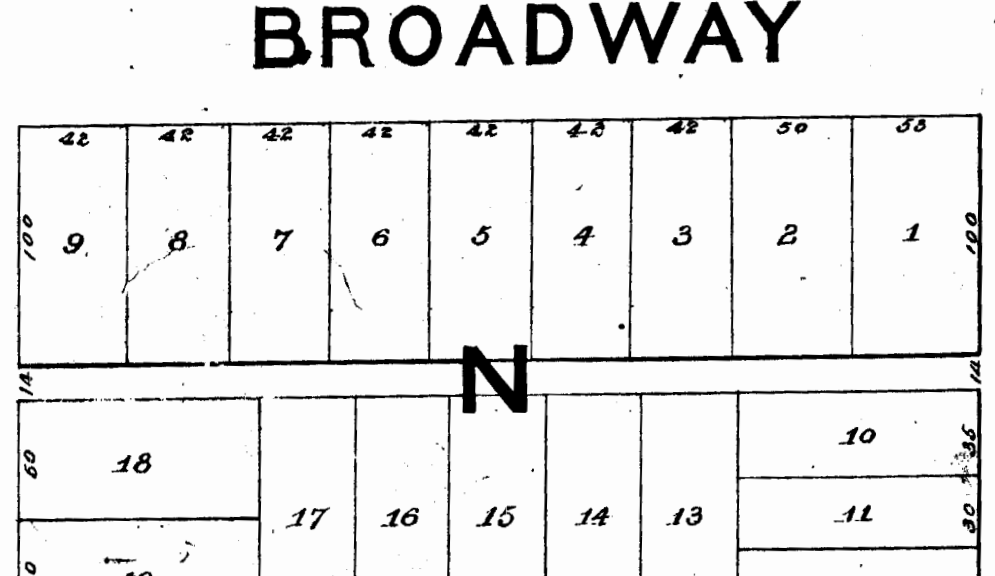
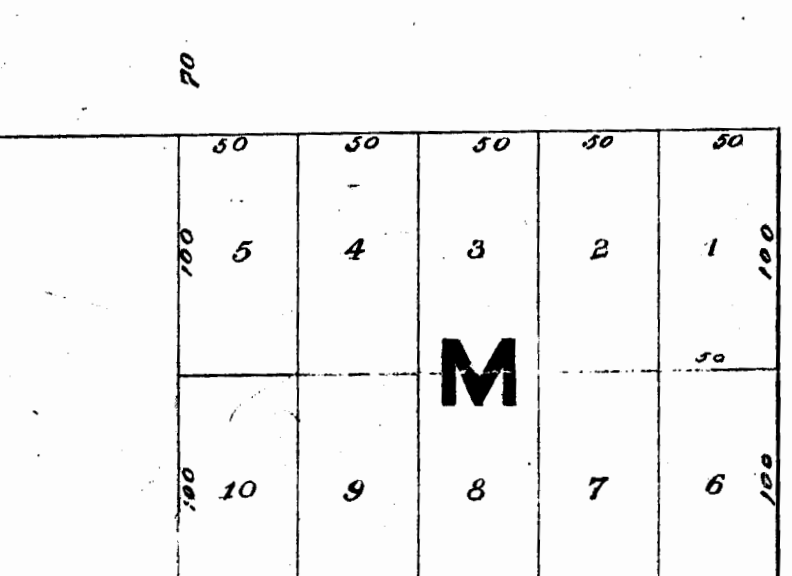
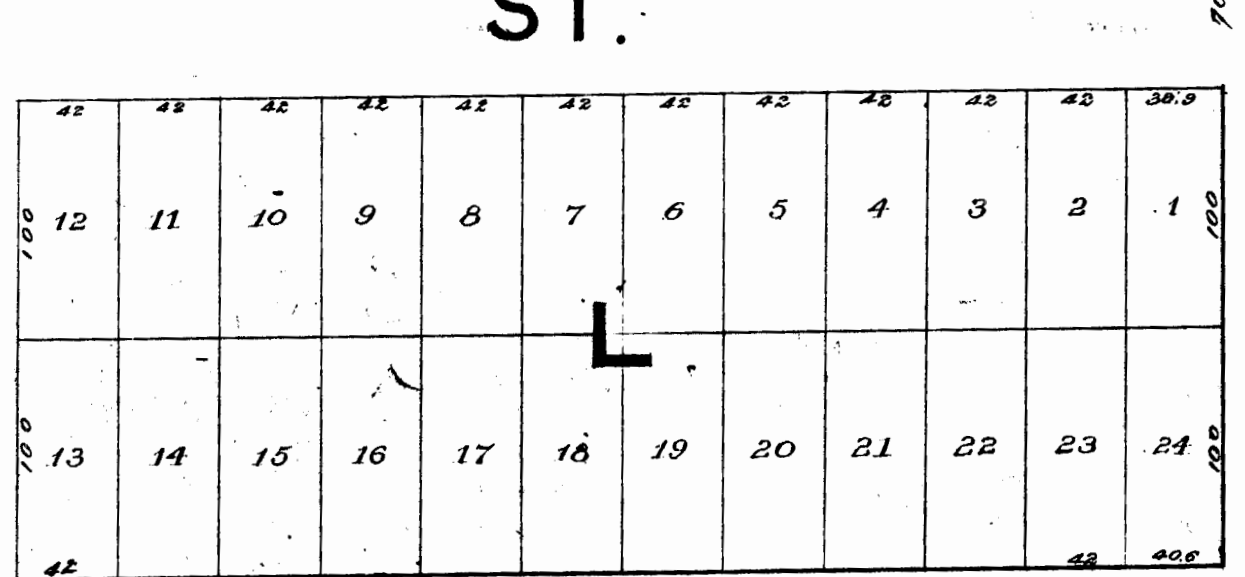
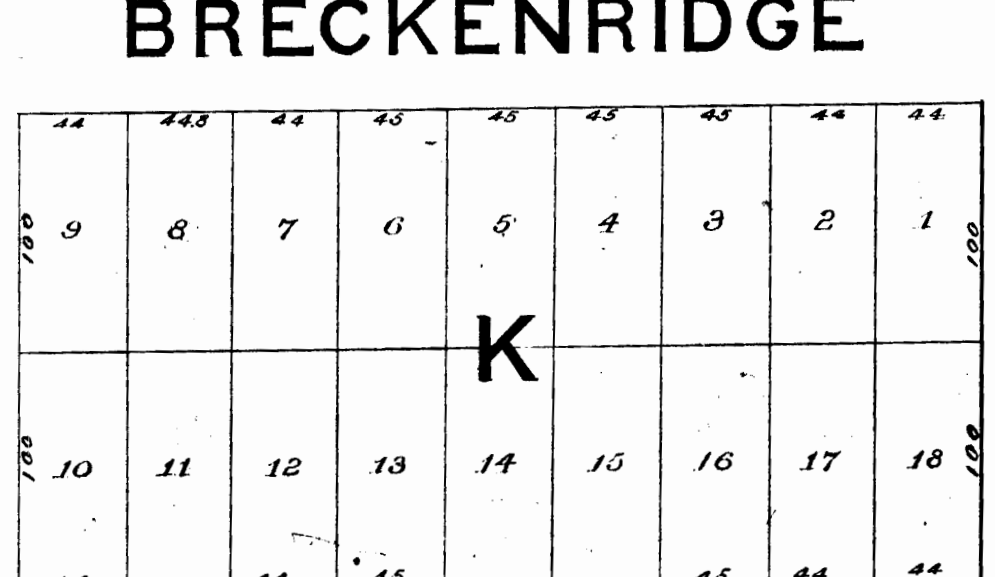
