



# 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](mailto: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.

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- 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.

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- 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.

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- 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.

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- 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.

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**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.

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**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.**

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**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.**

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

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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: \_\_\_\_\_  
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.

## Section B: Requested Zoning Variances for the Bell Hotel

1.  Lot Coverage: From the required 50% to 42% net coverage/35% gross coverage.
2.  Transparency: From the required 50% to 47% (ground floor, primary street frontage).
3.  Entrance Access: From pedestrian entrance along the primary, frontage street to entrance access located on the east side of the lobby building.
4.  Building Setback on Primary and (Secondary) Street: From 0 feet to 10 feet.

We are seeking four zoning variances; to reduce lot coverage, reduce transparency, adjust the building entrance point, and increase the setback on the Primary (and Secondary) Street. As you will see, all four of these variances are sought due to the special circumstances created when a lot located on State Highway 12 is zoned for Downtown. The close proximity to high-speed traffic instigates unique building conditions limiting the ability to meet the specific Downtown zoning standards. Moderate lot coverage, low transparency, non-frontage pedestrian entrances with deep building setbacks are the norm, not the exception, among structures in the vicinity. We believe that when presented with sensible rationale for these variances, votes in favor of the code adjustments will be in the best interest of this development. Thank you for your consideration.

Section D: Evaluation Factors for ***Lot Coverage*** Variance Request

- 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.*

The buildable area on the site is altered by two deviant circumstances that limit our ability to meet the required 50% lot coverage. First, the site is defined by overhead, unmovable electrical lines that reduce the amount of buildable space. Second, the project site requires 14 parking spaces and fire/emergency vehicle accessibility, further minimizing the buildable space.

A3500 sq/ft hotel footprint (7,000 sq. ft total, two stories) and 600 sq/ft lobby building combine to provide 35% gross lot coverage. However, due to overhead Northwestern Energy power lines, the footprint of buildable space is diminished along the site's northern edge. Montana Department of Transportation's (MDT) streetlamp power lines along the southern edge further deplete the amount of buildable space. According to OSHA safety standards, the buildings must have a 10 ft setback from all power lines. This



requirement takes us from 18,845 buildable sq/ft to 15,690 buildable sq/ft. When this actual buildable area is considered, the buildings nearly meet the lot coverage requirement by providing 42% net coverage.

Northwestern Lines:



Montana Department of Transportation Lines:



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Current zoning standard #11-9-7-D.3 states that up to 1 parking space per dwelling unit are allowed for hotel/overnight accommodation. We are seeking 14 parking spaces (one of which is ADA) for our 14 room boutique hotel. This minimal number of parking allows for no more than one vehicle per room/guest and eliminates staff parking. On-street parking is unavailable on Lyndale. Public parking on Memorial Drive (a designated alley) will be utilized by hotel staff as available, but is not guaranteed.

The closest parking garage is three blocks and three intersections away, including a major intersection at Lyndale and Last Chance Gulch, a state highway (Lyndale Avenue is designated State Highway 12). It would cause unreasonable and unnecessarily impractical to expect hotel guests to haul their luggage and themselves that distance through a dangerous, high-traffic, high-speed intersection.

Walking Route from Parking Garage to 40 E. Lyndale:



Our parking area must provide enough space for fire and emergency vehicles to enter the property, maneuver (within their turning radius), and exit the site. To ensure the health and safety of the public, we need to guarantee appropriate access to emergency services, despite the negative impacts on lot coverage percentage. The site plans have been favorably reviewed by Lou Antonick at the City Fire Department, agreeing that there is sufficient space for the City's largest fire engine to maneuver through the property.

- 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.*

There are no existing structures currently on the property. In the vicinity of the site, along Lyndale and Memorial Drive, no other structures occupy a 50% lot occupancy. All other lots within eyesight include parking spaces that restrain building lot coverage.

- 3. Whether there is a prevalence of nonconformities in the vicinity of the site that is similar to the variance requested.** *If so, what are those nonconformities and provide supporting documentation.*

The Property neighboring 40 E. Lyndale to the West at the intersection of Last Chance Gulch and Lyndale Ave. is not in Downtown code compliance; the site hosts a drive through feature, is not in compliance with lot line setback requirements, is not in compliance with lot coverage and main access entrance is not on the Primary Street. The

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Property to the South at the intersection of Last Chance Gulch and Lyndale Ave. is not compliant with Downtown Codes; the structure features a drive through, parking on the Primary and Secondary Streets, not compliant lot line setbacks, and main access entrance is not on the Primary Street. All of the requested variances for the development at 40 East Lyndale Ave. have been deemed acceptable at the neighboring properties zoned Downtown operating with similar property specifications.

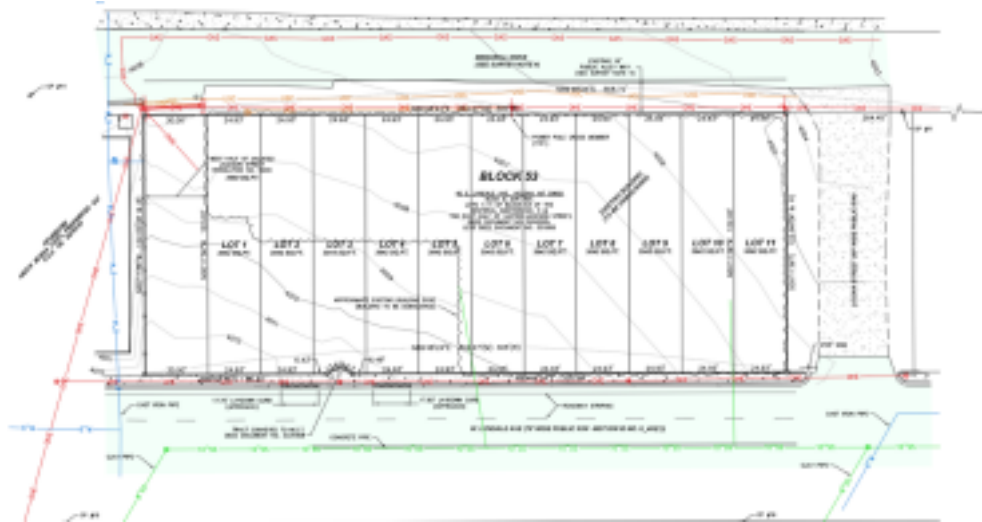
Properties neighboring the property to the East are zoned B2 and are in compliance with zoning code. It should be noted that these properties feature structures that are moderate in lot coverage, have entrances and properties set back at minimum 10' on the Primary Street, and offer modest transparency, a majority of the structures reference design of residential homes.



Property to the West Property to the South

**4. The subsequent imposition of zoning restrictions creating nonconforming lots of 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 nonconformity. Explain.***

Yes, in 2018, the Montana Department of Transportation purchased 25 sq/ft of property around a light pole along Lyndale (south side of the property) resulting in power lines hanging at the lot line of the site, forcing a reduction to the building envelope for redevelopment. NorthWestern Energy and Charter Communications host overhead lines on the surveyed property along Memorial Drive. The overhead lines stand at the lot line for the length of the property, requiring the structure to exist no more than 10’ in proximity according to OSHA standard, further reducing our envelope for development.



- 5. Whether a literal interpretation of the provisions of this title would deprive the property owner of the 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.**

Yes, denying the variance would deprive the property owner of rights enjoyed by others similarly situated in the surrounding area. Requiring this site to uphold 50% lot occupancy as the sole property in the neighborhood would be an unfair burden not required of others, directly affecting parking, access points for fire and safety vehicles and subsequently, the customer experience. Removing our parking area where parking areas are typical would revoke the owner of rights granted by off street parking, as noted in section 11-22-3.

- 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.**

Efforts to accommodate lot occupancy are impacted by parking lot space and maneuverability as well as proximity and location of overhead power lines owned by Charter and Northwestern Energy. An inquiry to bury their overhead electrical lines to utilize the entirety of the lot lead to the following conclusion presented by Northwestern Energy representative Kyle Woodlief by email on 11/14/22 that our request would not be possible due to material supply shortages: “Unfortunately, we won’t go overhead to underground on such a short distance. The only way to go underground would be to go from the south side of Lyndale, install switch gear on your property which would require an easement, and go underground for most of Memorial Drive. This would end up costing 100s of thousands of dollars and would not be able to get done until after 2024 as it would take that long to get materials.” Follow-up conversations with Mr. Woodlief further solidified the determination that burying the power lines is not an option and that we must set the building back 10ft from the power lines along Memorial Drive and Lyndale, as required by OSHA safety standards.

- 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.**

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Downtown zoned properties to the East and South are in non-compliance with similar, if not exact variance adjustments this development is requesting. To require our structure to operate with Downtown zoned required proximity of a 0' Lot Line setback, as well as host our main entrance door, to a State Highway with a speed limit of 35 MPH- is unreasonable and is a privilege all surrounding properties enjoy. The scenic views are as minimal as the pedestrian traffic along Lyndale Ave., an access point at this location would pose inconvenience and a risk of safety for guests, their children and pets. It lacks logic in placement, and undue wear and distress to building materials with proximity to highway snow removal and traffic dirt.

The surrounding properties in the area zoned for B2, are afforded freedom from in depth zoning standards as compared to Downtown zone code. As a result, we would not be determined to have unreasonable special privilege with our proposed lot coverage variance, while our neighbors benefit from less regulation.

**8. Do you think a rebuttal presumption, as identified in City Code Sections 11-5-5(E), should apply to your property, yes or no?**

*11-5-5(E) A property owner who desires to reconstruct a nonconforming building or nonconforming portion of a building must apply for a variance. When reviewing the variance to reconstruct a nonconforming building, the property owner is entitled to a rebuttable presumption that the standards for evaluating the variance are met if the property owner can prove the existence of the prior nonconformity and that the nonconformity can be built in compliance with building and fire codes.*

No.

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

While pergolas do not officially count towards lot coverage, we do intend to build two covered pergolas along the west edge of the property in addition to a large covered patio on the north side of the lobby to fully utilize every inch of the property, making the site feel full, cohesive and inviting. This site, designated as a gateway to Downtown, recently assimilated into Downtown zoning poses specific site parameters that are unique to this location. Neighboring Downtown zoned properties that have a primary street on a highway, are void of a secondary street all accommodate to one extent or another, the requested variances for this development. Given the unique parameters to create a successful outcome, it is our hope that the Board of Adjustments recognizes our genuine efforts to accommodate the zoning code while building our community minded, tax generating, small business.

CWG Design Concept Rendering with Pergolas:



BOA

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## Section D: Evaluation Factors for ***Transparency*** Variance Request

- 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.*

The location of the lot and its close proximity to a high-traffic state highway limits our ability to meet the ground floor story, primary street frontage transparency requirement of 50%, narrowly at 47%. Having State Highway 12 as our primary frontage creates three special conditions that drive our need for a transparency variance: proactively protecting against structural damage, increasing public safety, and reducing traffic noise. In a deliberate effort to avoid setbacks, in accordance with zoning, we have compromised transparency to address these extenuating circumstances.

The previous structure was frequently damaged by MDT snow plows, semi-trucks, and other large vehicles that spit out gravel, ice, and debris in all directions when passing by the property. Having additional fragile glass in the lobby along this busy highway would make the building vulnerable to ongoing, costly damage.

In the unfortunate and genuine possibility of a vehicle hitting the lobby, walls provide more safety than windows. There are dozens of these wrecks reported around the country annually, and two incidents recently in Helena. In January 2021, a vehicle crashed into an apartment building at the intersection of Euclid and Glendale Street after swerving to miss a car that cut them off. In 2018, a sedan drove through the front of a coffee shop on Helena's west side. The former Memorial Apartments in this exact location was also struck by a passing vehicle, the photo below demonstrates the damage caused by the incident.



The lobby will serve as a guest lounge and gathering space, which the loud sounds of heavy traffic would negatively impact. The protective wall space improves the lobby's acoustics by better insulating and blocking out undesirable street noise. After proactive discussions with the City Planning Office, the lobby has been reconfigured to boost transparency significantly. The result is a design that balances the transparency requirement with the health, safety, and enjoyment of the public.

- 2. The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.** *Ex: How is the purposed 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.*

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There are no existing structures currently on the property. In the vicinity of the site, every single surrounding structure has less than 50% transparency on the primary street frontage. These nonconforming structures also have deep setbacks that provide many feet of landscaping to buffer their buildings from Highway 12 for the safety and damage reasons outlined above.

- 3. Whether there is a prevalence of nonconformities in the vicinity of the site that is similar to the variance requested.** *If so, what are those nonconformities and provide supporting documentation.*

Neighboring properties to the East are zoned B2. and are in compliance with zoning code, however, if the lots in the area were zoned for Downtown, all would be considered nonconforming because they do not provide 50% transparency.

The Property neighboring 40 E. Lyndale to the East hosts transparency significantly less than 50%





Property to the West, zoned DT Properties to the East, zoned B2

**4. The subsequent imposition of zoning restrictions created nonconforming lots of 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 nonconformity. Explain.***

Yes. The Downtown zoning regulations are new to this site and do not conform with the surrounding structures. Therefore, this site is being held to standards that are not required in the vicinity. If the variances in this application are not allowed, the result will be inconsistent lots of parcels within a 2-3 block radius. The property was zoned Downtown in 2018 when the former Memorial Apartments was still standing as blight.

**5. Whether a literal interpretation of the provisions of this title would deprive the property owner of the 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.***

Yes. The denial of this variance would deny the property owner the opportunity to build structures best suited for this location. All other neighboring buildings in the area have been constructed in ways and locations on the lots that accommodate the high volume, speed, pollution and traffic the State Highway creates as a Primary Street.

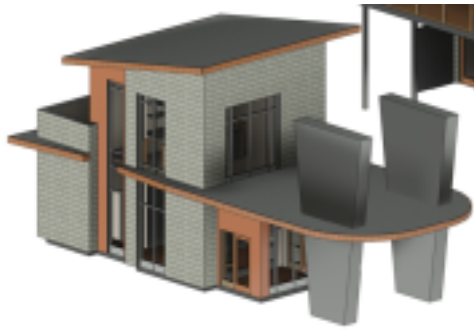
**6. The extent to which the hardship or difficulty results from the actions of the applicant. *Explain the extent of the circumstances that are creating hardship or difficulty in compliance with the City Code and list alternatives and options considered by the applicant. Provide supporting documentation.***

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The lobby has been thoughtfully modified to maximize transparency following input received from the City. The initial design had 21% transparency. However, we listened closely to the Planning Office's recommendations and moved the lofted office and the bathroom location to accommodate more windows. Despite the added cost of making these changes, we were able to increase transparency from 21% to 47%. In an attempt to accommodate code to the best of our abilities, we have a design that balances the zoning transparency requirement with the health, safety, and enjoyment of the public. (see photos below).

