

Kyle Holland

From: larry o'donnell <larry.odonnell.mt@gmail.com>
Sent: Sunday, November 5, 2023 11:42 AM
To: Kyle Holland
Subject: Re: Variance plans for Maverik

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kyle Holland
Planner II, Community Development Dept.
(406) 447-8492 | kholland@helenamt.gov | helenamt.gov
Room 445, City-County Building

In regards to proposed variances application to property located at 3196 Colonial Drive, on the schedule for November 7th, 2023.

Kyle Holland,

Sunday Nov 5, 2023

We received a notice about a public hearing in regards to a property located at 3196 Colonial Drive.

Would like to submit comments on the Variances Application.

PROPOSAL : A variance from Section 11-24-4 to allow a deviation from parking lot landscaping requirement...

The Reason for the variance is to remove trees along the front of the building from the submitted plans.

Section C: BOARD OF ADJUSTMENTS VARIANCE REVIEW CRITERIA.

COMMENTS : The section calls out a list of criteria that states what the Board is looking for in the Application.

It states "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."

The Statement "including all alternatives considered" is important. No where in the Application discusses alternatives other than, to removal of the trees 35' requirement.

Section D: EVALUATION FACTORS

Applicant item 3 in Section D and the response:

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.

Developments at 3116 Saddle Drive, 3130 Saddle Drive, and 3003 Cabernet Dr do not follow the 35' tree

spacing requirement along parking spaces. This is especially evident near the entrances of these businesses.

City Code :

<https://www.helenamt.gov/files/assets/helena/v/1/government/city-commission/ordinances-and-resolutions/ordinances/ord-3150-landscaping-final.pdf>

11-24-4: PARKING LOT LANDSCAPING: For parking lots on tracts for which this chapter requires landscaping, the minimum landscaping requirements are as follows:

B. Any edge of a parking space must be within thirty-five feet (35') of the trunk of a tree on the same tract or contiguous public rights-of-way.

COMMENTS: Looking up each of the three (3) described properties on Google Maps Street View, all three of the properties have been grossly misrepresented in the Application response. The response references "entrances of these businesses". This could be interrupted as a man door to the business, or drive way, or entrance from a road way.

The City Code in reference, for the 35' requirement, is pertaining to distance from a parking space to a tree. Not an entrance to a business.

In the Application response all three properties referenced to defend Maverick's position, appear to by view of Google Maps Street View, at least attempted to conform to the 35' requirement of distance from parking space to tree spacing. As well as if by the Application response, does place trees within a 35' distance to both Man doors as well as road way entrances.

No where in the Application response, references alternatives to trees removal.

If Maverick is concerned with line of sight security, then it could be addressed by installation of security cameras. If Maverick is concern with a trip hazard, then a larger boundary around the trunk of the trees could be deployed in the form of a high curb or balusters or planter.

I strongly disagree with support of the requested Variance. Strongly suggest that the board either walks the properties used to defend the request for variance or at least view with Google Maps Street View. As well as, think about the reasons why the 35' requirement in the City Code, was originally adopted.

Larry O'Donnell
965 Mendocino Dr.
Helena, MT 59601

On Tue, Oct 24, 2023 at 4:09 PM Kyle Holland <KHOLLAND@helenamt.gov> wrote:

Hello Larry,

Thank you for giving me a call about the variance requested at Maverik.

Attached are the application and the landscaping plan for the variance. The landscape plan shows the approved plan meeting the City requirements of trees in proximity to parking spaces, and the second page shows in the clouded area where they would like to remove trees and deviate from the requirements.

Please let me know if you have any additional questions. If you would like to give public comment, I will get that integrated into my report and presentation for the Boards consideration.

Regards,



Kyle Holland, AIA

Planner II, Community Development Dept.

(406) 447-8492 | kholland@helenamt.gov | helenamt.gov

Room 403, City-County Building

