



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

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 _____
Address City State Zip Code

Legal Description (Block & Lots, Subdivision, COS#) _____

Geocode _____

The most recent deed for impacted property

Lot or Parcel Size (square feet) _____

Current and proposed use of structure or property: _____

Current Zoning District _____

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: _____
- Reduce rear lot line setback: _____
- 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.

- 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.

- 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.


- 4. **The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.**

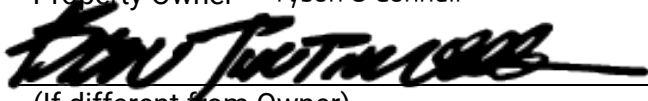
Is the need for a variance request a result of government action? For example, the front yard setbacks were increased after construction of the structure, thereby creating the non-conformity. Explain.

- 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.

I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

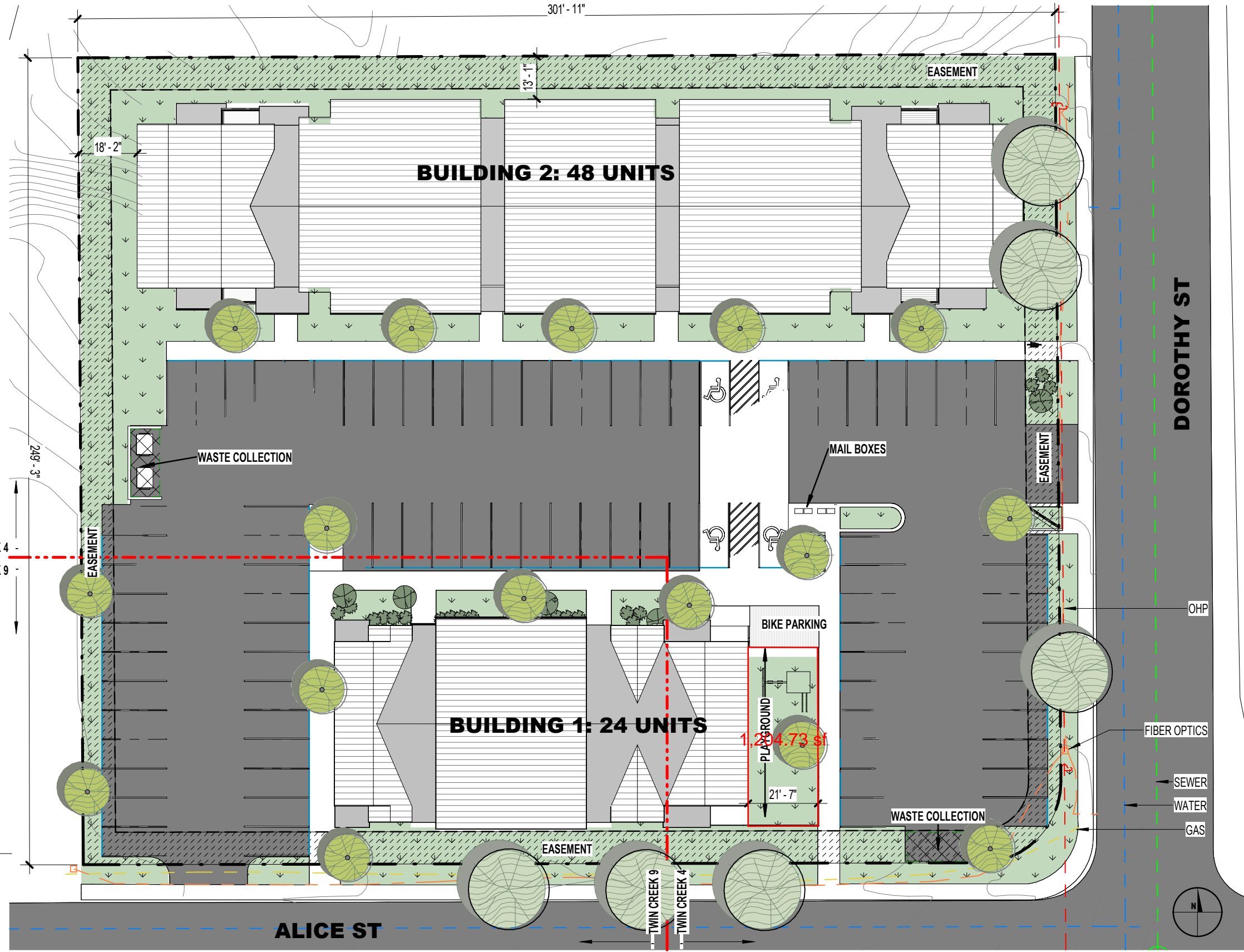
Signed:  Tyson O'Connell Date: 01/17/24
Property Owner Tyson O'Connell

Applicant:  Date: 01/22/2024
(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.