Initial Design: Redrafted lobby design:





**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.**

No, granting the variance request will not afford a special privilege. The variance is minimal and will be unnoticeable when viewed in comparison to other buildings zoned Downtown. At 47% transparency, this structure will be built with much more glass on the primary frontage than the surrounding properties. The development at 40 East Lyndale Ave. is in greater compliance with Downtown Zoning Code transparency requirements than any neighboring property.

**8. Do you think a rebuttal presumption, as identified in City Code Sections 11-5-5(E), should apply to your property, yes or no?**

No.

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

Primary street transparency requirements are intended to stimulate commerce experiences for pedestrian traffic, the intent for this zoning code is not appropriately applied to this location that lacks safe pedestrian traffic options along Lyndale Avenue.

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Section D: Evaluation Factors for *Entrance Access* Variance Request

- 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.*

Few, if any, structures exist on the lot line of State Highway 12 going both East and South. Incomplete sidewalk stretches line Lyndale Ave. between Montana Ave. and Last Chance Gulch intersections with no safe crossing points that provide pedestrian access along the primary street frontage.

It is evident that property owners, know that it simply would not be safe to have an entrance to a building that encourages the public to pin themselves between a high-traffic route near a busy intersection and the front of a building— between a rock and a hard place, and the rock is traveling at 35 MPH. In providing safe access for guests of all ages, abilities, and pets onsite our structure design is intentional. It would be dangerous to have a door on Lyndale/Hwy 12 that could allow young children or pets to run out our doors directly into traffic. Logically and functionally, it makes much more sense to have the entrance just around the corner to the east, where it is safely accessible from the parking lot, nearest to the designated ADA parking location. In addition, as experienced by the land owner of this property, snow removal and pollution from traffic poses extreme wear, tear and damage on a South facing building, potentially covered with windows with minimal lot set back at this site.

**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.*

This proposed variance is compatible with the other structures located in the vicinity of the site. Due to safety concerns, the surrounding buildings also have doors on the eastern sides. The wind is known to rip through the area and damage north/south-facing doors. Starbucks and Grove, situated to the West and East of the site, are examples. Entrance doors with proximity to the parking area creates a natural flow of both vehicle and pedestrian traffic on the site and will encourage access and use of neighboring Memorial Park, which is a noteworthy asset connected to this property.



**3. Whether there is a prevalence of nonconformities in the vicinity of the site that is similar to the variance requested.** *If so, what are those nonconformities and provide supporting documentation.*

All of the neighboring structures zoned downtown to the East and South have setbacks exceeding 10' away from Lyndale/Hwy 12 Primary Street. Neighboring DT zoned property to the South is in non compliance, hosting a parking lot, sidewalks, and landscaping between its front door and Primary street lot line. The

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United Way, directly across the road to the South , zoned B2 is set back off the lot line, and also has its entrance to the side to avoid having a door now facing the busy street.



Property to the South, DT Property to the South, B2

**4. The subsequent imposition of zoning restrictions creating nonconforming lots of 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 nonconformity. Explain.*

No.

**5. Whether a literal interpretation of the provisions of this title would deprive the property owner of the 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.*

Yes. The denial of this variance would prevent the property owner from placing a primary entrance where primary access is typical in the vicinity. As presented by surrounding properties, an entrance off the busy highway is the norm.



**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*

A primary frontage entrance would create ample difficulty by requiring the public to walk completely around the lobby and right up against a busy street, demanding parents and pet owners to use extreme caution. It would also create hardship for hotel staff, who would need to devote extra time and attention to monitoring the access and safety of that door. Maintaining and repairing damage caused to a South facing structure with close proximity to State HWY 12 would be unnecessary and unfair in comparison to neighboring properties.

**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.**

No. Granting this variance would not give unreasonable special privilege considering nearly all other properties similarly located in the area do not have a primary street entrance. Further, it would be obvious to other Downtown zoned property owners that avoiding an entrance on a state highway is a safer, common-sense exception.

**8. Do you think a rebuttal presumption, as identified in City Code Sections 11-5-5(E), should apply to your property, yes or no?**

No.

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

Unlike other Downtown zoned areas, the public will not be accessing this site on foot. We are not in a typical walkable Downtown location; all guests will arrive by car, pedestrian traffic encouraged to venture North into the Memorial Park trail systems and amenities. Therefore logical design orientates our building doors to a safe, weather acceptable, parking lot accessible location at the East side of the structure, central in the lot.

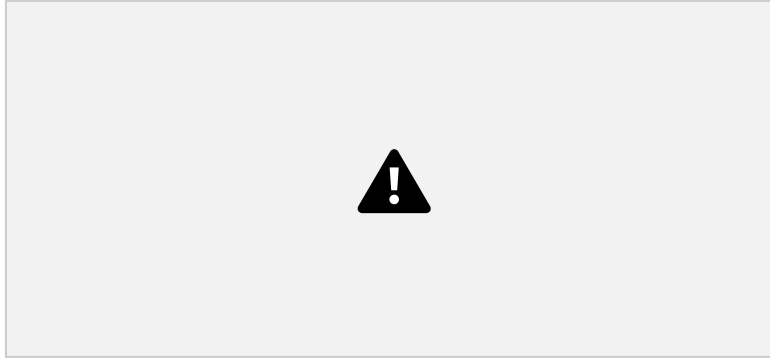
Section D: Evaluation Factors for ***Setback*** Variance Request

**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.***

Overhead power lines and the location of this building site in proximity to State Highway 12 cumulate to create special conditions that require set back from 0 ft to 10ft.

OSHA safety standards – requirements set by statute, standards and regulations, mandate a minimum 10 ft clearance distance for the uninsulated lines present on this site. Northwestern Energy, as detailed earlier in this application, states that burying the lines is not an option due to supply shortages of the materials needed. The only option is to set the building back 10ft from the power lines located on the boundaries of the north and south edges of the property.

Due to the site location on a state highway, with a speed limit 10 mph faster than in the rest of the Downtown zoned areas, traffic safety is a real concern. When the previous structure had a 0 ft setback, it was struck by a westbound vehicle in 2017. Fortunately no one was hurt but there was significant damage to the building.



Damage caused by vehicle impact at the site of 40 E. Lyndale Ave.

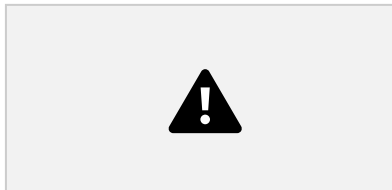
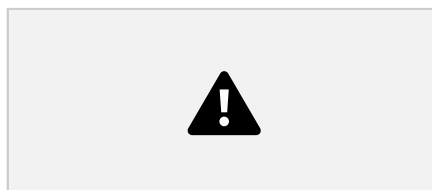
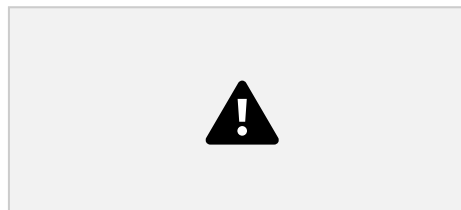
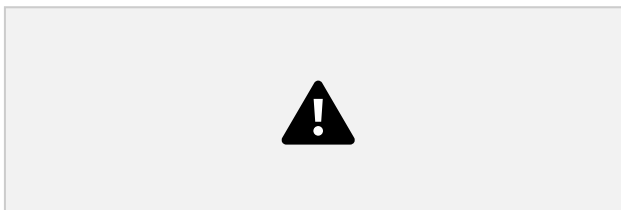
Our request is to move the building 10 ft off of the highway to the South to facilitate a better triangle of vision and create a safety buffer of additional space.

**2. The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.** *Ex: How is the purposed 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.*

There are no existing structures on the site, however all other buildings in the vicinity have a 10 ft, or more, setback from their primary street frontage on Lyndale.

**3. Whether there is a prevalence of nonconformities in the vicinity of the site that is similar to the variance requested.** *If so, what are those nonconformities and provide supporting documentation.*

All neighboring sites, especially those near the Last Chance Gulch/Lyndale intersection have significant setbacks due to the busy, high speed traffic.



**4. The subsequent imposition of zoning restrictions creating nonconforming lots of 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 nonconformity.*

*Explain.*

No.

- 5. Whether a literal interpretation of the provisions of this title would deprive the property owner of the 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.**

Yes, the denial of this variance would deny the property owner and developers the right to safe placement of a building where buildings are typical. It is typical, if not guaranteed, to find buildings along state highways setback 10 ft or more from the road.

- 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.**

OSHA requirements supercede zoning codes, and Highway 12 is a main artery of through traffic in our State- the only alternative is to set the building back from the lot line 10 ft at a minimum. This variance request not only shows that the public safety is priority but it is a requirement in all development standards.

- 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.**

Granting this variance will not allow for special privilege since nearly all surrounding buildings are already setback 10 ft or more.

- 8. Do you think a rebuttal presumption, as identified in City Code Sections 11-5-5(E), should apply to your property, yes or no?**

No.

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

We believe these variance requests would be made by any and all developers on this site– we are simply the first to develop, and ‘blaze the trail’, in a newly rezoned area. In accommodating the unique site features in conjunction with Downtown Zoning Codes, our building design is tailored to best outcomes of the property and its future as a part of the big picture in Helena’s growth.



**Christopher J. Brink, AICP**  
**Director**

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

Phone: 406-447-8490  
Direct: 406-447-8445  
Email: [cbrink@helenamt.gov](mailto:cbrink@helenamt.gov)

[helenamt.gov](http://helenamt.gov)

March 24, 2023

Karli Mosey  
613 Jackson Street  
Helena, Montana 59601

RE: 40 E. Lyndale Avenue  
Administrative Adjustments  
HCC §11-9-7(D)(1) and §11-9-7(D)(2)  
ZBOA2301-002

Ms. Mosey;

On March 7, 2023, the City of Helena Board of Adjustment reviewed and approved two variance requests related to HCC §11-9-7(A)(3) and §11-9-7(B)(1). In addition to the noted variance requests, you also asked for administrative relief or adjustment from Helena City Code, as noted above; namely to be permitted to decrease the required ground floor primary street frontage transparency standards from the required 50% to 47% and to decrease the minimum number of entrances along the same frontage from 1 to none(0).

*As allowed in HCC §11-9-5, ..."request for an administrative adjustment to required façade wall segment, transparency, and building entrance design standards, with justifications and plans supporting such requests, must be submitted in writing to the Community Development Director, who will evaluate the request on a case-by-case basis before issuing a written determinization."; and, ..."The Community Development Director must review each request for an administrative adjustment and act to approve the application, approve with conditions, or deny the application. The request may only be approved when the...Director...determines that the request is consistent with all relevant purpose and intent statements for the Downtown District..."*

I have reviewed the submitted material, justifications, and plans and I **APPROVE** the requested adjustments. I find that approval of the requested adjustments will remain consistent with the purpose and intent of the Downtown District. Further, I have determined that there are no adverse impacts resulting from the approved adjustments that would require further mitigation.

This letter represents the final determination and decision of the Community Development Director of the City of Helena, Montana. Per HCC §11-9-5(D), this final decision may be appealed by any person aggrieved by the decision in accordance with the procedures of section 11-1-9 of Helena City Code.

I wish for a successful project! If you should have any questions or need further assistance, please do not hesitate to reach out to me directly or to contact a member of staff.

Sincerely,

Christopher J. Brink, AICP  
Director

CJB/cb

Cc: Michael Alvarez, Planner II  
File – ZBOA2301-002

Date: 01/31/2024  
 Time: 08:42:06

**LEWIS AND CLARK COUNTY**  
 \*\*\* REPRINTED \*\*\*  
**CASH RECEIPT**  
**2023 REAL ESTATE TAXES**

Receipt#	Trans Date	Clerk ID	Batch#	Tax Year	Tax Code	Receipt Total
2427595	11/30/2023	DJ	20231130-000276	2023	63	\$1,991.74

Legal Owner Name	Legal Description
REA BUCK A & JERI LYNN PO BOX 1106 HELENA MT 59624-1106	LOC: 1 GEO: 05-1888-30-1-21-01-0000 TWN: 10 N SCT: 30 RNG: 03 W CT3 SubDiv CT3 LOT: 1 BLK: 53 CENTRAL ADDN NO 3, S30, T10 N, R03 W, BLOCK 53, Lot 1 - 11, & 30X122 CLOSED JACKSON ST, LESS 24 SQFT ROW

Stmt#	MC	Description	1st Half	Status	2nd Half	Status
32190	0000	Tax Distr 01 TIF Rlrd URP	799.46	PAID	0.00	
32190	0001	STREET MAINT #1	103.08	PAID	0.00	
32190	0008	STORM WATER UTL	331.89	PAID	0.00	
32190	0016	LANDFILL MONITORING	3.62	PAID	0.00	
32190	0061	URBAN FOREST MGMT	19.50	PAID	0.00	
32190	0070	OPEN SPACE MAINT	70.39	PAID	0.00	
32190	0360	LIGHT DISTRICT #360	141.43	PAID	0.00	
32190	2121	FORESTVALE CEM	4.33	PAID	0.00	
32190	2518	OPEN-SPACE LANDS	7.80	PAID	0.00	
32190	8000	WATER QUALITY INSIDE CITY	158.40	PAID	0.00	
32190	SD1ED	SD1EDebtServ2017-TIFDistr	0.81	PAID	0.00	
32190	TIFRUR	TIF RAILROAD URBAN RENEWA	347.96	PAID	0.00	
32190	UNIVT	University - TIF District	3.07	PAID	0.00	
		PAYMENT DATE:	11/30/2023			
		TAX AMOUNT:	\$1,991.74			
		PENALTY:				
		INTEREST:				
		TOTAL:	\$1,991.74			
		RECEIPT TOTAL:	\$1,991.74			

Payment Type	Doc#	Description	Amount
Check	5982	REA INVESTMENTS LLC	1,991.74
		<b>TOTAL:</b>	<b>1,991.74</b>



Upon Recording Return To:

VISTA LAW, PLLC  
2601 E. BROADWAY ST.  
HELENA, MT 59601

**QUIT CLAIM DEED**

THIS INDENTURE, made this 1st day of June, 2023, between Buck Rea and Jeri Lynn Rea, of Helena, Montana (the "Grantors"), and Bell Hotel Properties, LLC, a Montana limited liability company, of Helena, Montana (the "Grantee").

