



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

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**helenamt.gov**

**Date: November 27, 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 increase the maximum building height from 60' to 110' for a property with a legal description of S19, T10 N, R03 W, C.O.S. 619517, Acres 25.519, Tract C-1, in G.Lot4

The reason for this variance is to construct new stadium lighting at Carroll College.

This property is located at 1830 Bishop Carroll Drive. It was previously addressed as 1857 N. Benton Ave.

**OVERVIEW**

**GENERAL INFORMATION**

**DATE OF APPLICATION:** Application received November 02, 2023

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

**PROPERTY OWNER:** Carroll College

**REPRESENTATIVE:** Lori Peterson, VP Finance

**MAILING ADDRESS:** 1601 N. Benton Ave, Helena MT, 59625

**CONTACT NUMBER:** (406) 447-5432

**EMAIL ADDRESS:** [lpeterson@carroll.edu](mailto:lpeterson@carroll.edu)

**APPLICANT:** Jason Egeline

**MAILING ADDRESS:** 650 Power St, Helena MT, 59601

**CONTACT NUMBER:** (406) 443-2340

**EMAIL ADDRESS:** [jason@cwg-architects.com](mailto:jason@cwg-architects.com)

**PROPERTY ADDRESS:** 1830 Bishop Carroll Drive, Helena MT, 59625. It was previously addressed as 1857 N. Benton Ave.

**LEGAL DESCRIPTION:**

S19, T10 N, R03 W, C.O.S. 619517, Acres 25.519, Tract C-1, in G.Lot4

**PRESENT LAND USE:** Outdoor Entertainment, Sports and Recreation

**PRESENT ZONING:** PLI

**ADJACENT LAND USE:**

- North: MI - Montana Rail Link
- MI - Centennial Park
- South: PLI - Carroll College
- East: CLM - Centennial Park
- West: PLI - Carroll College
- R-3 - Residential

**VARIANCE PROPOSALS:**

1. A variance from Section 11-4-2 to increase the maximum building height from 60' to 110' for a property with a legal description of S19, T10 N, R03 W, C.O.S. 619517, Acres 25.519, Tract C-1, in G.Lot4

**HISTORY OF APPLICABLE PERMITTING ACTION:**

- 1) 1997-2002 - Initial Permits and Inspections for Stadium Construction
- 2) July 2011 - Canceled permit for turf and lighting

**ZONING EVALUATION for the properties legally addressed as 1830 Bishop Carroll Drive, Helena, MT, located in a PLI zoning district.**

<b>ZONING REQUIREMENT</b>	<b>Applicable ZONING REGULATION</b>	<b>PRESENT CONDITION</b>	<b>PROPOSAL</b>	<b>VARIANCE REQUIRED</b>
<b>City Code:</b> §11-4-2 (Table 2) (PLI) <b>LOT REQUIREMENTS BY ZONING DISTRICTS</b>	Height	The current stadium roof peak is 61'-6"	Install new light poles for stadium lighting at 110'	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 Monday, November 27, 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 increase the maximum building height from 60' to 110' for a property with a legal description of S19, T10 N, R03 W, C.O.S. 619517, Acres 25.519, Tract C-1, in G.Lot4**

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.