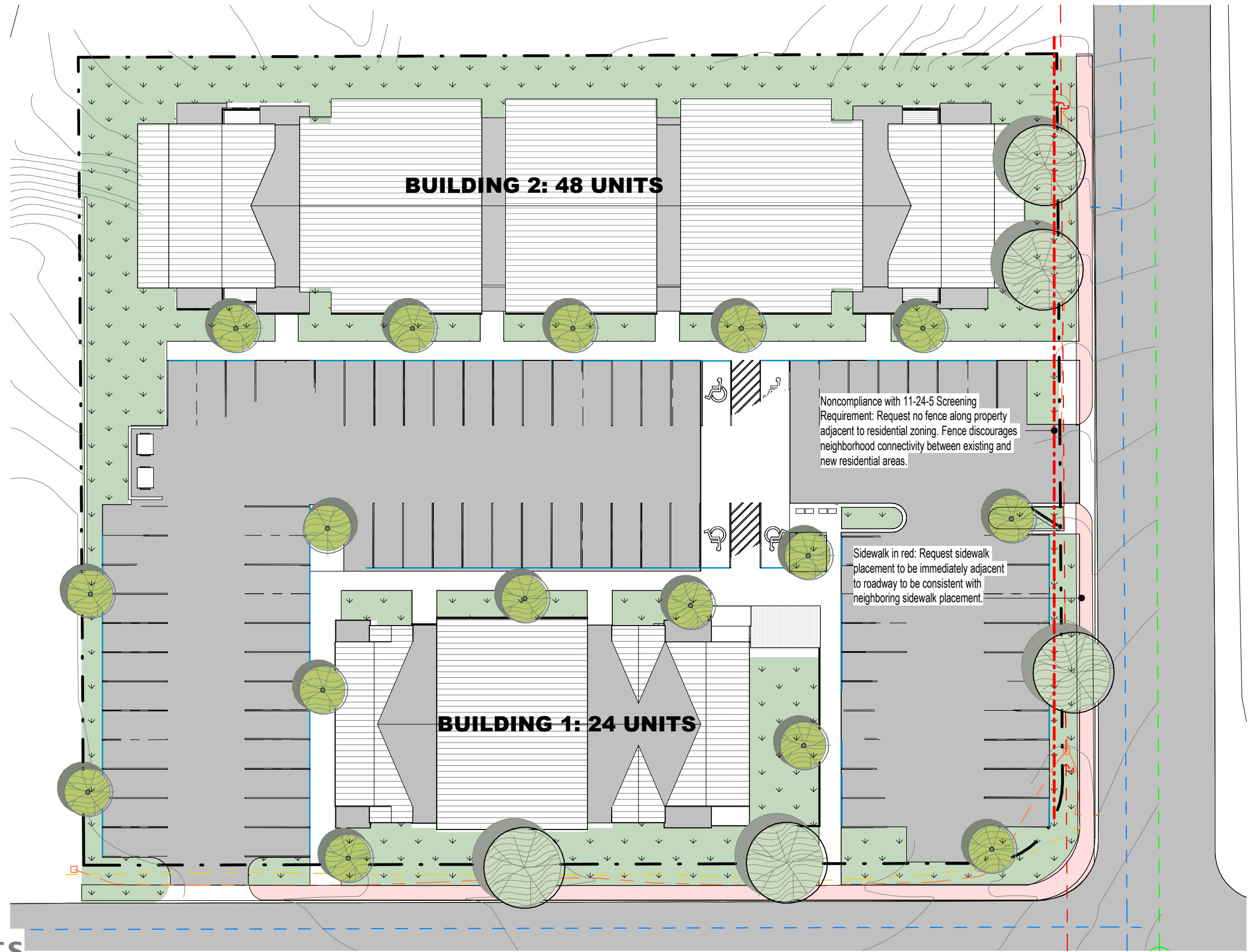
1 SD SITE PLAN
1" = 30'-0"