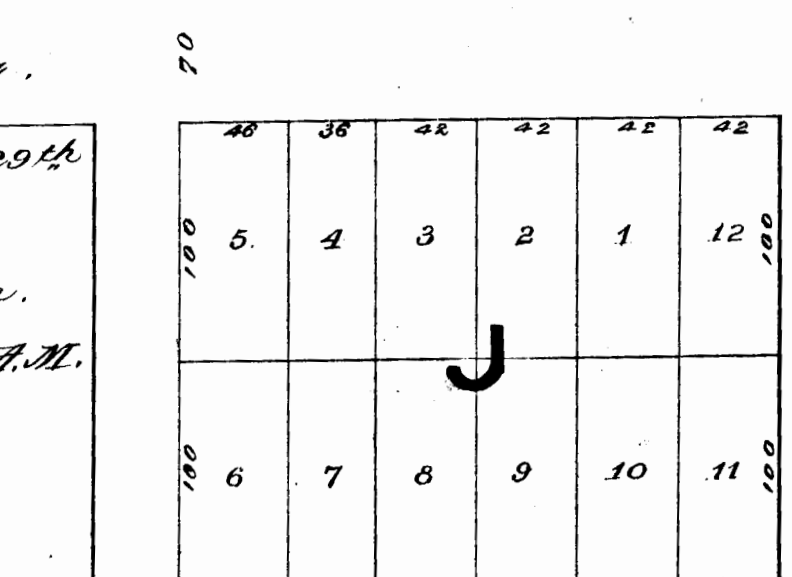
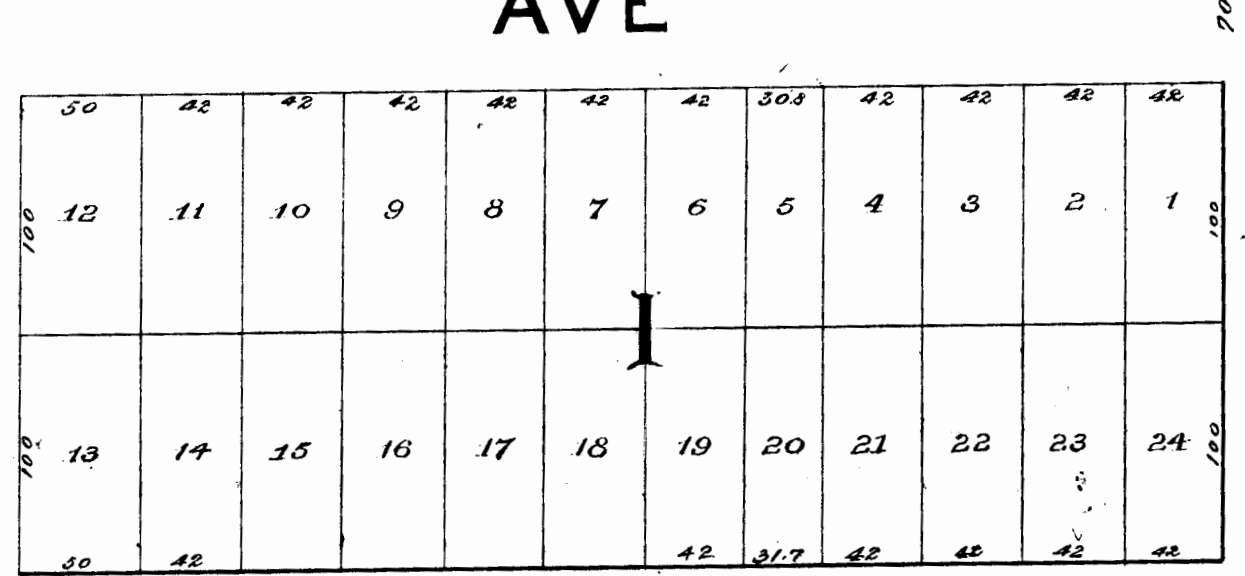
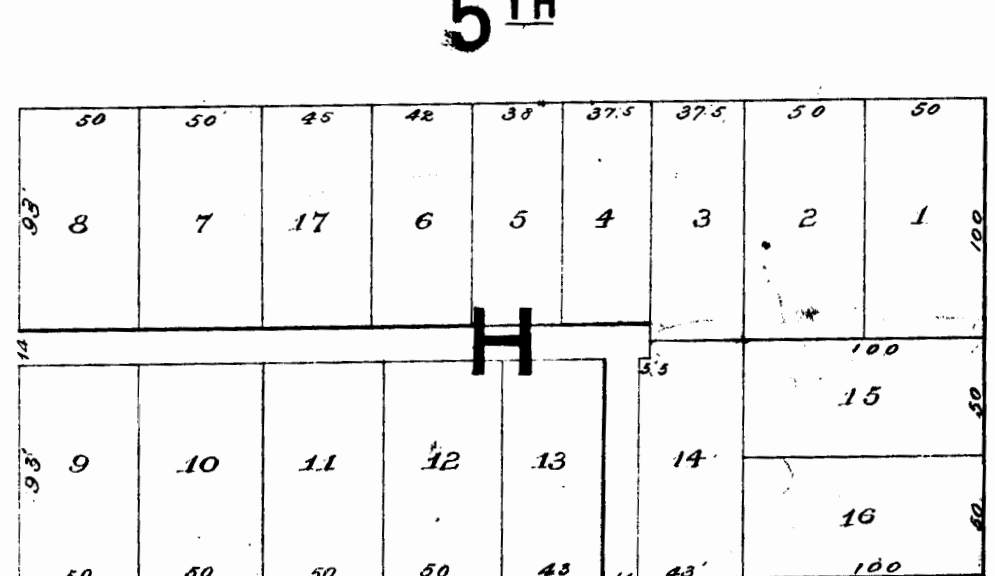
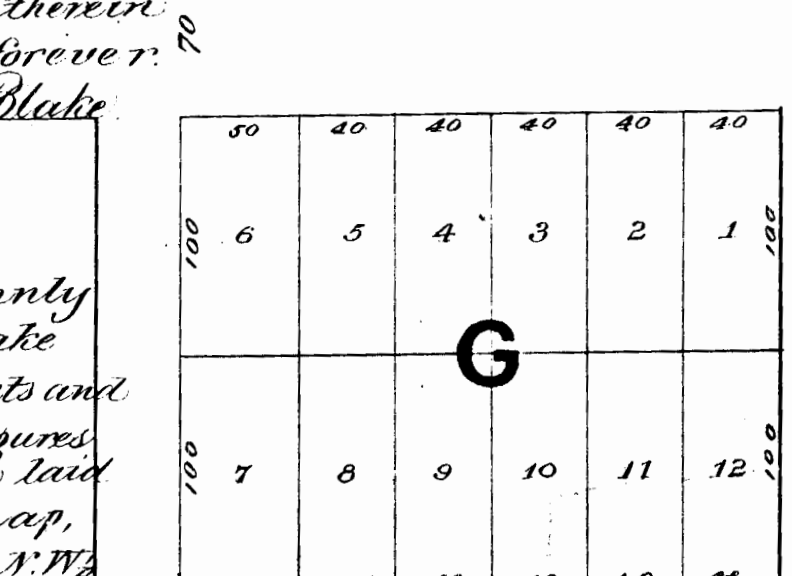