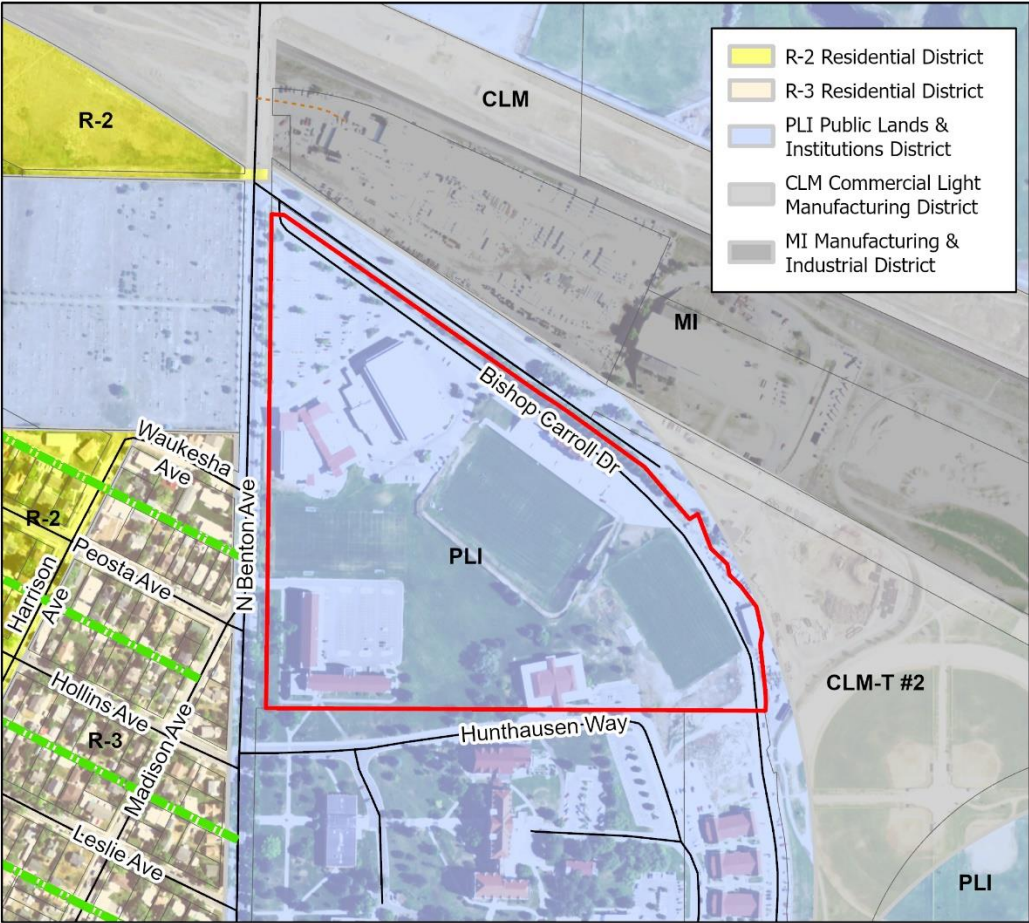
Regards,



**Kyle Holland, Planner II**

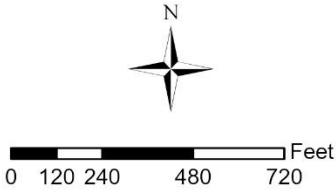
Community Development Department  
City-County Building  
316 N. Park Ave, Rm 403  
Helena, MT 59623

# Nelson Stadium Zoning Map

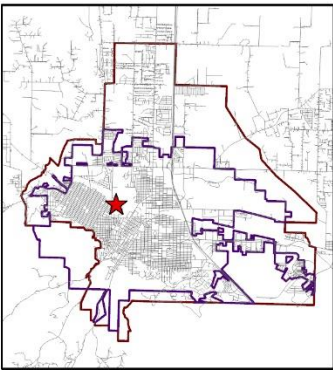


- 1830 Bishop Carroll Drive
- Paved
- Driveway
- Alley
- MT Parcels w/ Condos

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



Legal Description: S19, T10 N,  
 R03 W, C.O.S. 619517, ACRES  
 25.519, TRACT C-1, IN G.LOT  
 4





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**Date: January 25, 2024**

**STAFF REPORT - ADDENDUM**

**To: Helena Board of Adjustment**  
**From: Kyle Holland, City Planner II**  
**Subject: Addendum to clarify scope of variance for:**

1. A variance from Section 11-4-2 to increase the maximum building height from 60' to 110' for a property with a legal description of S19, T10 N, R03 W, C.O.S. 619517, Acres 25.519, Tract C-1, in G.Lot4

**OVERVIEW**

At the December 5, 2023, Board of Adjustment meeting the Board voted unanimously to table the item until a later meeting. The Board requested that the applicant provide supplemental materials to show the visual impacts on the neighborhood in both daytime and nighttime conditions.

During the Boards questions of both City staff and the applicant, Public Comment, and Board discussion, several topics were discussed that were outside of the request for this variance or additional information was requested. These topics were:

- Classification of the lights under the City of Helena Lighting Ordinance
  - The proposed lights would be considered "Public Recreation Lighting" as stated under the exemptions of Helena City Code (HCC) 10-2-6
- Helena's Dark skies
  - While Helena's Lighting Standards as defined in city code state the intent of "promote[ing] the reduction of light pollution that interferes with enjoyment of the night sky", the exemptions as stated in HCC 10-2-6 allow for lighting on poles to be greater than 34', brighter than 30 foot-candles when measured 3' above ground level, and to not have horizontal cutoff
- Lighting Generally
  - These lights are permitted up to the maximum height for the zoning district, 60 feet in Public Lands and Institutions. The purpose of this variance request is to increase the height of the lighting.
- Height of stadium exceeding 60'
  - Helena City Code defines building height as measured to the average of a gable roof. This is how the stadium is permitted to have a height of 61'-6" to the ridge.
- Issues unrelated to light height or incorrect statements of fact
  - Multiple statements were made in the public comments that were not related to the variance request. These items are not part of the variance request. Additionally, some public comments were made asserting factually incorrect information. These include:

- The height of the lights relative to other structures within Montana
  - Comments were received stating this as being the 5<sup>th</sup> tallest structure in the State. While these would be among the tallest structures in Helena, there are considerable numbers of taller buildings and other structures throughout the state.
- Installation of Turf
  - The Installation of Turf, while included in the documents for the stadium upgrades, is not an item that would require approval from the Board of Adjustment.
- Impacts to Wildlife
  - While the health of the natural environment is important to maintaining our community, the Board of Adjustment is tasked with evaluating the public health, safety, or general welfare. As the lights are permitted at the lower height, impacts are limited to considerations of height not the appropriateness of lights.
- Parking
  - This proposal does not impact the required parking for the stadium and no new parking is required for this proposal.

**PUBLIC COMMENT**

Since the meeting on December 5, 2023, one additional public comment has been received.

Regards,



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**Date:** November 20, 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 December 5th, 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, December 5th, 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 increase the maximum building height from 60' to 110' for a property with a legal description of S19, T10 N, R03 W, C.O.S. 619517, Acres 25.519, Tract C-1, in G.Lot4

The reason for this variance is to construct new stadium lighting at Carroll College.

**ADDRESS:**

This property is located at 1857 N. Benton Ave.

**GENERALLY LOCATED:**

This property is generally located on the North side of the Carroll College Campus, along Bishop Carroll Dr.

If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8492.

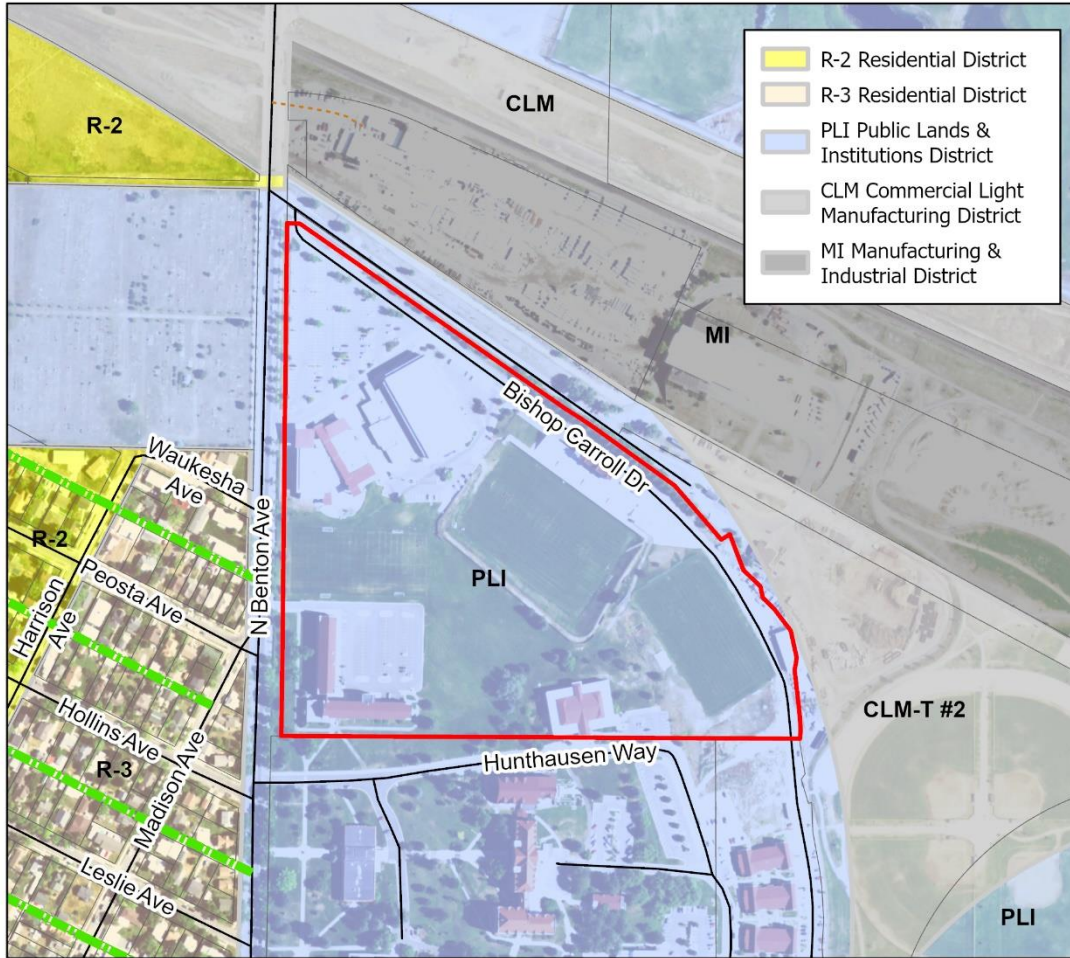
Sincerely,

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# Nelson Stadium

# Zoning Map

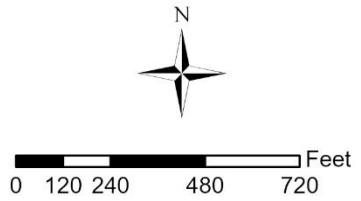


- R-2 Residential District
- R-3 Residential District
- PLI Public Lands & Institutions District
- CLM Commercial Light Manufacturing District
- MI Manufacturing & Industrial District