.a1
SD Site Plan

TWIN CREEK APARTMENTS

1/30/2024 3:38:41 PM © all rights reserved

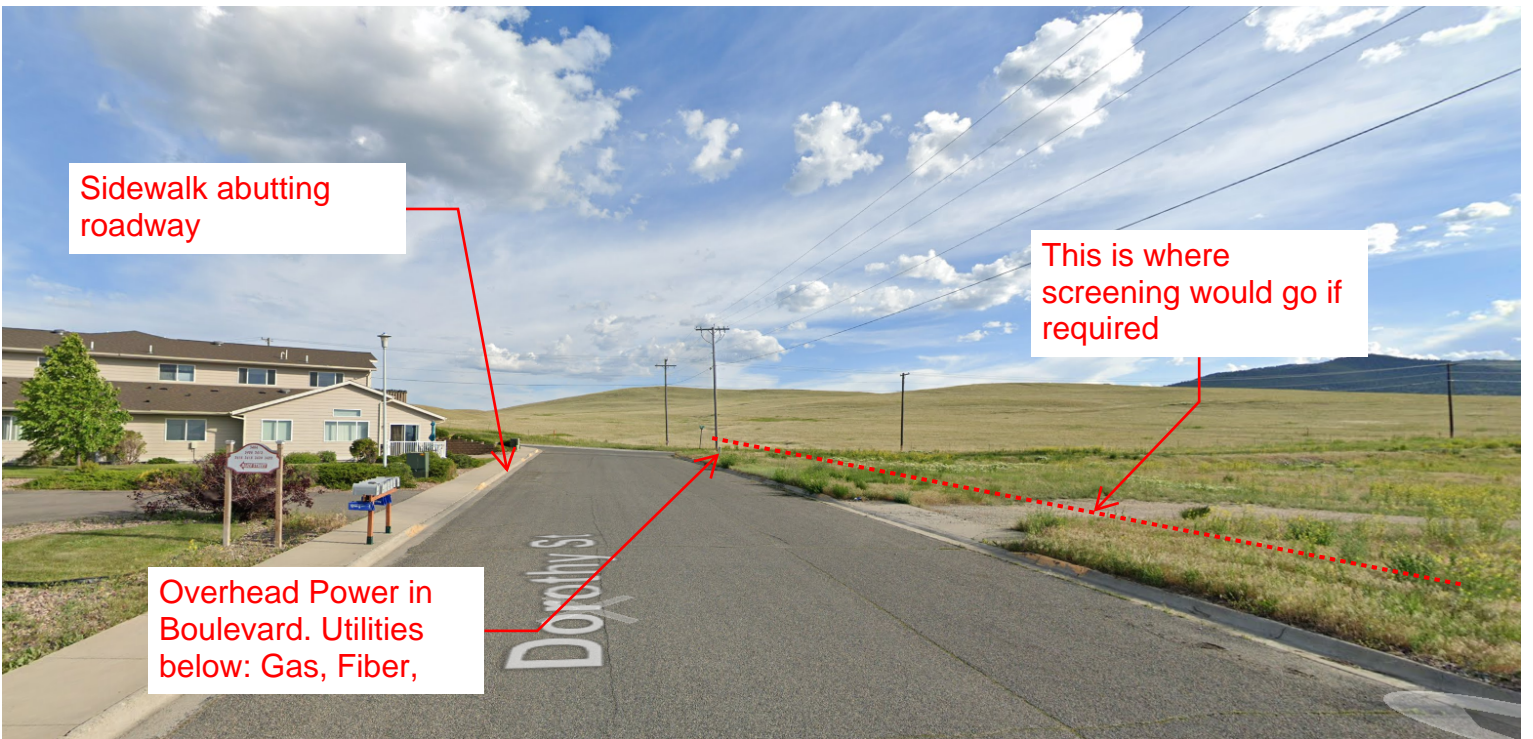
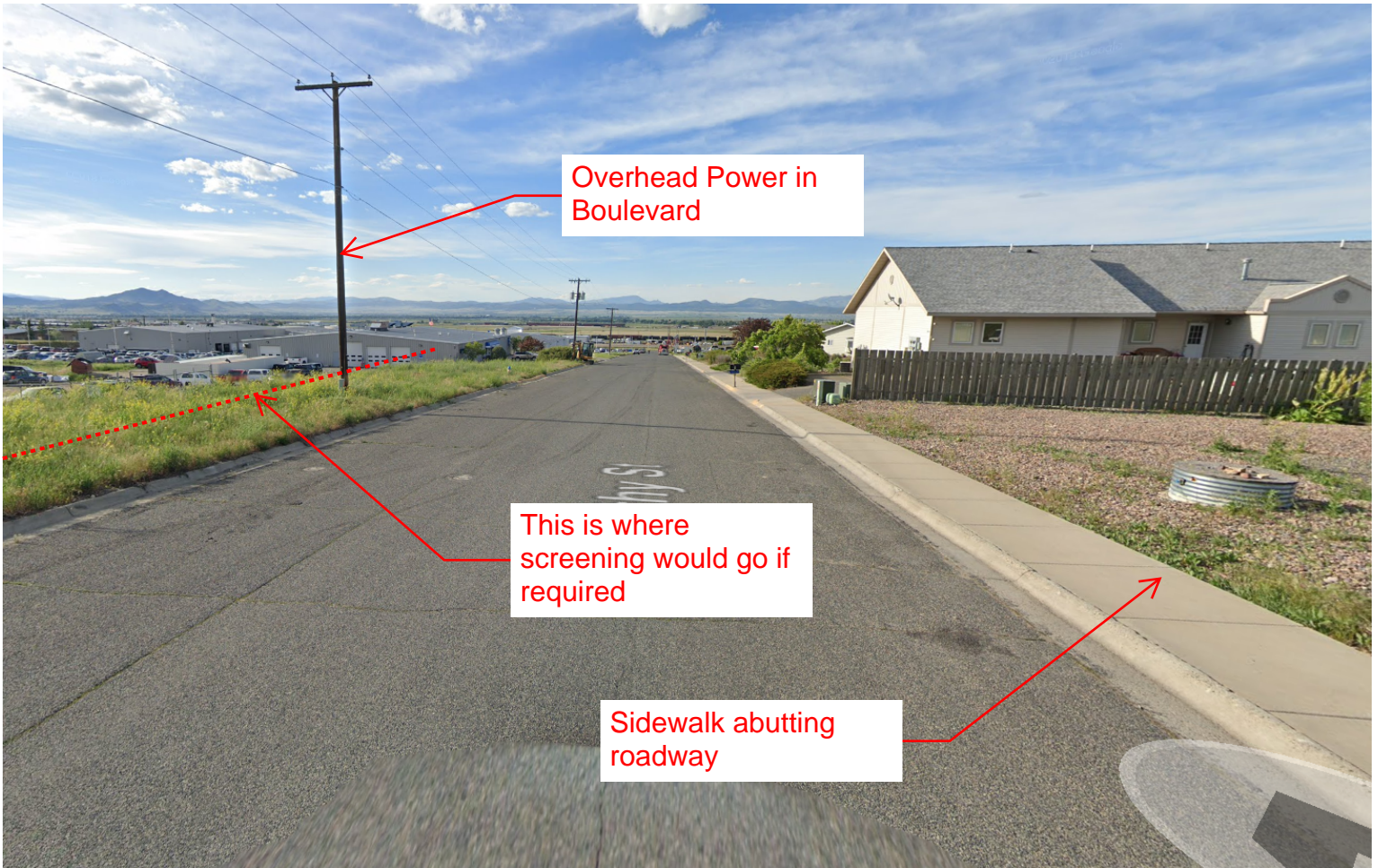
12/14/2023