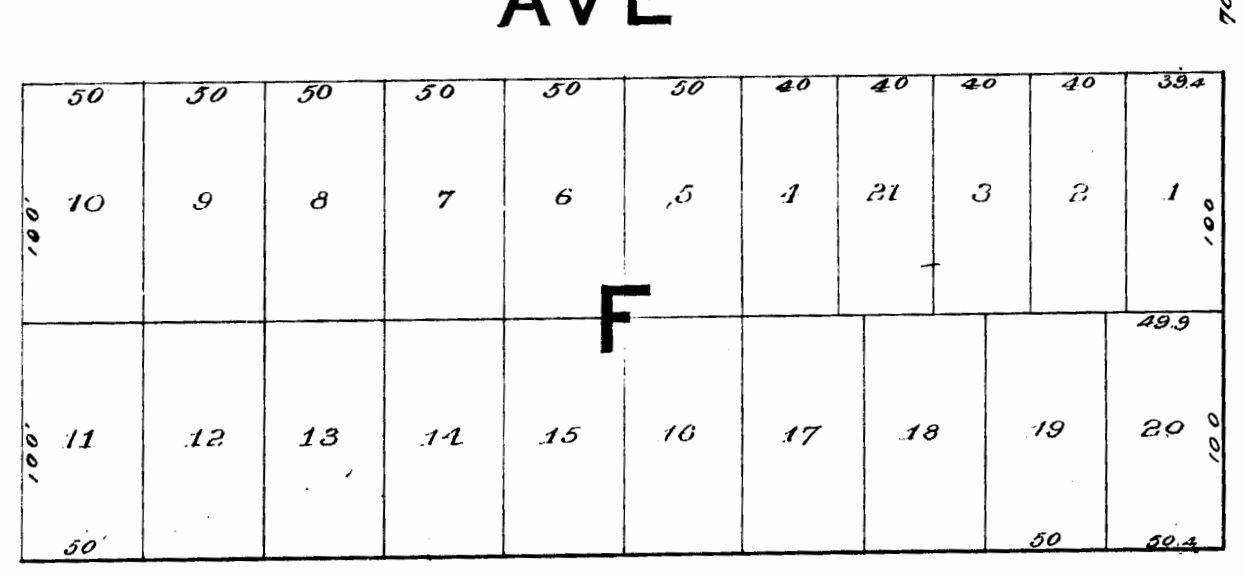
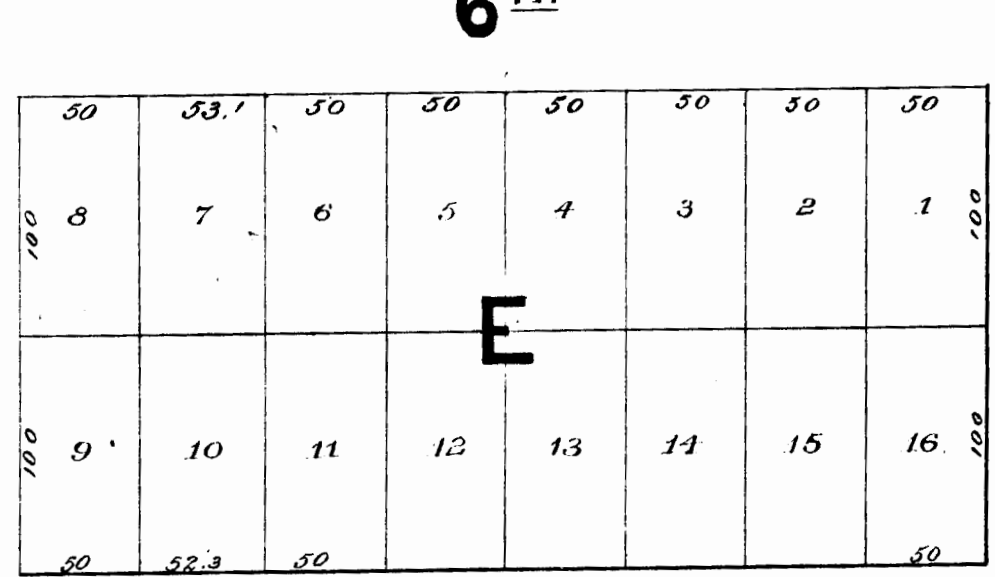
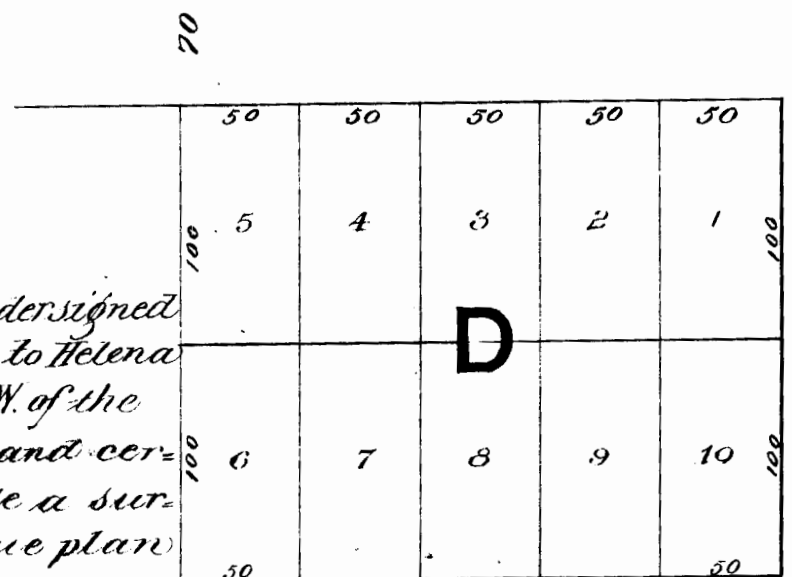
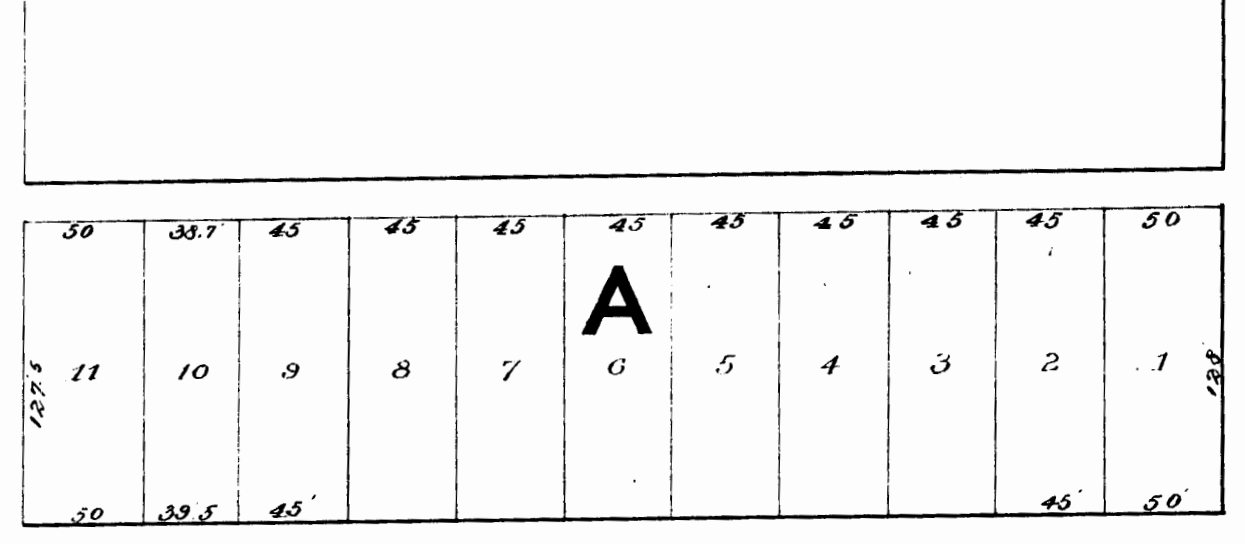
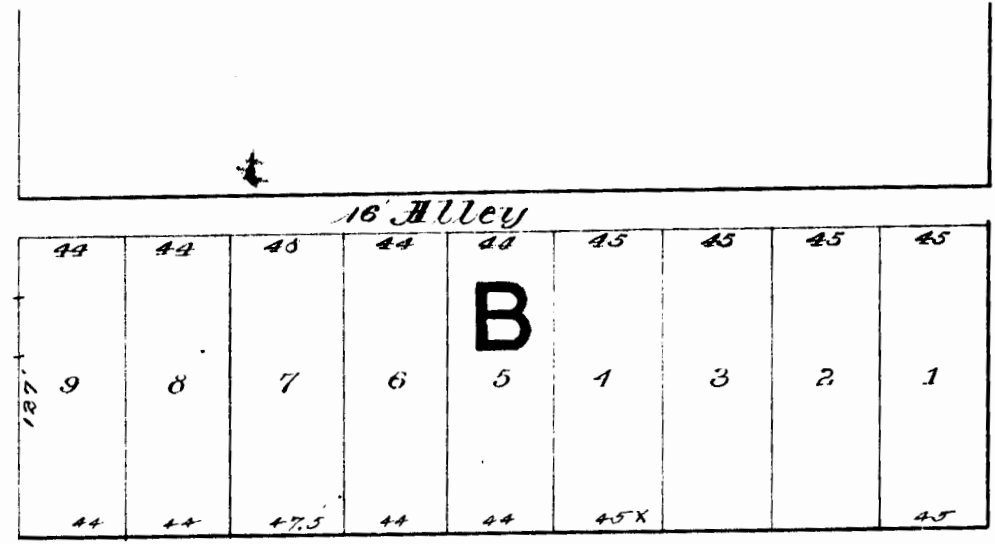