**WITNESSETH:**

The Grantors, for valuable consideration, the receipt of which is hereby acknowledged, do hereby convey, release, remise, and forever quitclaim to the Grantee, and to its successors and assigns, the following described real property, situated in the County of Lewis and Clark, State of Montana, and more particularly described as follows (the "Property"):

Lots 1, 2, 3, 4, 5, and 6 in Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1.

(Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder)

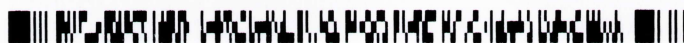
TOGETHER WITH all tenements, hereditaments, and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, dower, right of dower, property, possession, claim, and demand whatsoever, as well in law and in equity, of the said Grantors, of, in, or to the said premises and every part and parcel thereof.

SUBJECT TO all covenants, restrictions, easements, encumbrances, and other matters of record or fact or exception, any present and future laws, including zoning restrictions, special assessments now and hereafter becoming a lien, and general real estate taxes for any year.

TO HAVE AND TO HOLD, all and singular the said property, with the appurtenances thereto belonging, unto said Grantee, and to its successors and assigns forever.

Subject to the foregoing, this deed releases all interest acquired by Grantors in and to the Property from the date hereof, through and including the date of recording.

3411786 B: M62 P: 1974 DEED  
06/02/2023 09:39 AM Pages: 1 of 2 Fees: 16.00  
Amy Reeves Clerk & Recorder, Lewis & Clark MT



IN WITNESS WHEREOF, the said Grantors have hereunto set their hand and seal the day and year first-above written.

*Buck Rea*

BUCK REA

*Jeri Lynn Rea*

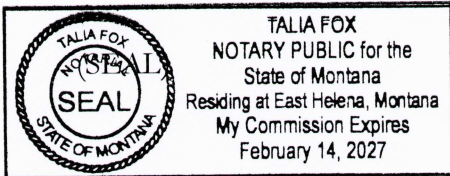
JERI LYNN REA

STATE OF MONTANA     )  
  : ss.  
County of Lewis & Clark     )

This instrument was acknowledged before me on the 1<sup>st</sup> day of June, 2023, by Buck Rea and Jeri Lynn Rea.

*Talia Fox*

Notary Public for the State of Montana



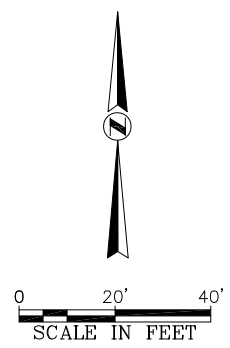
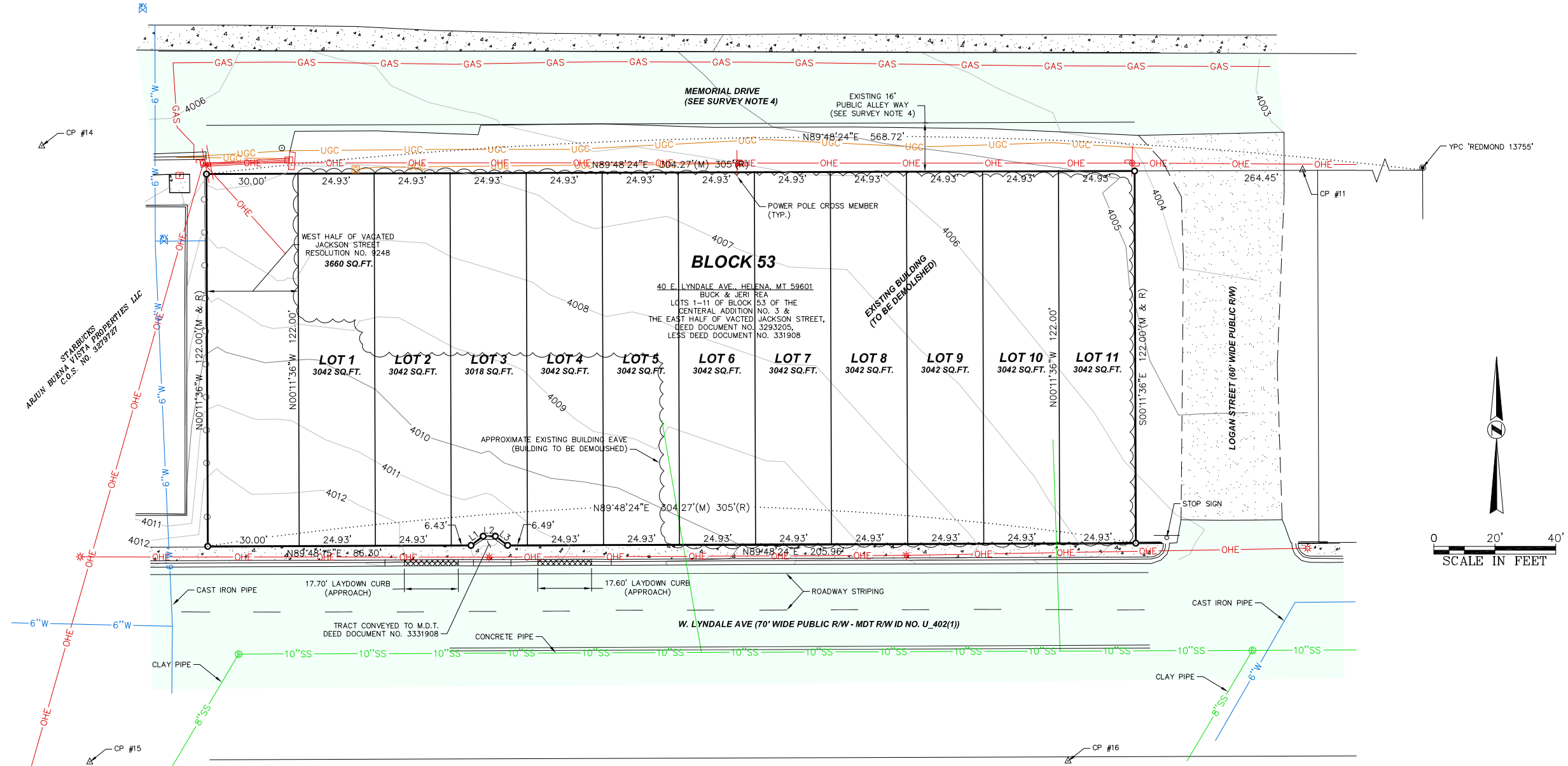


**STAHLY ENGINEERING & ASSOCIATES**  
 PROFESSIONAL ENGINEERS & SURVEYORS  
 www.seaeng.com

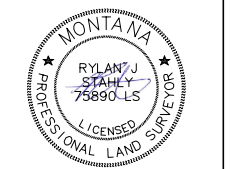
2223 MONTANA AVE.  
 STE. 201  
 BILLINGS, MT 59101  
 Phone: (406)601-4055

3530 CENTENNIAL DR.  
 HELENA, MT 59601  
 Phone: (406)442-8594

851 BRIDGER DR. STE. 1  
 BOZEMAN, MT 59715  
 Phone: (406)522-9526



ISSUE/REVISION	DESCRIPTION	DATE	BY	CHKD
1	FIRST ISSUE	8/16/2022		



**BELL HOTEL**  
 40 E. LYNDALE AVE.  
 HELENA, MT 59601  
**BELL HOTEL, LLC**

**SITE SURVEY**

- SURVEY NOTES:**
- DATE OF SURVEY-- JULY 5, 2022
  - UTILITIES-- INFORMATION FROM THE SOURCES SPECIFIED BELOW WERE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED.
    - SHALLOW UNDERGROUND UTILITIES ARE APPROXIMATE AND SHOWN BASED ON OBSERVED ABOVE GROUND EVIDENCE AND LOCATE MARKINGS IN RESPONSE TO ONE-CALL UTILITY LOCATE TICKET NO. 22078644
    - SEWER LOCATIONS, INCLUDING SERVICES, ARE APPROXIMATE AND SHOWN BASED ON CITY OF HELENA GIS INFORMATION, FIELD VERIFICATION NECESSARY.
      - PIPE SIZES AND TYPES ARE BASED ON CITY OF HELENA GIS INFORMATION, FIELD VERIFICATION NECESSARY.
    - WATER LOCATIONS, INCLUDING SERVICES, ARE APPROXIMATE AND SHOWN BASED ON LOCATE MARKINGS IN RESPONSE TO ONE-CALL UTILITY LOCATE TICKET NO. 22078644 AND CITY OF HELENA GIS INFORMATION, FIELD VERIFICATION NECESSARY.
      - PIPE SIZES AND TYPES ARE BASED ON CITY OF HELENA GIS INFORMATION, FIELD VERIFICATION NECESSARY.
  - BOUNDARY-- THE BOUNDARY SHOWN IS BASED ON PERMANENT IMPROVEMENTS AND BEST AVAILABLE EVIDENCE; NO MONUMENTS WERE SET NOR RETRACEMENT SURVEYS FILED AS A PART OF THIS SURVEY.
  - CITY OF HELENA ENGINEERING DEPARTMENT WAS CONTACTED REGARDING MEMORIAL DRIVE; NO EVIDENCE OF MEMORIAL DRIVE AS A PUBLIC RIGHT-OF-WAY, A VACATION OF THE 16' ALLEY WAY NORTH OF LOTS 1-11, OR THE CREATION OF MEMORIAL PARK COULD BE PROVIDED. CITY OF HELENA COORDINATION REGARDING LEGAL AND PHYSICAL ACCESS FROM MEMORIAL DRIVE OR THE 16' ALLEY WAY REQUIRED.
  - ACCORDING TO CONTRACT NEGOTIATIONS, NO SURVEY OF THE EXISTING BUILDING (TO BE DEMOLISHED) WAS CONDUCTED AS A PART OF THIS SURVEY. SURFACE CONTOURS SHOWN IN THIS AREA ARE BASED ON STRAIGHT LINE GRADES ACROSS THE EXISTING BUILDING LOCATION.
  - THIS SURVEY REPRESENTS EXISTING CONDITIONS AT THE TIME OF SURVEY, CERTAIN FEATURES AND GRADES MAY POTENTIALLY CHANGE WITH EXISTING BUILDING DEMOLITION.

**LEGEND**

	CONCRETE		UNDERGROUND COMMUNICATION
	ASPHALT		COMMUNICATION PEDESTAL
	GRAVEL		UNDERGROUND GAS
	CONCRETE CURB AND GUTTER		SANITARY SEWER MAIN (AS NOTED)
	EDGE OF GRAVEL		SANITARY SEWER SERVICE LINE
	CHAINLINK FENCE		SANITARY SEWER MANHOLE
	CONTOURS (1FT. INTERVALS)		WATER MAIN (AS NOTED)
	SIGN		WATER SERVICE LINE
	CONTROL POINT		WATER VALVE
	BOLLARD		FIRE HYDRANT
	UNDERGROUND ELECTRIC		PROJECT PROPERTY BOUNDARY
	ELECTRIC PEDESTAL		FOUND MONUMENT AS NOTED
	OVERHEAD ELECTRIC		CALCULATED POSITION--NOTHING FOUND OR SET
	POWER POLE		MEASUREMENT THIS SURVEY
	ELECTRIC DROP		MEASUREMENT OF RECORD-- CENTRAL ADD. NO. 3
	LIGHT POLE		

**PARCEL LINE TABLE**

LINE #	BEARING	DISTANCE
L1	N52°53'01"E	5.01'
L2	N89°48'24"E	4.00'
L3	S53°14'04"E	5.01'

**GPS CONTROL POINT TABLE**

POINT #	NORTHING	EASTING	ELEVATION	DESCRIPTION
11	135963.45'	180137.95'	4003.55'	CP / SET PK NAIL
14	135971.24'	179724.59'	4005.62'	CP / SET PK NAIL
15	135769.35'	179740.36'	4013.47'	CP / SET PK NAIL
16	135769.65'	180061.04'	4008.18'	CP / SET PK NAIL

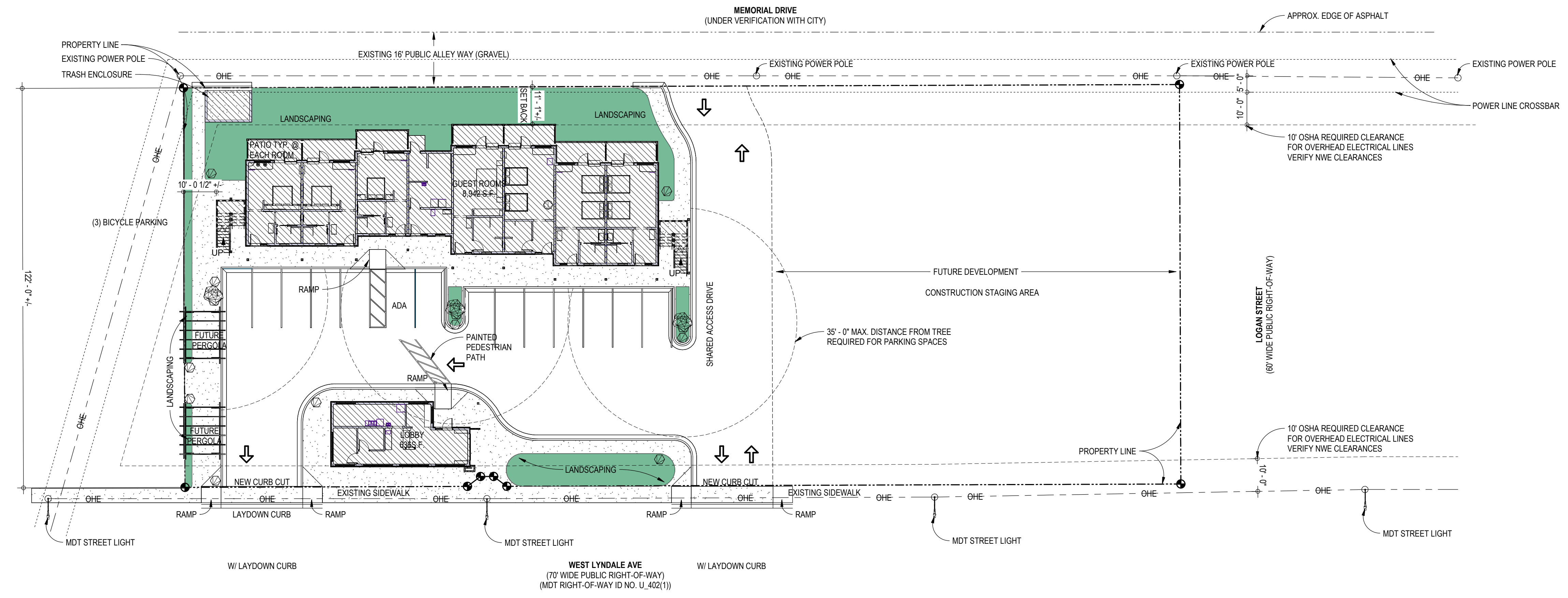
BASIS OF BEARING  
 HELENA LOW DISTORTION PROJECTION  
 VERTICAL DATUM  
 NAVD88(GEOD18)

**COORDINATION NOTE**  
IT IS ABSOLUTELY NECESSARY THAT ALL TRADES COORDINATE WITH EACH OTHER AND VERIFY THAT THERE ARE NO CONFLICTS IN LOCATION OF DUCTS, CONDUITS, SPRINKLER HEADS, DIFFUSERS, ELECTRICAL BOXES, EQUIPMENT, AND OTHER ITEMS THROUGHOUT THIS PROJECT BEFORE FINAL PLACEMENT OF MATERIALS.