.a7
Variance Requests

TWIN CREEK APARTMENTS
 for UNITED HOUSING PARTNERS
 12/01/23

1 SD SITE PLAN 120123_Variance Requests
 1" = 30'-0"



Neighborhood Photos



Neighborhood Photos

AMENDED PLAT 4932

PURPOSE OF SURVEY :

To relocate common boundaries in Blocks 4 and 5 of the "Amended Plat For A Portion Of Blocks 2, 3 & Blocks 4, 5 & 6 Of The Sleeping Giant Addition" to The City Of Helena, Montana, in order to eliminate the park parcel & create two new lots (Lots 9&10) and increase the size of Lots 3&6 in said Block 4, and to increase the size of Lots 3&8 in said Block 5 by aggregating some of the park parcel into said Lots 3&8.

GENERAL NOTES

BASIS OF BEARING

The bearings shown on this plat are grid bearings on the "Montana Coordinate System, Central Zone". The basis of bearing is the 24,610' line from the south 1/4 corner of Sec. 27 to point #2 of the City of Helena's "Map Standardization Survey", a bearing of N 87° 41' 01" W. The convergent angle for the west limits of this survey is -01° 48' 35", and for the east limits is -01° 48' 22".

MEASUREMENTS

R = Record distance and bearing, or angle
m'd = bearing and distance, or angle measured with this survey, either directly or indirectly by coordinate inverse.

MONUMENTATION

● = Monument found with this survey
○ = Monument set with this survey (1/2" x 24" rebar with yellow plastic cap stamped "8237 LS") or as described on this plat.

RECORD SOURCES USED

R-1 = The plat of the Sleeping Giant Addition (COS #310668) by Ralph A. Knauss, 2110 ES Oct. 1979
R-2 = The Amended Plat For A Portion Of Blocks 2, 3 & Blocks 4, 5 & 6 Of The Sleeping Giant Addition by Lowell C. Hanson, 2523 ES, Aug. 1982.

APPROVAL OF PLAT

Charles D. Hanson 7-21-93 CITY ENGINEER
Kathleen D. Macfield 7-21-93 CITY PLANNING DIRECTOR
Al Ray McKenna MAYOR

CERTIFICATION OF SURVEYOR

I hereby certify that the attached plat is a true representation of a survey made under my supervision and direction, that monuments were set as described on the attached plat, and that this plat was prepared in accordance with MCA 76-3-101 through 76-3-614

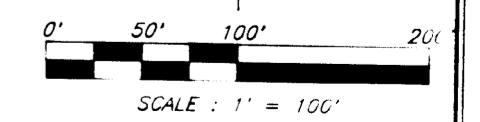
Frank A. Ritchie Date 7-21-93
Frank A. Ritchie, Montana, Registration No. 8237 LS



Deanne E. Long
Reviewing Land Surveyor
Mont. Reg. No. 9962-LS
Reviewed Under Section 76-3-611, MCA
Date 8-4-93

This is to certify that taxes are current and paid through _____

_____ date _____
LEWIS & CLARK COUNTY TREASURER



1/4	SEC	TWP	RGE
SW	27	10 N	3 W



Δ = 89° 44' 00"
R = 25'
T = 24.88'
L = 39.15'

Δ = 90° 14' 09"
R = 25'
T = 25.10'
L = 39.38'

SIDEWALKS

Installation of sidewalks by the future lot developers will be accomplished at the time a building permit is issued for each lot. Said sidewalks shall be installed on the south side of Trisha Street.

STORM WATER RETENTION EASEMENTS

Easements for the construction of stormwater retention basins are hereby reserved on all parkland shown on this plat. Actual construction of the basins must be approved by the governing body.

UTILITY EASEMENTS

Easements for the installation and maintenance of electric, telephone, television cable and gas service, surface and subsurface drainage facilities are reserved upon, over, along and under all lot lines. Said easements shall extend 10 feet on either side of all lot lines.

STORM WATER RETENTION

The developers of each lot will be required to provide runoff storage facilities to retain the difference between the historic runoff and the increased runoff due to the development on the lot. An adequate storm drainage plan must be submitted prior to the issuance of any building permits.

EASEMENTS THROUGH PARK LAND

Perpetual easements and/or reservations for the installation and maintenance of utilities such as but not limited to telephone, television cable, gas service, surface and subsurface drainage facilities, electrical, sewer and water, and in addition areas for the installation of walkways and bikeways are hereby reserved through all park areas.

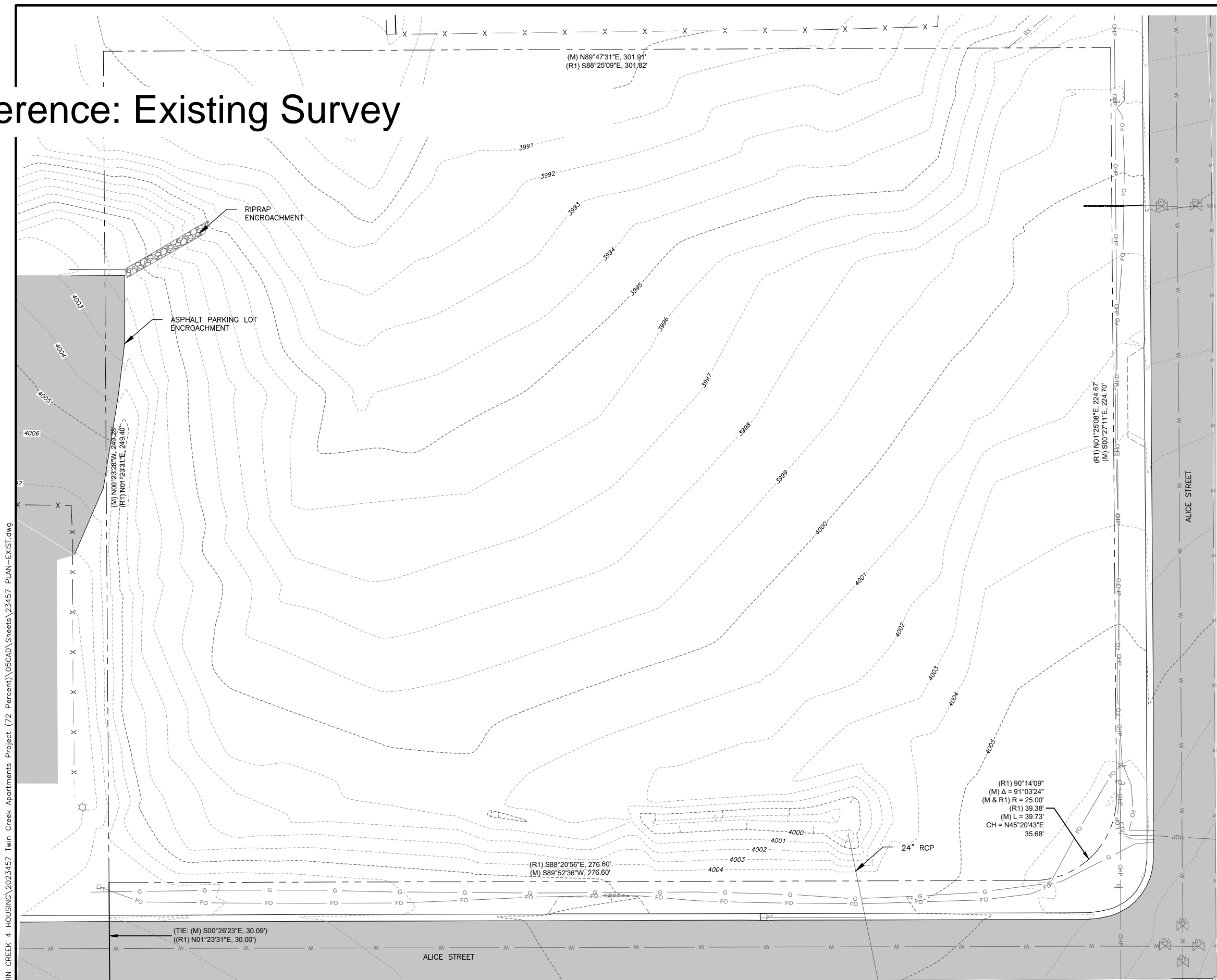
EXEMPTION FROM REVIEW BY DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES FOR LOTS 3-A & 8-A, BLOCK 4, & 3-A & 8-A, BLOCK 5

I (we) hereby certify that the purpose of this division of land is to acquire additional land to become part of a parcel that has no sanitary restrictions imposed on it, and that no dwelling or structure requiring water or sewage will be erected on the additional acquired parcel. Therefore, this division is exempt from review by the Department of Health and Environmental Sciences pursuant to ARM 16.16.025 (2) (A).

1993 JUL 27 PH 1:51

PUT OF RECORD BY M14 PAGE
Shelby Mcintosh

Reference: Existing Survey



PROJECT: 2023-457		NO.	REVISION DESCRIPTION	BY	DATE
DESIGNED: SD	NO.	△			
DRAWN: SD	NO.	△			
CHECKED: JF	NO.	△			
APPROVED: JF	NO.	△			
DATE: 11/27/2023					
 ENGINEERING 1275 MAPLE STREET, SUITE F HELENA, MT 59601 (406) 443-3962					
TWIN CREEK 4 HOUSING ASSOCIATES TWIN CREEK APARTMENTS EXISTING CONDITIONS					
SHEET NO. A OF X					

K:\Helena\TWIN CREEK 4 HOUSING\2023457 Twin Creek Apartments Project (72 Percent)\05CAD\Sheets\23457 PLAN-EXIST.dwg



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: February 23, 2024

STAFF REPORT

To: Helena Board of Adjustment

From: Kyle Holland, City Planner II

Subject: Consideration of:

1. A variance from Section 11-24-5 (A) to remove required screening for a tract in a commercial district that is adjacent to a residential district for a property in a B-2 zoning district with a legal description of Lot 5-A, Block 4 of the Sleeping Giant Addition to the City of Helena, County of Lewis and Clark, State of Montana as shown on the Amended Plat of said Sleeping Giant Addition on file and of record in the office of the Clerk and Recorder of Lewis and Clark County, Montana as Document No. 504523/A

The reason for this variance is to remove the screening requirement for a new apartment complex.