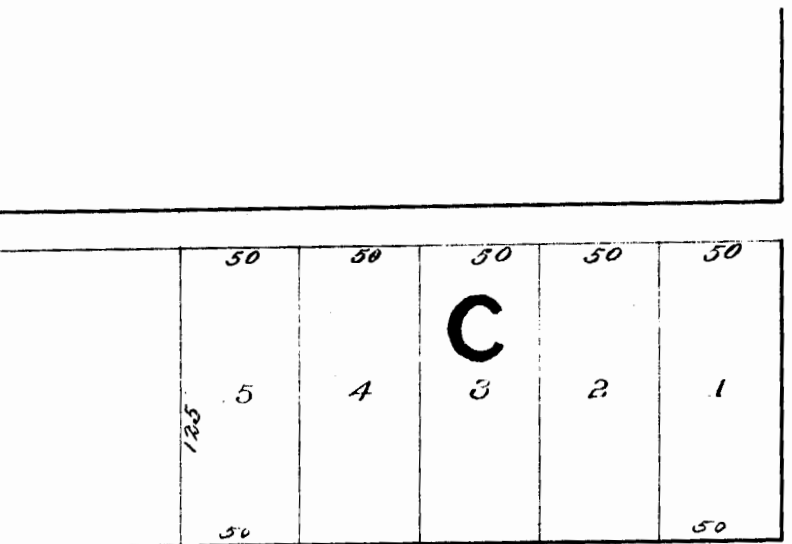
L.P. Wallace
Territory of Montana }
County of Lewis & Clarke } ss.
I Adalbert E. Cumming do solemnly swear that I made careful survey of the Blake Addition to Helena Montana, that the streets and alleys are of the width in feet stated in figures on this map, that said addition has been laid out on the ground according to said map, and that said addition embraces the N.W. 1/4 of the N.E. 1/4 of sec. 31 T. 10 N. R. 3 W. of the Principal Meridian, Montana.