**35% PROGRESS  
PRINT NOT FOR  
CONSTRUCTION**



REVISIONS	
#	DATE



**1 SITE PLAN**  
SCALE: 1" = 20'-0"



**ZONING ANALYSIS**  
**THE BELL HOTEL**

**Site Information:**  
Total Site Area: 37,210 square feet more or less  
Hotel Site Area: 18,845 square feet more or less  
Zoning: Downtown  
Proposed Buildings:  
• (2) 2 story buildings  
• Boutique hotel with (14) guest rooms  
Primary Lot Line: Lyndale Avenue - South Property Line  
Secondary Lot Line: Memorial Drive - North Property Line

**Zoning Requirements:**

**11-2-3: Land use table for zoning districts:**  
Hotels are a permitted use in Downtown zones.

**11-9-7: Design Standards:**  
**Site:**  
Lot size  
No minimum  
Lot width  
No Minimum  
Lot coverage  
50% minimum  
**Designed Coverage**  
**Building Coverage: 35%**  
Landscaping  
5% of ground floor story square footage  
**Design Landscaping 57%**

**Building Placement Setback:**  
Lot line, primary street - Lyndale Avenue  
0' setback  
50% minimum of building frontage is required to meet the zero lot line setback  
**Design is setback from the property line to provide clearances required for overhead lines.**  
Lot line, secondary street - Memorial Drive  
Per Zoning and Transportation Memorial Drive is not a street and does not count as Secondary frontage.  
5' setback required  
**Design meets required lot line setback, and is situated further back because of overhead power lines which require a 10' setback.**  
Lot line, common  
0' setback  
**Design provides landscaping at locations where zero lot line setback is not met**  
Surface parking setback  
10' minimum  
Applicable only when parking is located adjacent to the building  
**Design parking is located between the buildings and not along primary or secondary street frontages**

**Height and Massing:**  
Building height  
22' minimum  
No maximum  
**Design Heights:**  
Lobby Maximum height 22' - 0"  
Hotel Maximum height 28' - 10"  
Ground floor story height  
12' minimum from top of floor to top of floor  
**Design height meets requirement**  
Primary and Secondary street facade wall segment length  
45' maximum, visual articulation along building frontage required  
**Design meets requirement**

**Transparency:**  
Ground floor story, primary street frontage  
50% minimum  
**Designed transparency 47%**  
Ground floor story, secondary street frontage  
Per Zoning and Transportation Memorial Drive is not a street and does not count as Secondary frontage.  
40% minimum  
**Designed transparency 35%**

**Upper Stories**  
Based on discussions with Zoning and Transportation Memorial Drive is not a street and does not count as Secondary frontage.  
30% minimum  
**Designed transparency 35%**

**Pedestrian Access:**  
Entrance spacing  
(1) pedestrian entrance minimum along primary street frontage required  
**Design does not meet this requirement**  
Walk/Approach width  
5' minimum width for single door entrance  
10' minimum width for double or revolving door entrance  
**Design meets this requirement**  
Awning and Canopies  
10' minimum height above grade  
6' maximum overhang into right-of-way  
Ground floor story only  
**Design meets this requirement**

**Parking:**  
Location  
Rear or side of building  
No parking is permitted on the property in front or a building along the primary or secondary street frontage  
**Design parking is located between the buildings and not along primary or secondary street frontages**  
Space allocation  
No parking minimums  
Maximum allowance  
Residential uses (1) space per dwelling unit  
**Design parking for (14) spaces**  
Trip calculation  
Per the Trip Generation Manual 9th Edition  
Motels generate trips at a rate of 5.63 trips per room  
**Total 79 trips planned for the site**

**Landscaping:**  
Primary and secondary lot line setback  
Landscaping is required where a building does not meet the 0' setback requirement along a primary or secondary street frontage  
**Design has landscaping at all locations where the building doesn't meet the required setback**

**Signs:**  
Total area  
120 square feet maximum per building  
**Design allows for 240 square feet of signage**  
Wall sign  
30% maximum of primary building facade square footage  
May be externally illuminated with down directed, fully shielded fixtures only  
Painted wall sign  
40% of primary building facade square footage  
Permitted on any exterior building wall  
May be externally illuminated with down directed, fully shielded fixtures only  
Window Sign  
30% maximum of primary building facade ground floor story window area  
Monument Sign  
(1) sign per frontage  
60 square foot maximum  
6 feet height maximum  
Combined signage required for buildings with multiple business activities  
Signs may be externally illuminated with down directed, fully shielded fixtures only  
Canopy and Awning Sign  
(1) sign per canopy  
(1) square foot lineal foot of awning width  
10 feet height minimum  
External illumination of a canopy or awning sign is not permitted  
Projecting Sign  
(1) sign per business  
16 square feet maximum  
8 feet height minimum, from bottom of sign to grade  
4 feet maximum projection  
May be externally illuminated with down directed, fully shielded fixtures only  
Sandwich board sign  
(1) sign per business  
12 square feet maximum per sign face

**11-22-8: Pedestrian access and bicycle space requirements:**  
**Pedestrian:**  
Pedestrian pathways must be located through parking areas to provide the shortest feasible connection from the parking area to building entry ways, public sidewalks, and transit stops  
Pathways through parking areas must be designed and constructed to meet the following criteria:  
Limit conflict between pedestrians and vehicular traffic  
Be clearly delineated using techniques such as contrasting textured or colored material, striping, segregation of pathway from vehicle travel lanes, and raised pathway surfaces  
Must be a minimum of 5' wide  
Vehicle stops or curbing must be installed in parking lots where necessary to prevent vehicles from encroaching over sidewalks, pedestrian pathways, entryway areas, driveways, streets, alleys, or more than 2 feet into landscaped areas  
**Bicycle:**  
Parking lots that have (10) or more parking spaces must provide (3) bicycle spaces within 50' of a main building entryway  
**Design requires (3) bicycle spaces to be provided**  
Bicycle spaces must hold a bike upright, allow for securing the bicycle to an immovable object  
Does not conflict with pedestrian and vehicle traffic

**11-24-3: General landscaping:**  
A) The provisions of this section apply to tracts in all zoning districts and to all uses.  
B) All areas of a tract that are not covered by buildings, parking lots, utility poles and boxes, and walking or nonmotorized paths must be landscaped as provided in section 11-24-6 of this chapter.

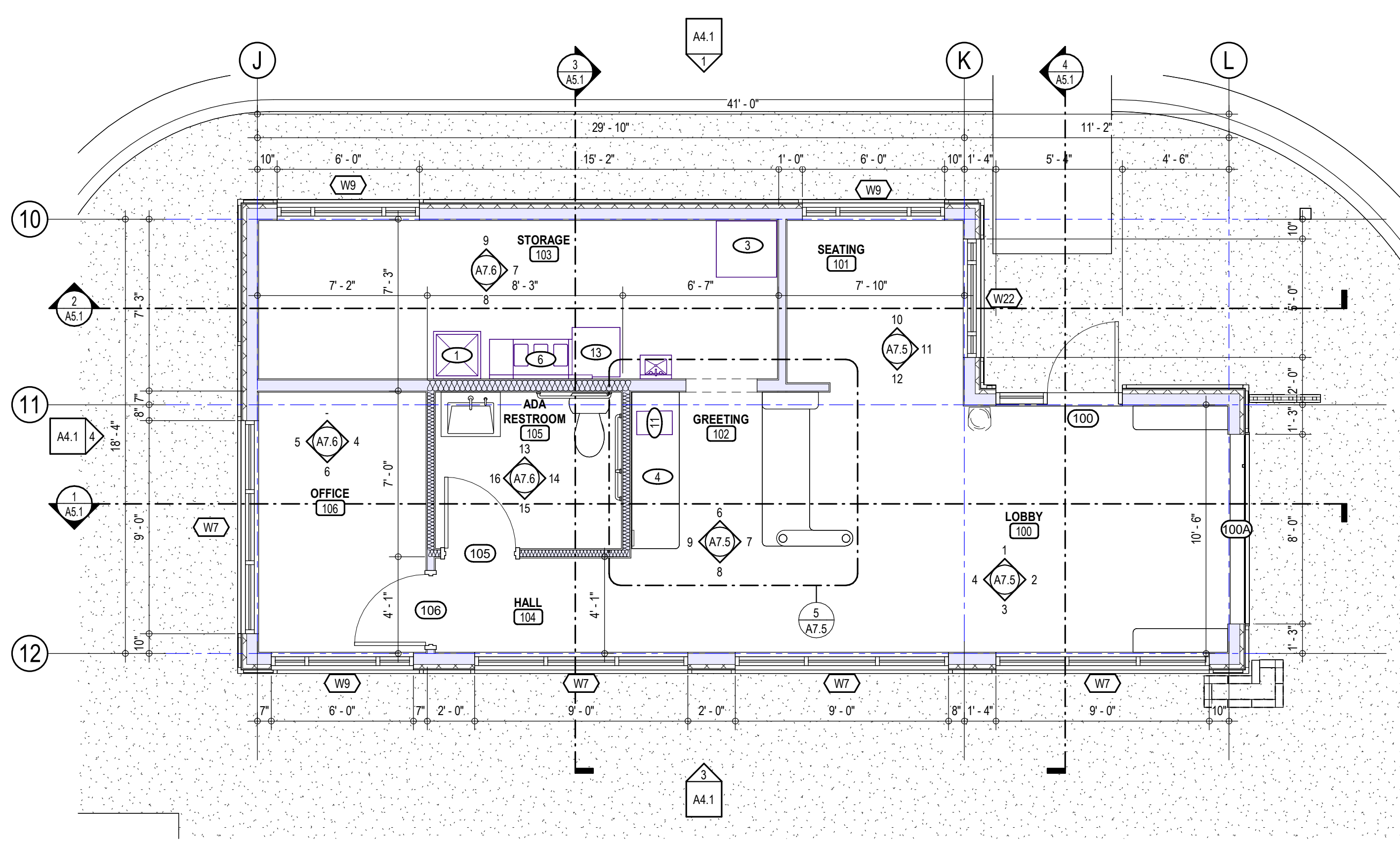
**11-24-4: Parking lot landscaping:**  
A) All parking lots must have at least 30 square feet of landscaping per vehicle parking space within the boundaries of the parking lot.  
B) Any edge of a parking space must be within 35' of a trunk of a tree on the same tract or continuous public rights of way.  
C) All qualified trees on a tract may be used to satisfy subsection B of this section, whether installed as general landscaping pursuant to section 11-24-3 of this chapter, screening pursuant to section 11-24-5 of this chapter, parking lot landscaping pursuant to this section, boulevard or parkway landscaping pursuant to section 7-4-2 of this code, or any other required landscaping.

**11-24-6: General landscaping and parking lot landscaping standards:**  
A) Except as provided below, general landscaping and parking lot landscaping must contain no less than 50% live vegetative cover and include shrubs, bushes, or trees. If this live vegetative cover consists entirely of plants that do not require supplemental water or irrigation once established, or consists entirely of plants that are native to Lewis and Clark County, then those areas may contain as little as 50% live vegetative cover. The projected drip line of an average shrub, bush, or tree of that species at five (5) years of age may be used in calculating minimum vegetative coverage. The remainder of the area may be covered in inorganic materials that are permeable to water.  
B) When space permits, additional trees must be planted no more than 30' apart in landscaping islands within the boundaries of the parking lot that have planted trees to meet the requirement in subsection 11-24-4B of this chapter. All trees must be expected to grow to at least 20' in height when mature. Deciduous trees must no less than 1-1/2' at time of planting.  
C) Trees expected to grow to 30' in height or less must be planted in a tree plot of no less than 20 square feet. Trees expected to grow to more than 30' in height must be planted in a tree plot of no less than 48 square feet.  
D) Trees within 2' of any edge of a parking space must be protected from damage by vehicles by barriers such as curb stops, tree guards, rebar poles, or other types of vehicle obstructions.

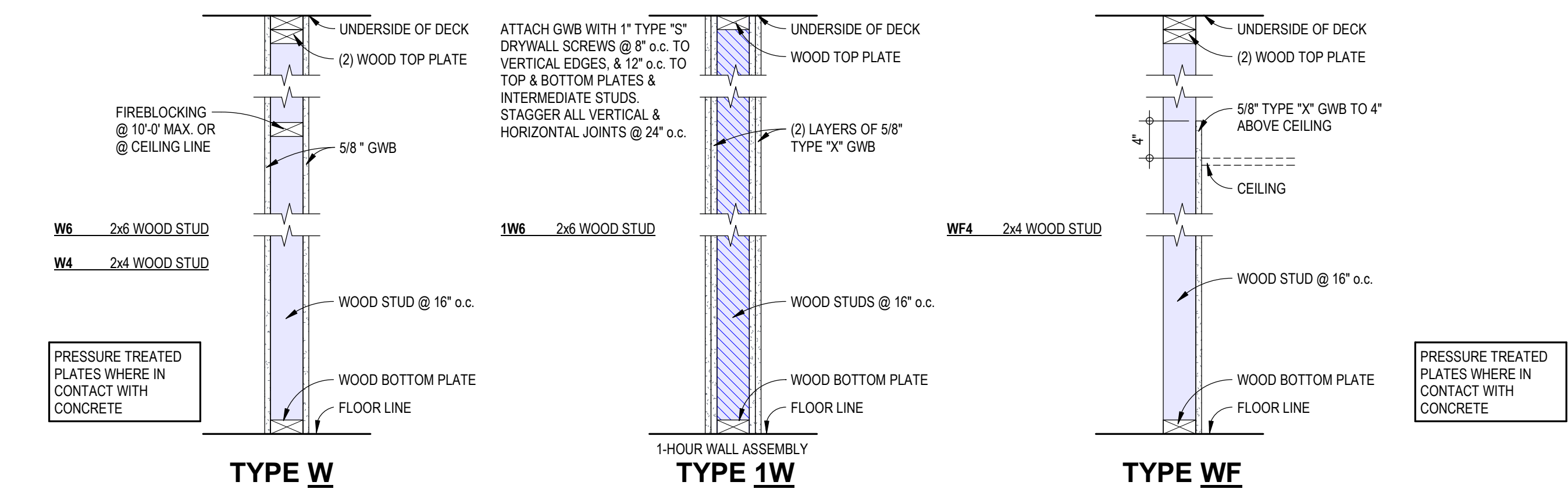
**THE BELL HOTEL**  
40 E. LYNDALE AVE. HELENA, MT 59601  
**LANDSCAPING PLAN**

4912-01-01  
DRAWN BY ER  
APPROVED CWG  
DATE 1.31.2024

**A0.1**



**1 FIRST FLOOR PLAN - LOBBY**  
SCALE: 1/4" = 1'-0"



**WALL LEGEND**  
SCALE: 1" = 1'-0"

**FLOOR PLAN NOTES - LOBBY**

**GENERAL NOTES:**

- REFERENCE FIRST FLOOR LINE ELEVATIONS ARE 100'-0". SEE CIVIL DRAWINGS FOR ACTUAL BUILDING ELEVATIONS, SIDEWALK ELEVATIONS, AND DUMPSTER ENCLOSURE ELEVATIONS AND DIMENSIONS.
- SEE STRUCTURAL DRAWINGS FOR LOCATIONS OF SEAR WALLS AND SHEAR WALL TIEDOWNS.
- CORNER GUARDS INSTALLED ON ALL EXTERIOR CORNERS UNLESS NOTED OTHERWISE. SEE FINISH SCHEDULE FOR COLOR AND MATERIAL.

**DIMENSION NOTES:**

- GRID LINES ARE TO INTERIOR FACE OF WALL STUDS OR COLUMN CENTERLINE UNLESS NOTED OTHERWISE.
- DIMENSIONS ARE TO FACE OF STUDS OR COLUMN CENTERLINE UNLESS NOTED OTHERWISE.
- DOOR AND WINDOW OPENINGS ARE DIMENSIONED TO FRAME SIZE UNLESS NOTED OTHERWISE.
- DOOR OPENINGS NOT DIMENSIONED ON THE PLAN SHALL BE LOCATED 4" FROM THE CORNER OF THE ROOM TO THE DOORS ROUGH OPENING.

- 1 VERIFY LOCATIONS OF SIDEWALKS AND BOLLARDS WITH CIVIL PLANS. SEE FINISH LEGEND FOR COLOR
- 2 DOWNSPOUT
- 3 FIRE EXTINGUISHER. FURNISHED AND INSTALLED BY MECHANICAL CONTRACTOR. SEE MECHANICAL PLANS AND SPECIFICATIONS FOR MOUNTING
- 4 RECESSED CABINET AND FIRE EXTINGUISHER. FURNISHED AND INSTALLED BY MECHANICAL CONTRACTOR. SEE MECHANICAL PLANS AND SPECIFICATIONS FOR MOUNTING
- 5 CASEWORK. SEE INTERIOR ELEVATIONS
- 6 FLOOR SINK. SEE MECHANICAL
- 7 FLOOR DRAIN OR CLEANOUT. SEE MECHANICAL
- 8 HOSE BIB. SEE MECHANICAL

- 9 ELECTRICAL PANELS, AND GEAR. SEE ELECTRICAL
- 10 PROVIDE FULL HEIGHT SOUND BATT INSULATION WHERE DRAWN ON PLANS
- 11 SEE STRUCTURE FOR COLUMN LOCATIONS

3D				EQUIPMENT INFORMATION			ELECTRICAL INFORMATION			REMARKS	
1	2	3	4	NUM	EQUIPMENT ITEM	MANUF	MODEL #	VOLTAGE	AMP		ELEC CON
X	X	X	3	1	MOP SINK	ZURN	Z1996-24	--	--	--	FAUCET - REGENCY 600FMS86
X	X	X	2	2	ICE & WATER DISPENSER	FOLLETT	7FS100A-IW-NF-ST-CC	115	6.5	--	
X	X	X	1	3	REFRIGERATOR	GALAXY EQUIPMENT	177GR120RW	115	2.9	--	
X	X	X	1	4	COUNTER TOP FREEZER	AVANTCO	360CFM2	115	1.5	NEMA 5-15P	
X	X	X	14	5	MINI REFRIGERATOR	JOY KITCHEN	072-01-4521	120	--	--	
X	X	X	1	6	3 COMP SINK 54" W/ HARDWARE	STEELETON	52ZCS1014LK	--	--	--	
X	X	X	3	7	HAND SINK (WALL MOUNT)	STEELETON	52ZHS1715	--	--	--	
X	X	X	4	8	MICROWAVE	DORCHESTER	75066	120V/1PH	13.4	5-20R	
X	X	X	2	9	WASHER	WHIRLPOOL	CHMS1603HW-27"	120V/60HZ	15	--	
X	X	X	2	10	DRYER	WHIRLPOOL	CEDS1603HW-27"	240V/60HZ	30	--	
X	X	X	1	11	DROP-IN ICE BIN	REGENCY	600DIB1812	--	--	--	
X	X	X	2	12	HAND SINK	MOLI	SMALL SINK FOR MOBILE APPLICATION	--	--	--	DROP-IN
X	X	X	1	13	DISHWASHER	NOBEL WAREWASHING	NOBEL UL30H	115/60/1	10	--	

WALK THROUGH WHO IS PROVIDING WHAT WITH OWNER

**COORDINATION NOTE**  
IT IS ABSOLUTELY NECESSARY THAT ALL TRADES COORDINATE WITH EACH OTHER AND VERIFY THAT THERE ARE NO CONFLICTS IN LOCATION OF DUCTS, CONDUITS, SPRINKLER HEADS, DIFFUSERS, ELECTRICAL BOXES, EQUIPMENT, AND OTHER ITEMS THROUGHOUT THIS PROJECT BEFORE FINAL PLACEMENT OF MATERIALS.

**EQUIPMENT NOTES**

**EQUIPMENT COORDINATION NOTE:**  
IT IS NECESSARY FOR GENERAL CONTRACTOR AND ELECTRICAL CONTRACTOR TO COORDINATE EACH PIECE OF EQUIPMENT WITH EQUIPMENT SUPPLIER AND OWNER. VERIFY ALL ELECTRICAL AND PLUMBING CONNECTIONS PRIOR TO MECHANICAL AND ELECTRICAL ROUGH-IN.

**EQUIPMENT SCHEDULE LEGEND:**

- FURNISHED AND INSTALLED BY OTHERS
- FURNISHED BY OTHERS INSTALLED BY CONTRACTOR
- FURNISHED AND INSTALLED BY CONTRACTOR
- MECHANICAL AND ELECTRICAL SERVICES BY CONTRACTOR. SEE MECHANICAL SHEETS

CONTRACTOR TO NOTIFY OWNER A MINIMUM OF **16 WEEKS** IN ADVANCE OF WHEN EQUIPMENT IS NEEDED ON SITE.

**35% PROGRESS**  
**PRINT NOT FOR CONSTRUCTION**



REVISIONS	
#	DATE

**THE BELL HOTEL**  
 40 E. LYNDALE AVE. HELENA, MT 59601  
**FLOOR PLANS - LOBBY**

4912-01-01  
 DRAWN BY ERMM  
 APPROVED CWG  
 DATE 1.31.2024

**A1.1**

**COORDINATION NOTE**

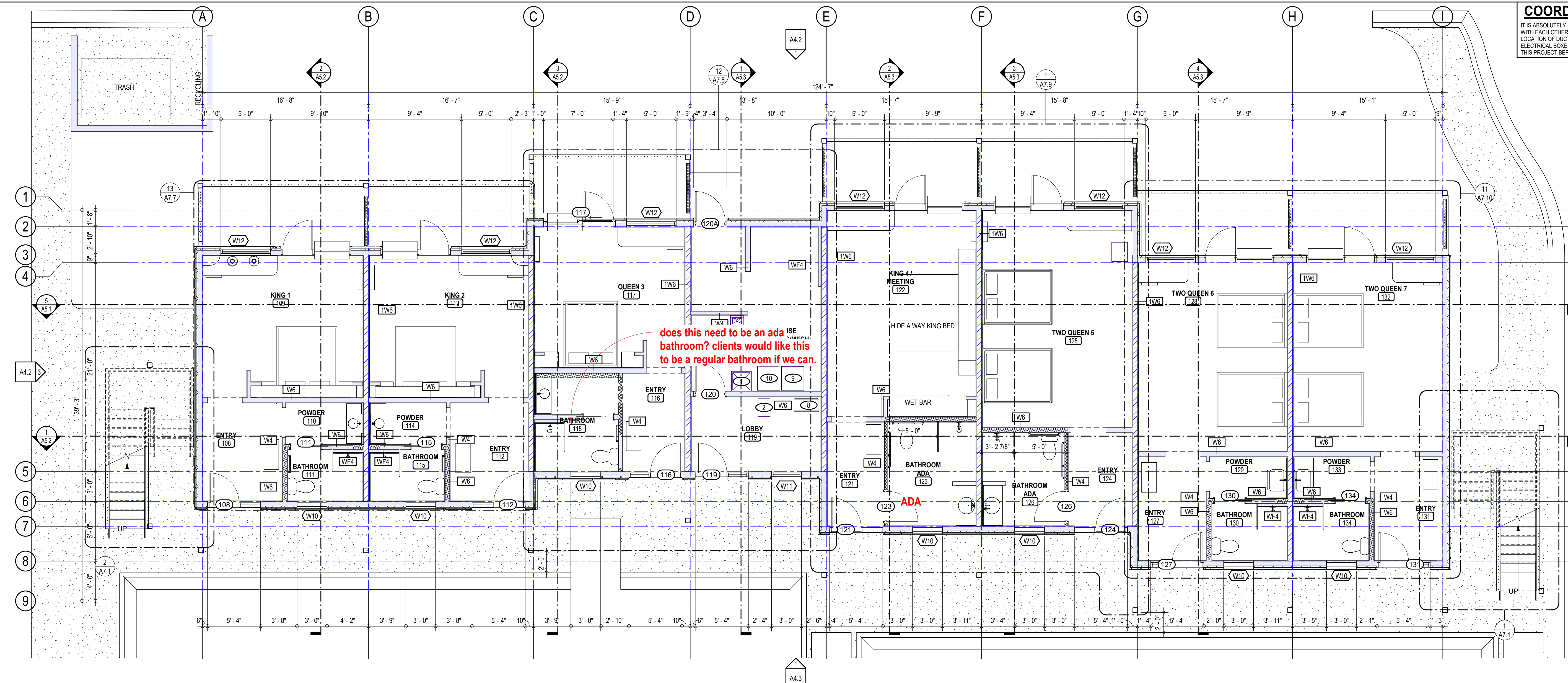
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**REVISIONS**

#	DATE



**1 FIRST FLOOR - HOTEL**  
SCALE: 3/16" = 1'-0"

**FLOOR PLAN NOTES - HOTEL**

- GENERAL NOTES:**
- REFERENCE FIRST FLOOR LINE ELEVATIONS ARE 100'-0". SEE CIVIL DRAWINGS FOR ACTUAL BUILDING ELEVATIONS, SIDEWALK ELEVATIONS, AND DUMPSTER ENCLOSURE ELEVATIONS AND DIMENSIONS.
  - SEE STRUCTURAL DRAWINGS FOR LOCATIONS OF SEAR WALLS AND SHEAR WALL TIEDOWNS.
  - CORNER GUARDS INSTALLED ON ALL EXTERIOR CORNERS UNLESS NOTED OTHERWISE. SEE FINISH SCHEDULE FOR COLOR AND MATERIAL.
- DIMENSION NOTES:**
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THE BELL HOTEL

40 E. LYNDALE AVE. HELENA, MT 59601

FIRST FLOOR PLAN - HOTEL

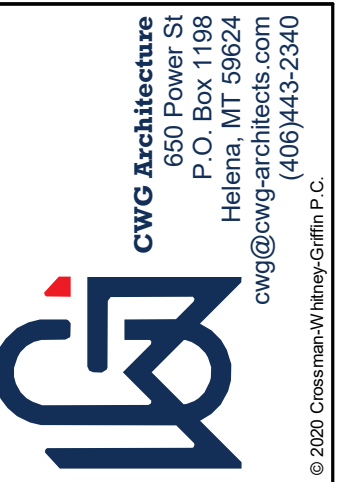
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DRAWN BY ERMM  
APPROVED CWG  
DATE 1.31.2024

**A1.2**

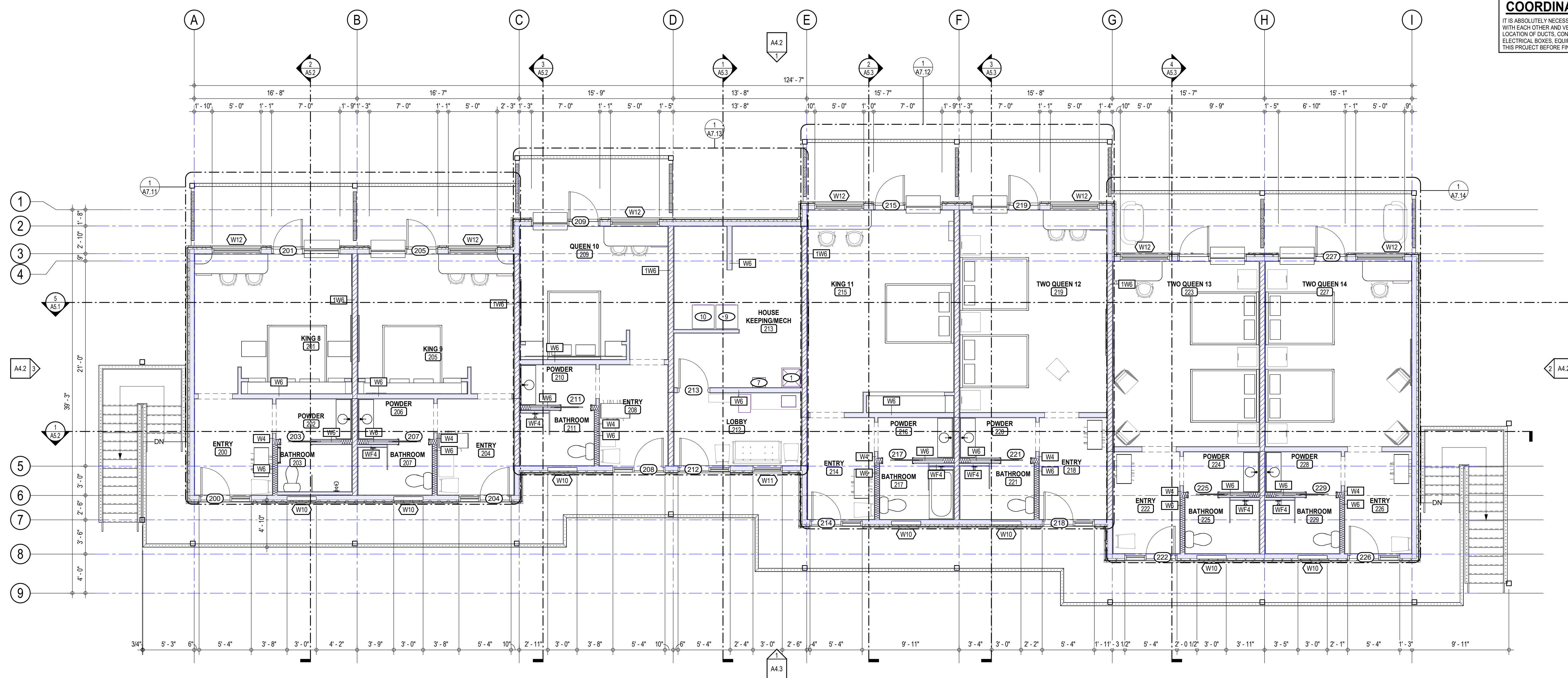
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CONSTRUCTION**



REVISIONS	
#	DATE



**1 SECOND FLOOR PLAN - HOTEL**  
SCALE: 3/16" = 1'-0"

**FLOOR PLAN NOTES - HOTEL**

- GENERAL NOTES:**
- REFERENCE FIRST FLOOR LINE ELEVATIONS ARE 100'-0". SEE CIVIL DRAWINGS FOR ACTUAL BUILDING ELEVATIONS, SIDEWALK ELEVATIONS, AND DUMPSTER ENCLOSURE ELEVATIONS AND DIMENSIONS.
  - SEE STRUCTURAL DRAWINGS FOR LOCATIONS OF SEAR WALLS AND SHEAR WALL TIEDOWNS.
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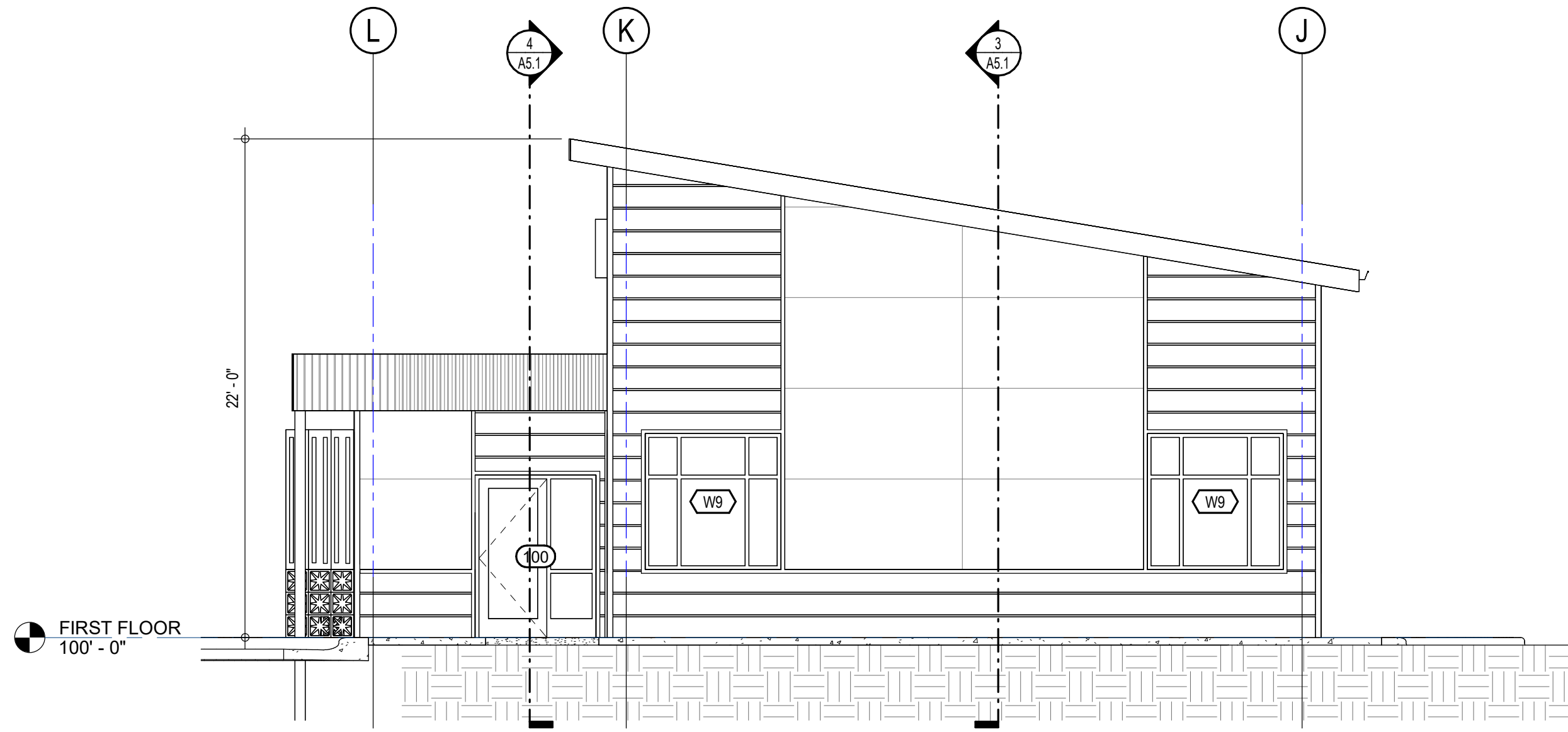
THE BELL HOTEL

40 E. LYNDALE AVE. HELENA, MT 59601

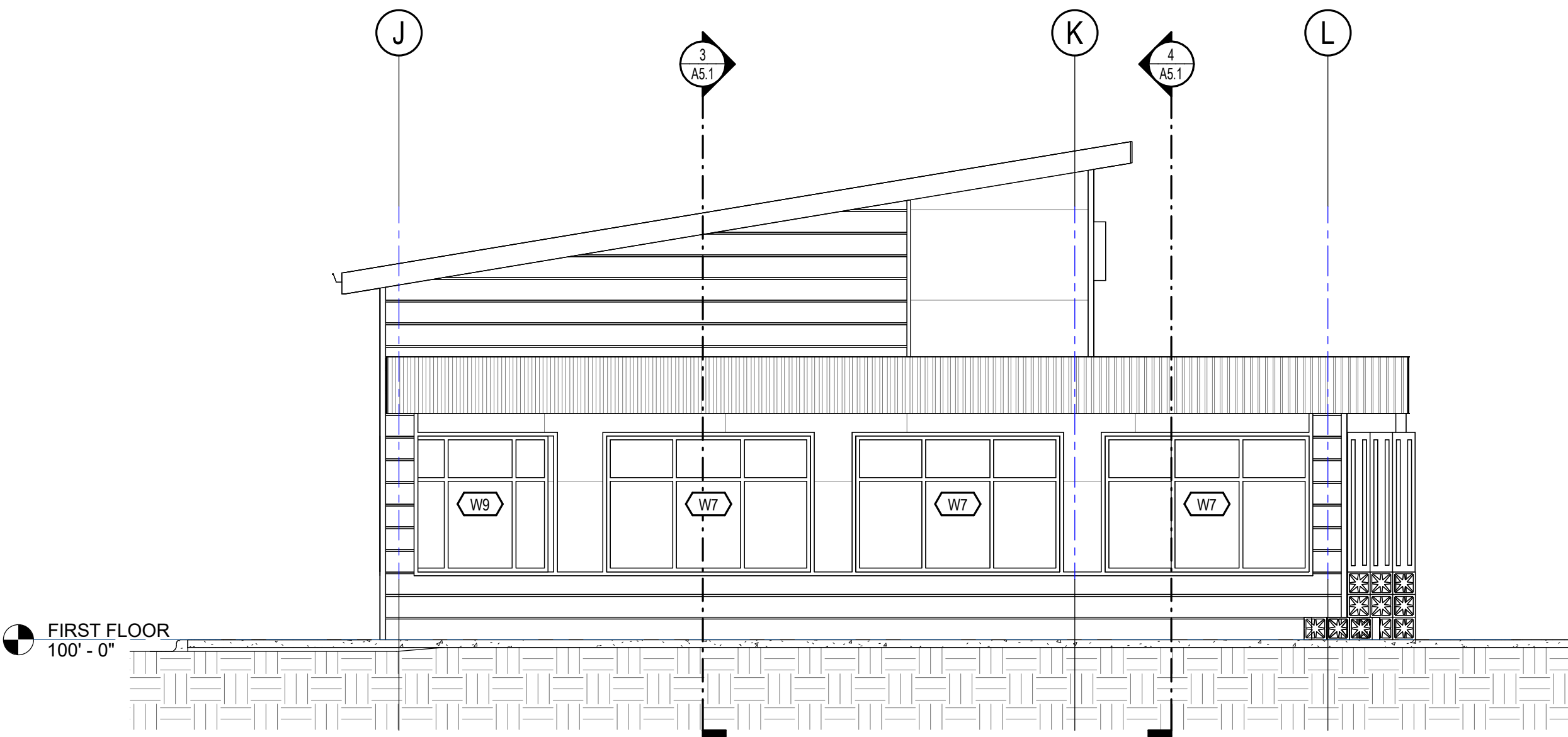
SECOND FLOOR PLAN - HOTEL

4912-01-01  
DRAWN BY ER  
APPROVED CWG  
DATE 1.31.2024

**A1.3**



**1 NORTH ELEVATION - LOBBY**  
SCALE: 3/16" = 1'-0"



**3 SOUTH ELEVATION - LOBBY**  
SCALE: 3/16" = 1'-0"

**EXTERIOR ELEVATION NOTES**

- GENERAL NOTES:
- EXTERIOR MATERIALS MARKED WITH THE SYMBOL REFER TO MATERIALS LISTED BELOW. SEE EXTERIOR ELEVATIONS FOR LOCATIONS.
  - SEE SPECIFICATIONS FOR FULL DESCRIPTION OF MATERIALS.
  - SIGNAGE FURNISHED AND INSTALLED BY OTHERS.

4x8 HARDIE BOARD, ARCHITECTURAL COLLECTION, FINE SAND FINISH, COLOR  
HARDIE BOARD TRIM, COLOR BLACK

PREFINISHED METAL ROOF STANDING SEAM 16" PANEL, COLOR TERRA COTTA 24GA

PREFINISHED METAL STRIATED SOFFIT 16" PANEL, COLOR TERRA COTTA 24GA

PREFINISHED METAL SIDING TLC-17D WALL PANEL, COLOR MATTE BLACK 24GA

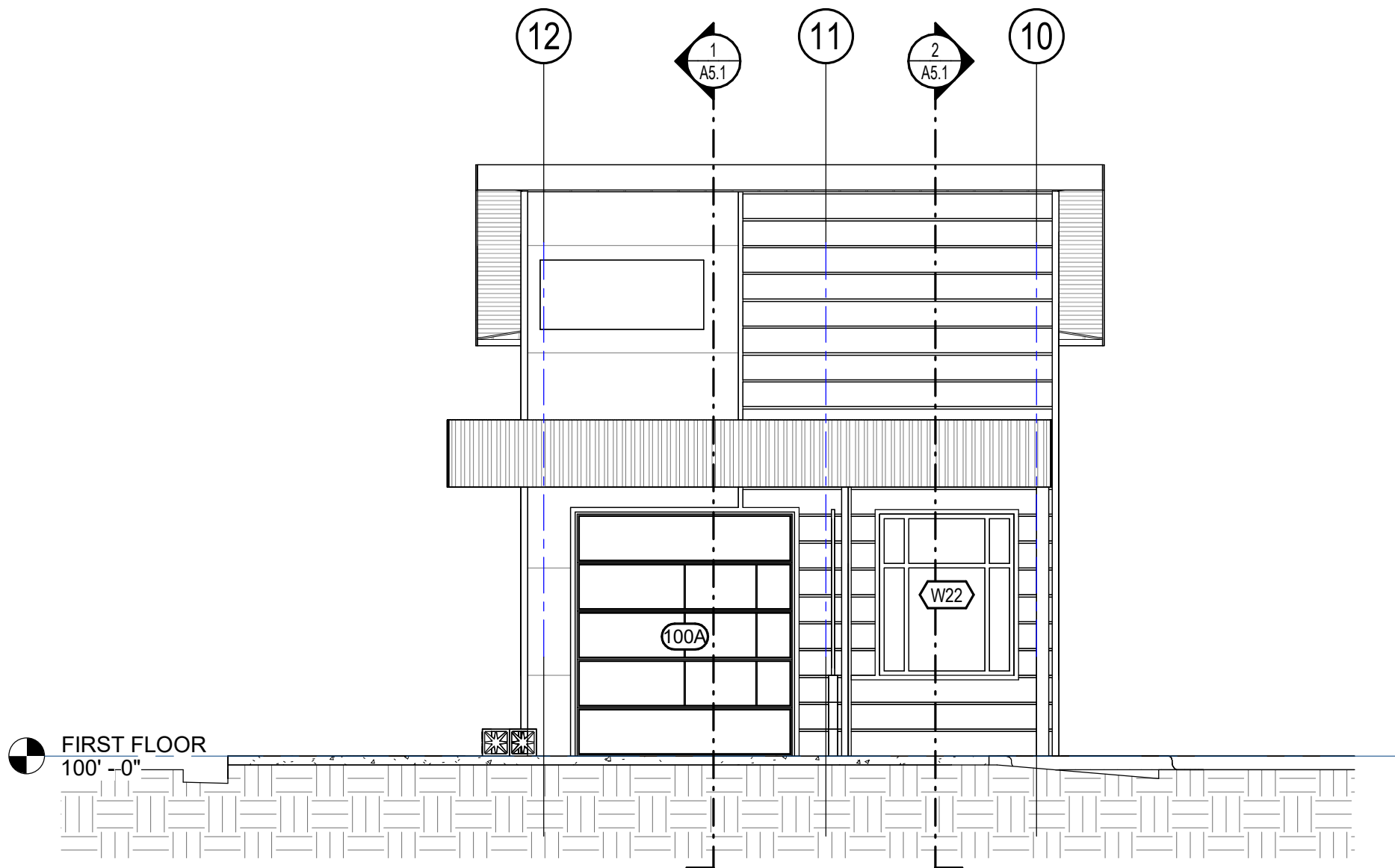
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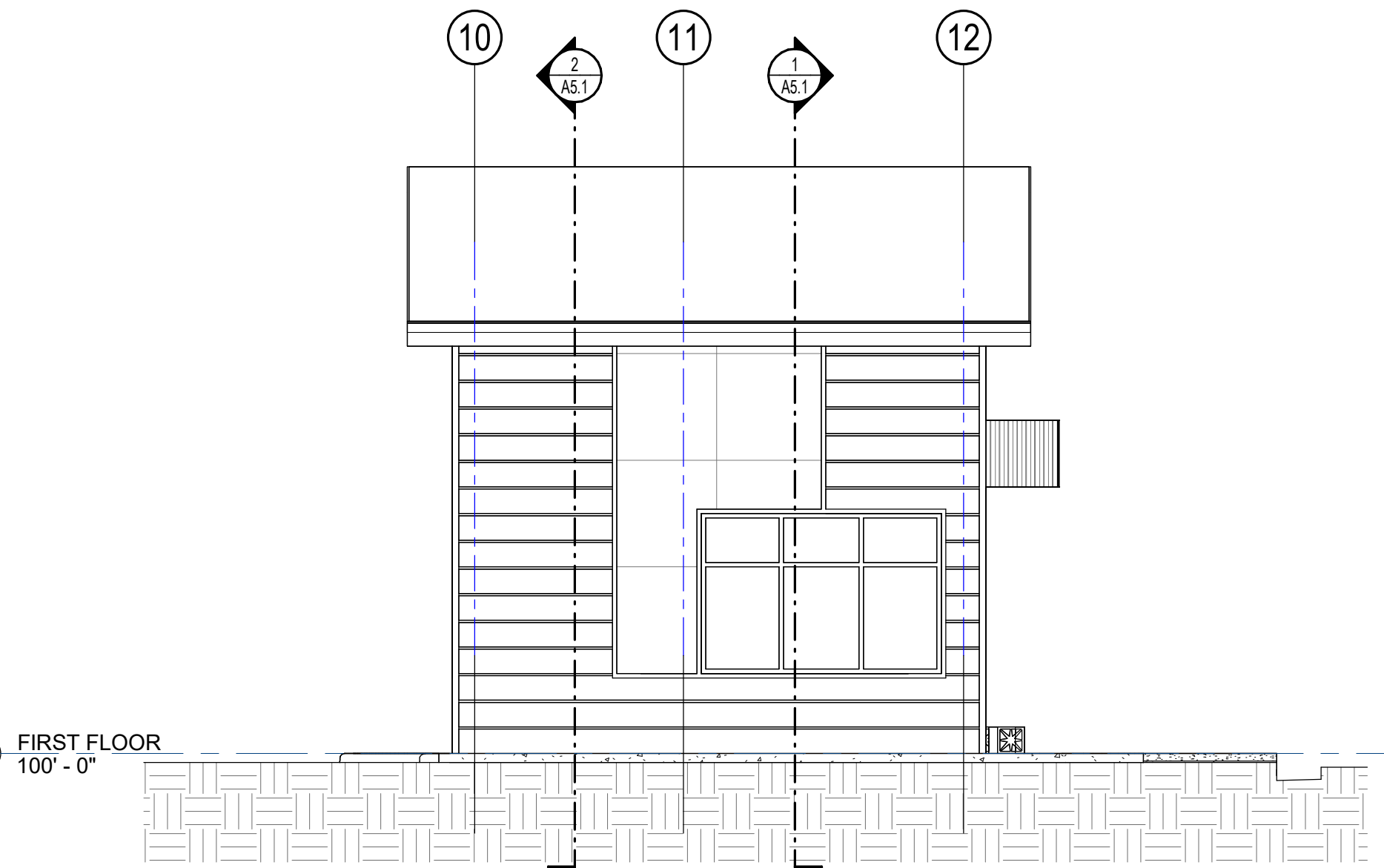
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REVISIONS	
#	DATE



**2 EAST ELEVATION - LOBBY**  
SCALE: 3/16" = 1'-0"



**4 WEST ELEVATION - LOBBY**  
SCALE: 3/16" = 1'-0"

**THE BELL HOTEL**  
 40 E. LYNDALE AVE. HELENA, MT 59601  
**BUILDING ELEVATIONS - LOBBY**

4912-01-01  
 DRAWN BY ER  
 APPROVED CWG  
 DATE 1.31.2024

**A4.1**

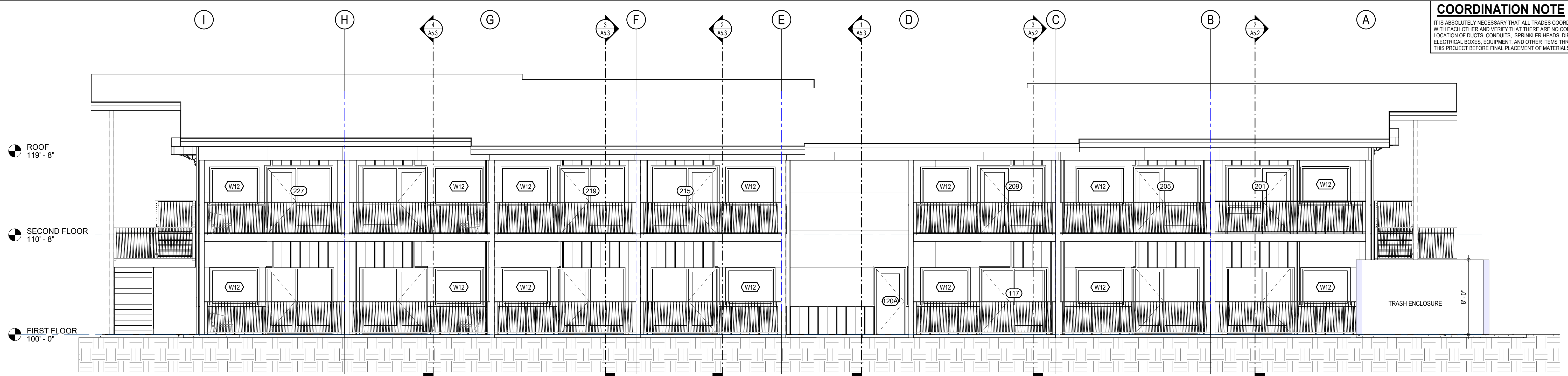


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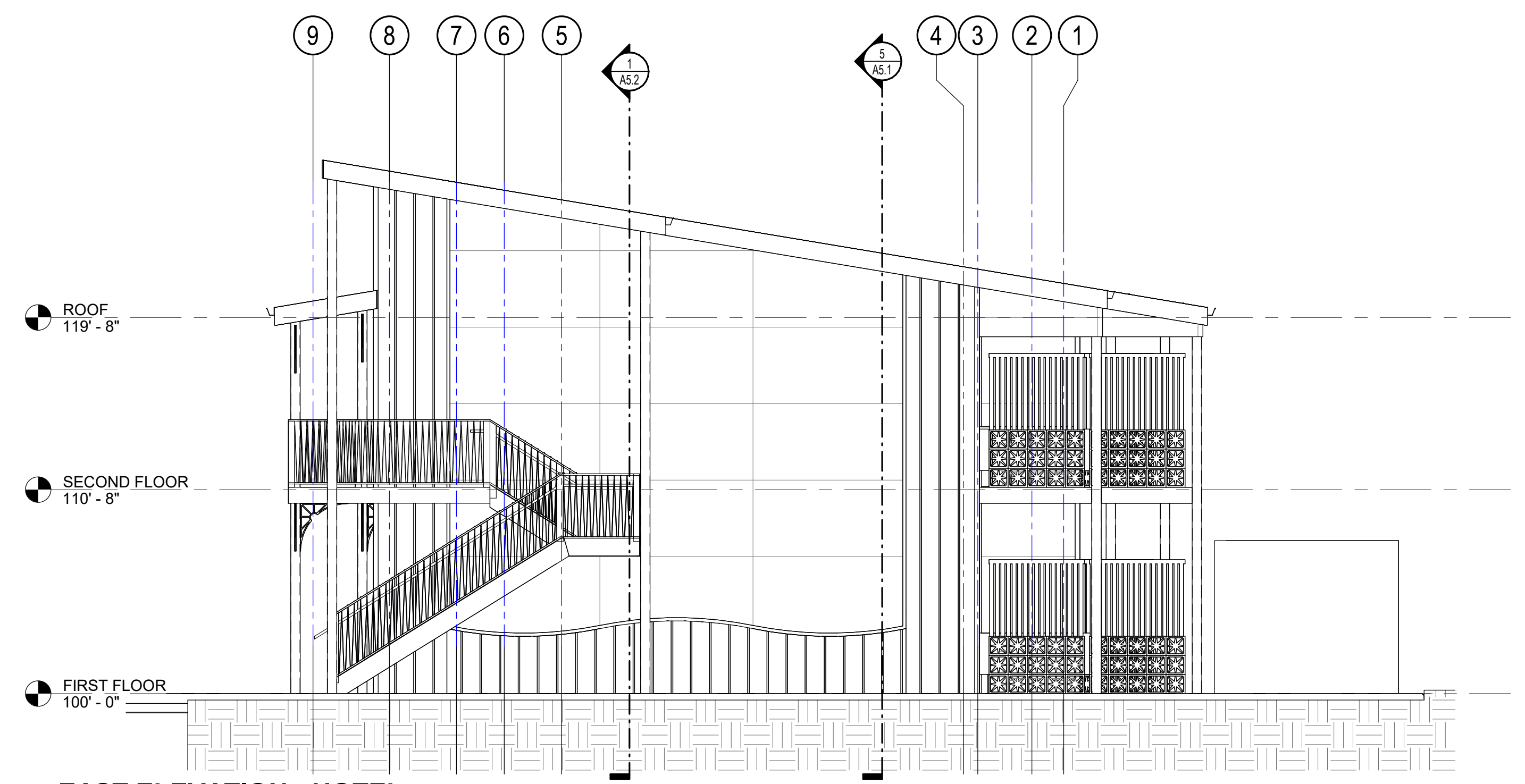
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CWG Architects  
 850 Park St  
 P.O. Box 1198  
 Helena, MT 59624  
 cwg@cwg-architects.com  
 (406)443-2340  
 © 2024 Constructive Winery-Galen P.C.