This Property does not have an address assigned but is generally located at the northwest corner of Alice St and Dorothy St.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Application received January 25, 2024

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

PROPERTY OWNER: United Housing Partners
REPRESENTATIVE: Tyson O'Connell
MAILING ADDRESS: PO BOX 5669, Helena MT, 59604
CONTACT NUMBER: (406) 531-4745
EMAIL ADDRESS: Tyson@uhousingpartners.com

APPLICANT: Ben Tentinger
MAILING ADDRESS: 317 Cruse Avenue, Helena, MT 59601
CONTACT NUMBER: (406) 449-2013
EMAIL ADDRESS: ben@mosaicarch.com

LEGAL DESCRIPTION:

Lot 5-A, Block 4 of the Sleeping Giant Addition to the City of Helena, County of Lewis and Clark, State of Montana as shown on the Amended Plat of said Sleeping Giant Addition on file and of record in the office of the Clerk and Recorder of Lewis and Clark County, Montana as Document No. 504523/A

PRESENT LAND USE: Vacant

PRESENT ZONING: B-2

ADJACENT LAND USE:

- North: B-2- Vehicle Repair
- South: County Urban Residential Mixed-Use Zone – R1/R1 – Vacant
- East: R-4- Residential
- West: B-2- Commercial

VARIANCE PROPOSALS:

1. A variance from Section 11-24-5 (A) to remove required screening for a tract in a commercial district that is adjacent to a residential district for a property in a B-2 zoning district with a legal description of Lot 5-A, Block 4 of the Sleeping Giant Addition to the City of Helena, County of Lewis and Clark, State of Montana as shown on the Amended Plat of said Sleeping Giant Addition on file and of record in the office of the Clerk and Recorder of Lewis and Clark County, Montana as Document No. 504523/A

HISTORY OF APPLICABLE PERMITTING ACTION:

- 1) This is a vacant lot

ZONING EVALUATION for the unaddressed property generally located at the northwest corner of Alice St and Dorothy St.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: §11-24-5 (A)	The side of a tract in a commercial district that is adjacent to a residential district, except driveways, walkways, and approaches, must be screened from that residential district. A commercial tract is considered adjacent to a residential district even if it is separated by a public right of way.	Vacant lot adjacent to a residential district to the east across Dorothy Street.	Remove requirement for screening between adjacent residential uses with residential and commercial zoning.	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 Friday, February 23, 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

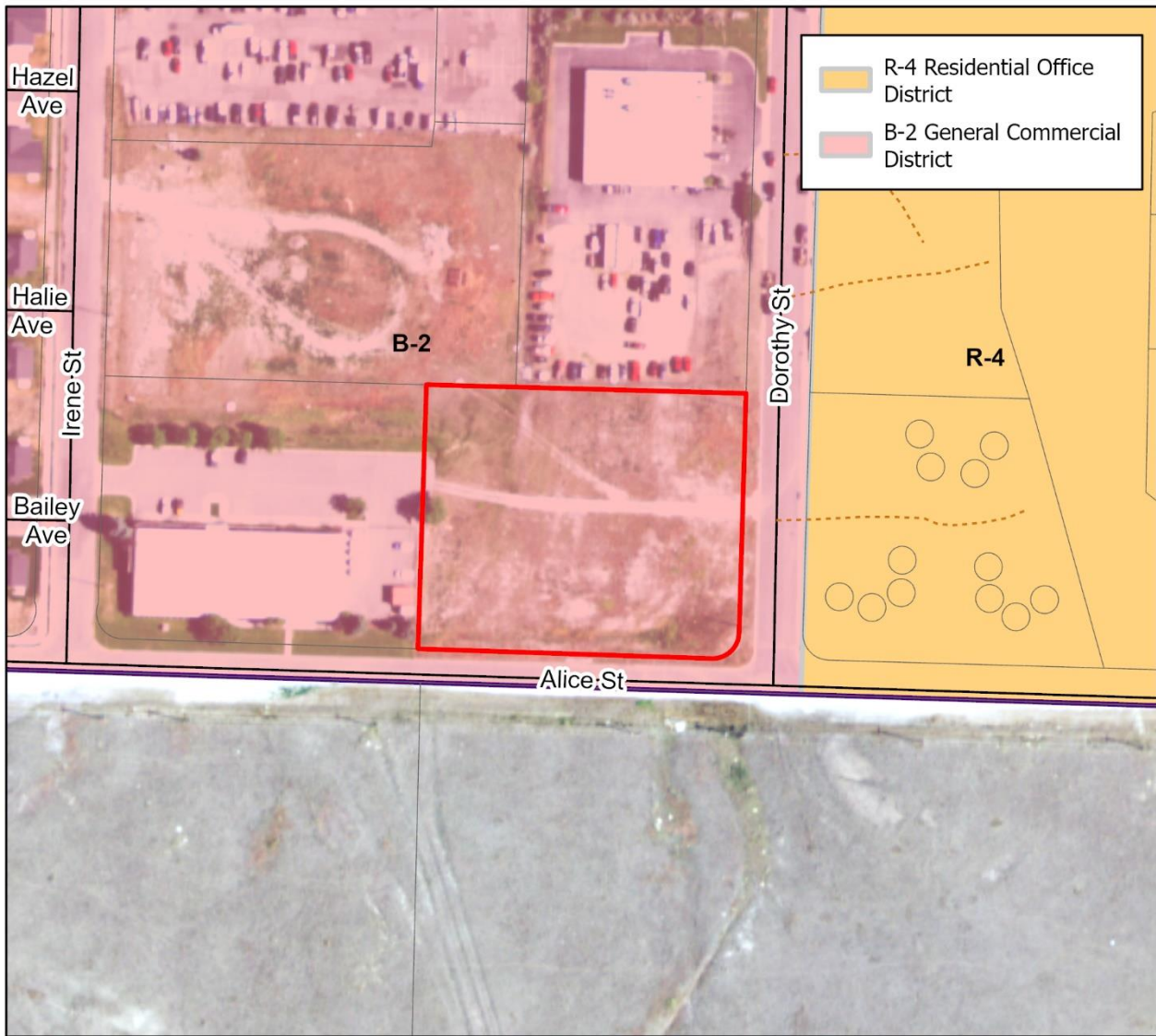
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Regards,