Adalbert E. Cumming
Civil Engineer.

Subscribed and sworn to before me this 29th day of November 1887.

Albert S. Hovey
Notary Public.
Witnessed December 5th AD 1887 at 11:00 A.M.
W.C. Stridwick
Co. Recorder
By *Wm. Taylor*
Deputy

Territory of Montana }
County of Lewis & Clarke } ss.
I hereby certify the foregoing to be a correct copy of the original Plat of the Amended map of the Blake Addition to Helena filed December 5th AD 1887. Witness my hand and seal of said County June 7th AD 1889.
J.S. Foster
County Recorder



L & C 1108643
Return to
Flying S Title & Escrow
PO Box 251
Helena, MT 59624

AND WHEN RECORDED MAIL TO:

Filed for Record at Request of:
Flying S Title and Escrow of Montana, Inc.

Space Above This Line for Recorder's Use Only

Order No.: 1108643
Parcel No.: 7222

**WARRANTY DEED
(Joint Tenancy)**

FOR VALUE RECEIVED,

Michael J. Tommerup and Kelsey A. Tommerup

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Jeff Ries and Brandy Ries

whose address is: **733 E. Broadway Street, Helena, MT 59601**

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

Lot 2 of Block N of the AMENDED MAP OF THE BLAKE ADDITION of the City of Helena, Lewis and Clark County, Montana.

SUBJECT TO Covenants, Conditions, Restrictions, Provisions, Easements and encumbrances apparent or of record.

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

Project Reviews

City of Helena

Project Number: ZBOA2310-001

Description: 733 E Broadway

Applied: **10/2/2023**

Approved:

Site Address: **733 E BROADWAY ST**

Closed:

Expired:

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

Status: **RECEIVED**

Applicant: **<NONE>**

Parent Project:

Owner: **RIES JEFF & BRANDY**

Contractor: **<NONE>**

Details:

LIST OF REVIEWS

SENT DATE	RETURNED DATE	DUE DATE	TYPE	CONTACT	STATUS	REMARKS
Review Group: ALL						
10/12/2023	10/17/2023	10/26/2023	BUILDING	Kim Mack	APPROVED	
Notes:						
Full building code review will be completed at time of permit submittal. Fire separation distance to center of alley, no ratings required on south side. East side of garage - If less than 5 feet from property line, one-hour fire resistive construction required.						
10/12/2023		10/26/2023	CITY ATTORNEY	Attorney Bucket		
Notes:						
10/12/2023	10/24/2023	10/26/2023	ENGINEERING	Tyson Lesmeister	NO COMMENT	
Notes:						
10/12/2023	10/23/2023	10/26/2023	FIRE	Lou Antonick	APPROVED	
Notes:						
The Fire Department concurs with Building Division Comments.						
10/12/2023		10/26/2023	POLICE	Police Bucket		
Notes:						
10/12/2023	10/13/2023	10/26/2023	PUBLIC WORKS	JAMIE CLARK	NO COMMENT	
Notes:						
10/12/2023		10/26/2023	TRANSPORTATION SYSTEMS	Mark Young		
Notes:						

Project Reviews

City of Helena

Review Group: AUTO

10/2/2023		10/5/2023	DIRECTOR REVIEW	Christopher Brink		
-----------	--	-----------	-----------------	-------------------	--	--

Notes: