



Kyle Holland, **Planner II**  
**Community Development Department**  
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**helenamt.gov**

**Date: January 25, 2024**

**STAFF REPORT**

**To: Helena Board of Adjustment**

**From: Kyle Holland, City Planner II**

**Subject: Consideration of:**

1. A variance from Section 11-9-7 (D) (5) (b) to allow internally illuminated and backlight wall signs for a property with a legal description of Lot 9A being a portion of Lots 8, 9 and 10 of the Chessman and Davis Placer, and part of Lot 1, Block 4 of the Central Addition to the City of Helena, Lewis and Clark County, Montana, as shown on the Certificate of Survey filed under Doc. No. 3349376.

The reason for this variance is allow internally illuminated and backlight wall signs in the Downtown Zoning district.

This Property is located at 630 N Last Chance Gulch.

**OVERVIEW**

**GENERAL INFORMATION**

**DATE OF APPLICATION:** Application received December 12, 2023

**PUBLIC HEARING DATE:** Board of Adjustment - 5:30 p.m., Tuesday, February 6, 2024

**PROPERTY OWNER:** Seeley Building LLC

**REPRESENTATIVE:** Ray Kuntz

**MAILING ADDRESS:** 708 N Last Chance Gulch, Helena MT, 59601

**CONTACT NUMBER:** (406) 422-3785

**EMAIL ADDRESS:** [kayk138@hotmail.com](mailto:kayk138@hotmail.com)

**APPLICANT:** Jacob Augenstein

**MAILING ADDRESS:** 1470 N Roberts St., Helena MT, 59601

**CONTACT NUMBER:** (406) 457-0360

**EMAIL ADDRESS:** [jacoba@slatearch.com](mailto:jacoba@slatearch.com)

PROPERTY ADDRESS: 630 N Last Chance Gulch

**LEGAL DESCRIPTION:**

Lot 9A being a portion of Lots 8, 9 and 10 of the Chessman and Davis Placer, and part of Lot 1, Block 4 of the Central Addition to the City of Helena, Lewis and Clark County, Montana, as shown on the Certificate of Survey filed under Doc. No. 3349376

PRESENT LAND USE: Mixed use commercial and residential, multiple dwelling units

PRESENT ZONING: DT

**ADJACENT LAND USE:**

North: DT - Commercial  
South: DT - Commercial  
East: DT - Commercial  
TR - Commercial  
R-3- Residential  
West: DT - Commercial

**VARIANCE PROPOSALS:**

1. A variance from Section 11-9-7 (D) (5) (b) to allow an internally illuminated and backlight wall signs for a property with a legal description of Lot 9A being a portion of Lots 8, 9 and 10 of the Chessman and Davis Placer, and part of Lot 1, Block 4 of the Central Addition to the City of Helena, Lewis and Clark County, Montana, as shown on the Certificate of Survey filed under Doc. No. 3349376.

**HISTORY OF APPLICABLE PERMITTING ACTION:**

- 1) July 2020 – Initial permits for building construction
- 2) September 2023 – Sign permits issued

**ZONING EVALUATION for the properties legally addressed as 630 N Last Chance Gulch, Helena, MT, located in a DT 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> §11-9-7 (D) (5) (b) Wall signs	Signs may be externally illuminated with down directed, fully shielded fixtures only.	Current wall signs are capable of internal illumination. Sign lighting is currently disabled per restrictions on internal illumination in the Downtown Zoning district.	Allow internally illuminated signs on the Seeley Building in the Downtown zoning district.	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, January 25, 2024, 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**

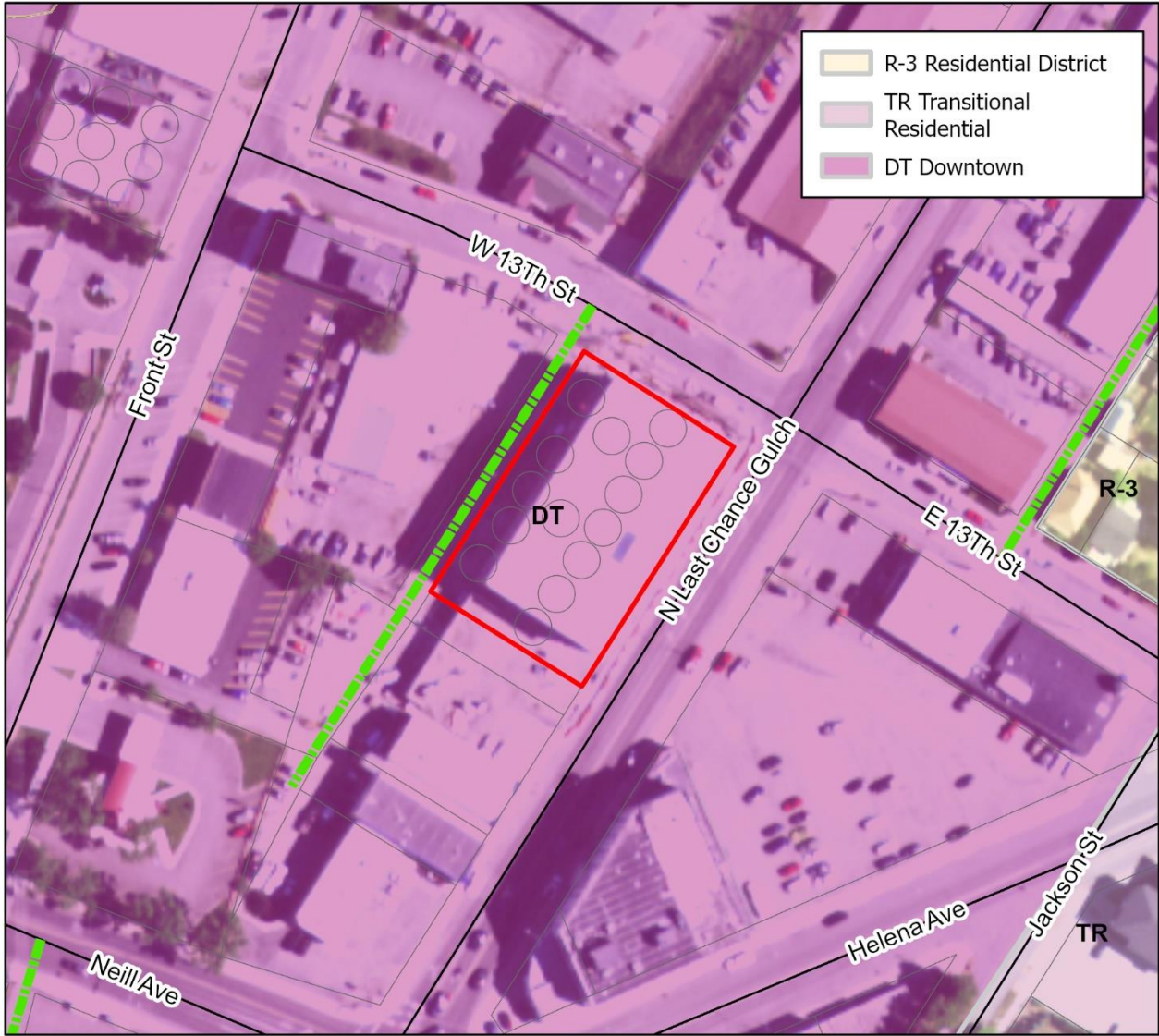
1. A variance from Section 11-9-7 (D) (5) (b) to allow an internally illuminated and backlight wall signs for a property with a legal description of Lot 9A being a portion of Lots 8, 9 and 10 of the Chessman and Davis Placer, and part of Lot 1, Block 4 of the Central Addition to the City of Helena, Lewis and Clark County, Montana, as shown on the Certificate of Survey filed under Doc. No. 3349376.

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

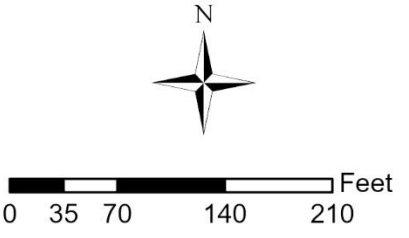
# 630 N Last Chance Gulch Zoning Map



- 630 N Last Chance Gulch
- Paved
- Unpaved
- Alley
- MT Parcels w Condos



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316 North Park Avenue, Rm. 445  
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Legal Description: CHESSMAN AND DAVIS CENTRAL ADD, S30, T10 N, R03 W, Lot 9A, ACRES 0.57, COS #3349376,