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

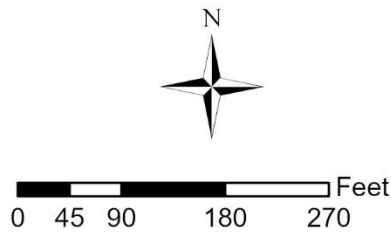
Alice St and Dorothy St Zoning Map



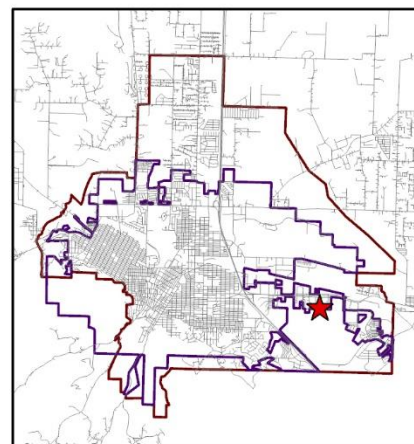
Dorothy St and Alice St
 Paved
 Driveway
 MT Parcels w Condos



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



Legal Description: SLEEPING
 GIANT AMEND INDUS PARK,
 S27, T10 N, R03 W, BLOCK 4,
 Lot 5A, COS #504523/E





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: February 15, 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 March 5th, 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, March 5th, 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/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/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 11-24-5 (A) to remove required screening for a tract in a commercial district that is adjacent to a residential district for a property in a B-2 zoning district with a legal description of Lot 5-A, Block 4 of the Sleeping Giant Addition to the City of Helena, County of Lewis and Clark, State of Montana as shown on the Amended Plat of said Sleeping Giant Addition on file and of record in the office of the Clerk and Recorder of Lewis and Clark County, Montana as Document No. 504523/A

The reason for this variance is to remove the screening requirement for a new apartment complex.

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>.

ADDRESS:

This property does not have an address assigned to it at this time.

GENERALLY LOCATED:

This property is located at the northwest corner of Alice St and Dorothy 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