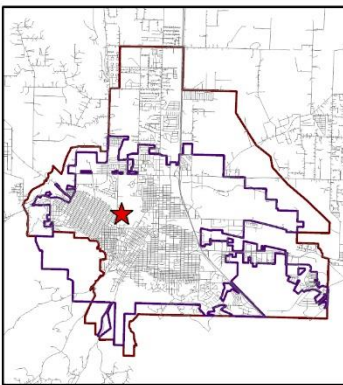
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Date: January 18, 2024

**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 February 6th, 2024, 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, February 6th, 2024, 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>.**

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The reason for this variance is to construct new stadium lighting at Carroll College.

The application and supporting materials for this variance request can be found on the City of Helena website under the current projects of the Community Development Department, Planning Division at <https://www.helenamt.gov/Departments/Community-Development/Planning/Current-Projects>.

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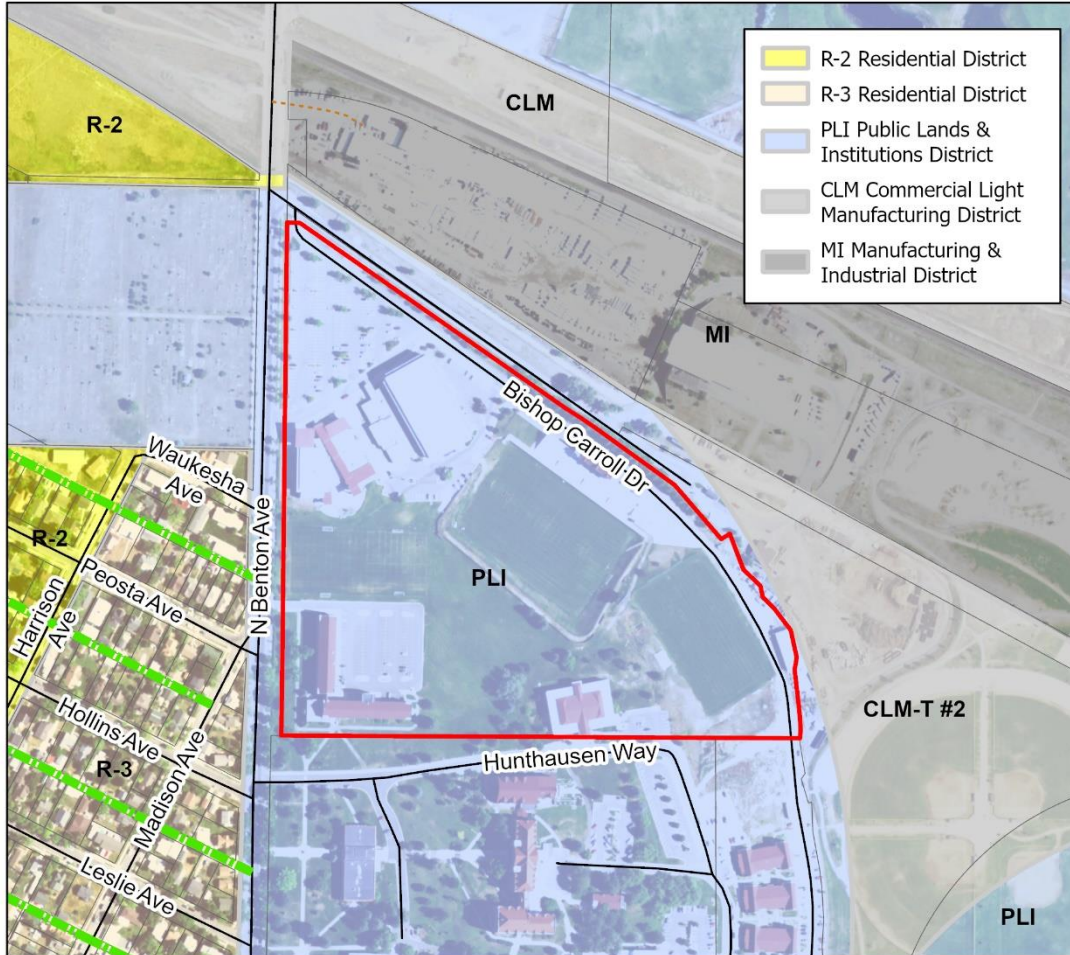
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0 120 240 480 720 Feet

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