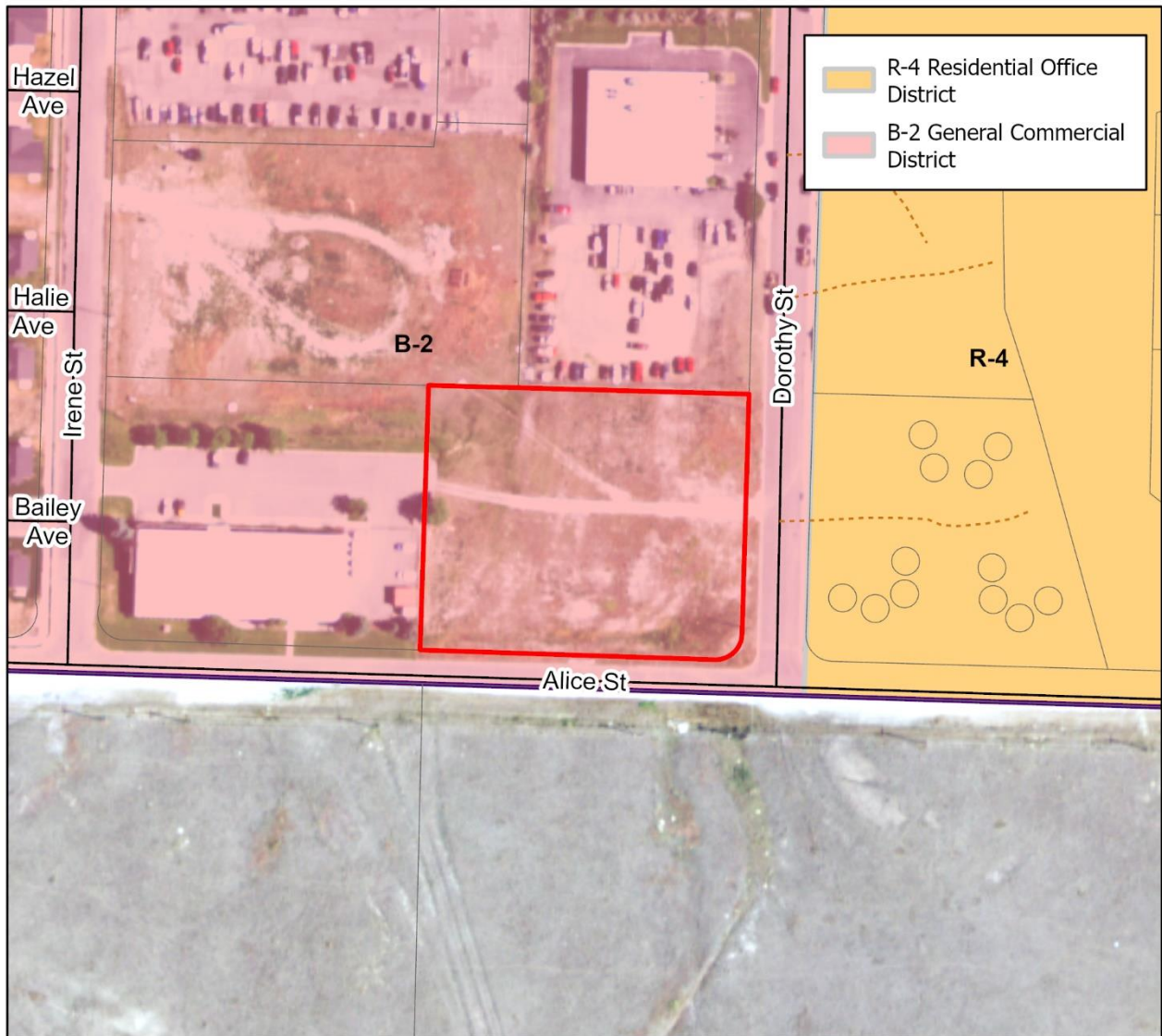
Community Development Department

City-County Building


316 N. Park Ave, Rm 403

Helena, MT 59623

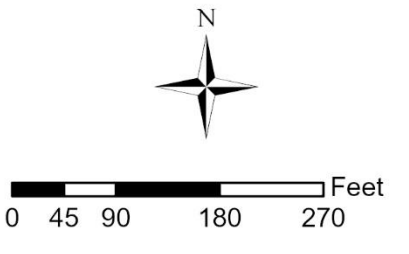
Alice St and Dorothy St Zoning Map



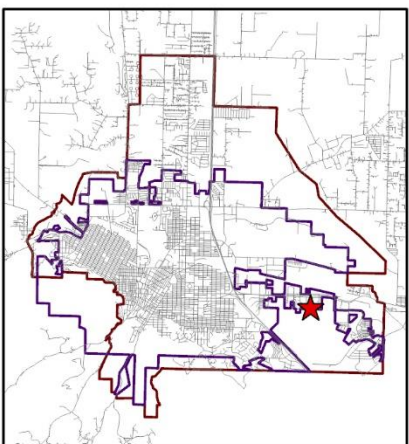
- Dorothy St and Alice St
- Paved
- Driveway
- MT Parcels w Condos



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



Legal Description: SLEEPING
GIANT AMEND INDUS PARK,
S27, T10 N, R03 W, BLOCK 4,
Lot 5A, COS #504523/E



Project Reviews

City of Helena

Project Number: ZBOA2401-001

Description: Twin Creek Apts

Applied: **1/24/2024**

Approved:

Site Address:

Closed:

Expired:

City, State Zip Code: ,

Status: **RECEIVED**

Applicant: **Ben Tintinger**

Parent Project:

Owner: **United Housing Partners**

Contractor: **<NONE>**

Details:

LIST OF REVIEWS

SENT DATE	RETURNED DATE	DUE DATE	TYPE	CONTACT	STATUS	REMARKS
Review Group: ALL						
2/9/2024	2/20/2024	2/22/2024	TRANSPORTATION SYSTEMS	Mark Young	NO COMMENT	
Notes:						
Review Group: AUTO						
1/24/2024		1/27/2024	DIRECTOR REVIEW	Christopher Brink		
Notes:						
Review Group: ZONING						
2/9/2024	2/16/2024	2/22/2024	BUILDING	Kim Mack	NO COMMENT	
Notes:						
2/9/2024		2/22/2024	CITY ATTORNEY	AIMEE HAWKALUK		
Notes:						
2/9/2024		2/22/2024	FIRE	Lou Antonick		
Notes:						
2/9/2024		2/22/2024	HCC	Peggy Benkelman		
Notes:						

Project Reviews

City of Helena

2/9/2024		2/22/2024	PARKS	DOUG SMITH		
Notes:						
2/9/2024		2/22/2024	POLICE	Jayson Zander		
Notes:						
2/9/2024	2/20/2024	2/22/2024	PUBLIC WORKS	JAMIE CLARK	NO COMMENT	
Notes:						