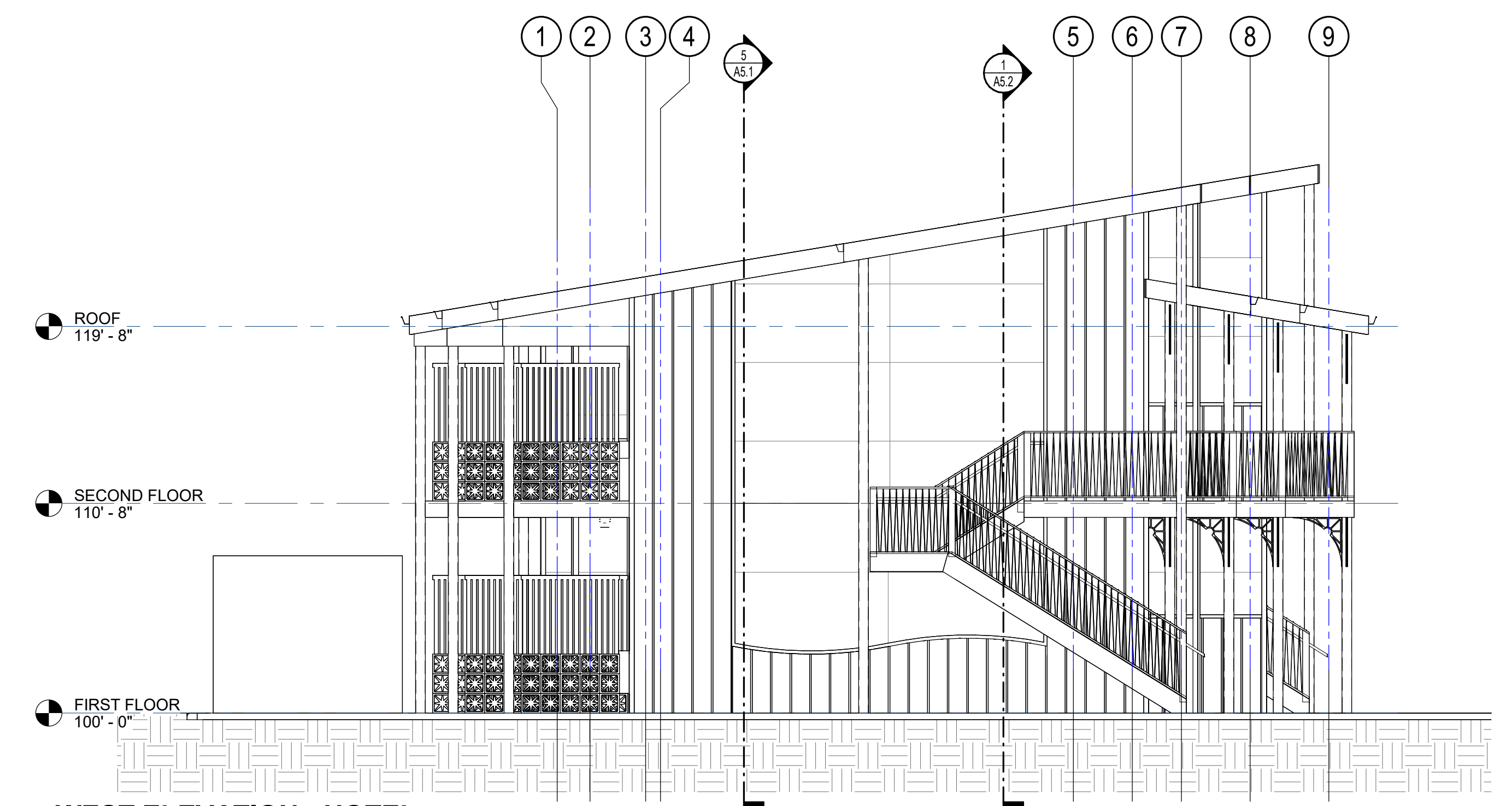
REVISIONS	
#	DATE



**1 NORTH ELEVATION - HOTEL**  
 SCALE: 3/16" = 1'-0"



**2 EAST ELEVATION - HOTEL**  
 SCALE: 3/16" = 1'-0"



**3 WEST ELEVATION - HOTEL**  
 SCALE: 3/16" = 1'-0"

**EXTERIOR ELEVATION NOTES**

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**THE BELL HOTEL**  
 40 E. LYNDALE AVE. HELENA, MT 59601  
**BUILDING ELEVATIONS - HOTEL**

4912-01-01  
 DRAWN BY ER  
 APPROVED CWG  
 DATE 1.31.2024

**A4.2**

**COORDINATION NOTE**

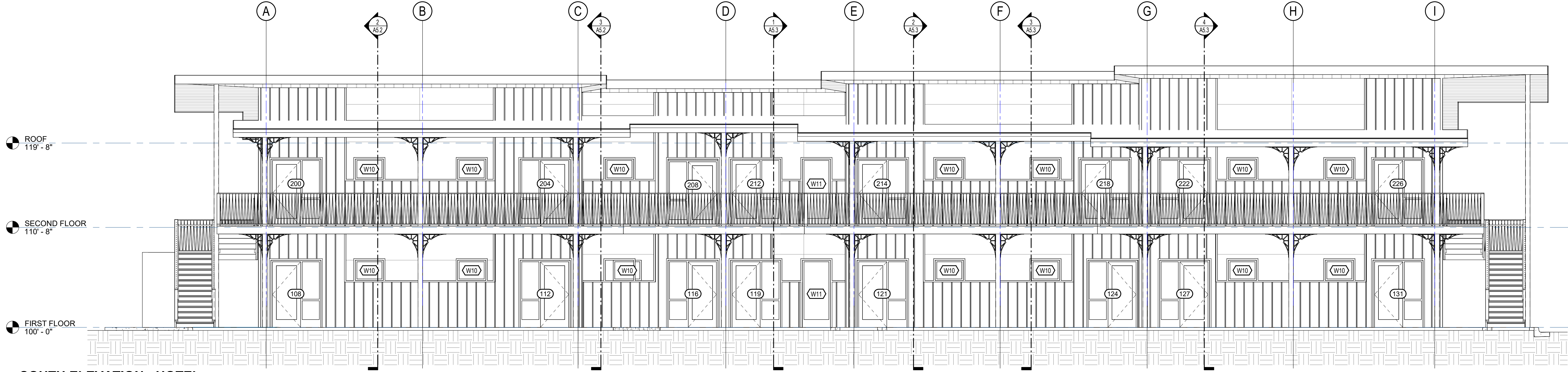
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**REVISIONS**

#	DATE



**1 SOUTH ELEVATION - HOTEL**  
SCALE: 3/16" = 1'-0"

**EXTERIOR ELEVATION NOTES**

- GENERAL NOTES:**
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**THE BELL HOTEL**

40 E. LYNDALE AVE. HELENA, MT 59601

**BUILDING ELEVATION & DETAILS**

4912-01-01  
DRAWN BY ER  
APPROVED CWG  
DATE 1.31.2024

**A4.3**

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1 Lyndale East Approach  
SCALE:

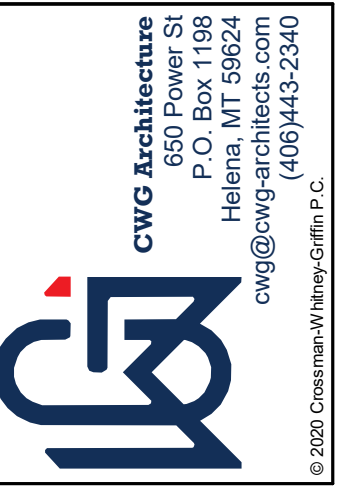


2 Lyndale West Approach  
SCALE:

**COORDINATION NOTE**

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650 Poplar St  
P.O. Box 1198  
Helena, MT 59624  
cwg@cwg-architects.com  
(406)443-2340  
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**REVISIONS**

#	DATE

**THE BELL HOTEL**  
40 E. LYNDALE AVE. HELENA, MT 59601  
**3D VIEWS**

4912-01-01  
DRAWN BY ER  
APPROVED CWG  
DATE 1.31.2024

**A10.2**



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](mailto: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 11-9-7 (A) (3) to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder).

And

2. A variance from Section 11-9-7 (B) (1) to increase the maximum lot line setback from 0' to 10', for a property with a legal description of Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder).

The reason for the variances is to construct a hotel where public utilities are lined along E Lyndale Ave, and Memorial Dr, as well as accommodate visitors and the turning movements of emergency services.

This property is located at 40 E Lyndale Street.

**OVERVIEW**

**GENERAL INFORMATION**

**DATE OF APPLICATION:** Application received February 1, 2024

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

**PROPERTY OWNER:** Bell Hotel Properties LLC

**MAILING ADDRESS:** 40 East Lyndale Avenue, Helena MT, 59601

**CONTACT NUMBER:** (608) 780-2569

EMAIL ADDRESS: [karli@bellhotelhelena.com](mailto:karli@bellhotelhelena.com)

APPLICANT: Karli Mosey

MAILING ADDRESS: 613 Jackson Street, Helena MT, 59601

CONTACT NUMBER: (608) 780-2569

EMAIL ADDRESS: [karli@bellhotelhelena.com](mailto:karli@bellhotelhelena.com)

**LEGAL DESCRIPTION:**

Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder)

PRESENT LAND USE: Vacant

PRESENT ZONING: DT

**ADJACENT LAND USE:**

North: PLI - Memorial Park

South: B-2 - Commercial

R-3 - Residential

East: B-2 - Commercial

West: DT - Commercial

**VARIANCE PROPOSALS:**

1. A variance from Section 11-9-7 (A) (3) to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder).

And

2. A variance from Section 11-9-7 (B) (1) to increase the maximum lot line setback from 0' to 10', for a property with a legal description of Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder).

**HISTORY OF APPLICABLE PERMITTING ACTION:**

- 1) July 2022 – Demo Permit for previous structure
- 2) February 2023 – Variances approved for the same conditions
  - Variances expired February 6<sup>th</sup>, 2024
- 3) The submitted design requires two additional administrative adjustments – a ruling memo will be released by the Director of Community Development on 04/01/2023:
  - An adjustment from Section 11-9-7-D-1 to decrease the required ground floor, primary street frontage transparency from the required 50% to 47%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).
  - An adjustment from Section 11-9-7-D-2 to decrease the minimum number of entrances along the primary frontage from the requirement of 1 to 0, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).

**ZONING EVALUATION for the properties legally addressed as 40 East Lyndale, Helena, MT, located in the DT zoning district.**

<b>ZONING REQUIREMENT</b>	<b>Applicable ZONING REGULATION</b>	<b>PRESENT CONDITION</b>	<b>PROPOSAL</b>	<b>VARIANCE REQUIRED</b>
City Code: §11-9-7 (A) (3)	Lot Coverage: 50% minimum	Vacant	Reduce lot coverage to 35%	Yes
§11-9-7 (B) (1)	Lot Line, Primary Street: A minimum of 50% of the building frontage is required to meet the zero lot line setback.	Vacant	Increase lot line setback to 10'	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**

1. A variance from Section 11-9-7 (A) (3) to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder).

And

2. A variance from Section 11-9-7 (B) (1) to increase the maximum lot line setback from 0' to 10', for a property with a legal description of Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder).

Regards,

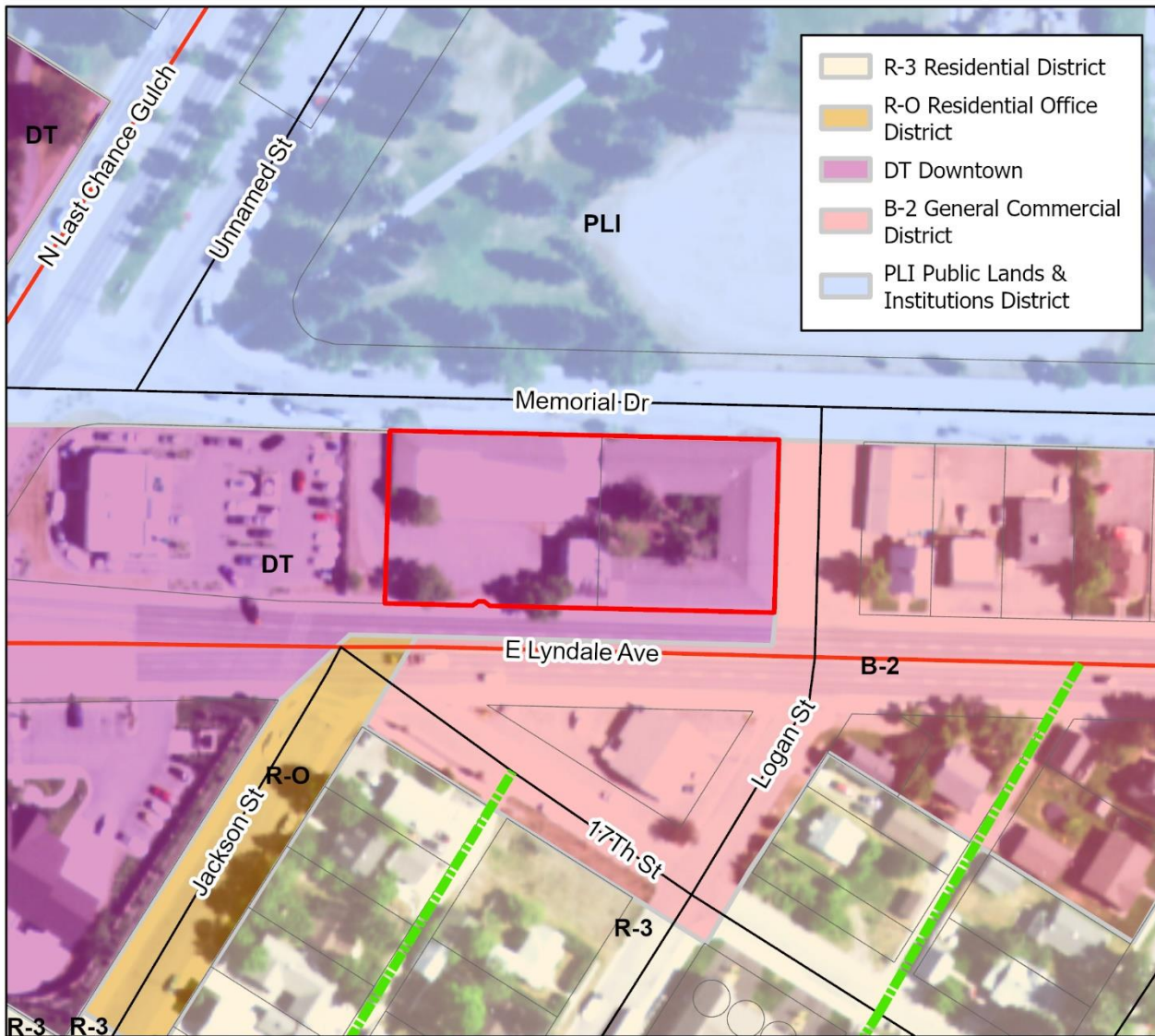
A handwritten signature in black ink, appearing to read "Kyle Holland".

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




# 40 E Lyndale Ave

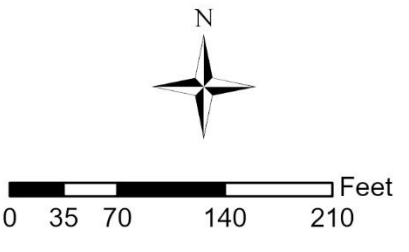
# Zoning Map



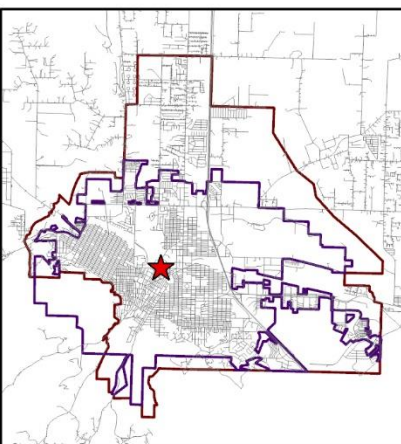
- 40 E Lyndale Ave
- Divided 4-Lane
- Paved
- Alley
- MT Parcels w Condos



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



Legal Description: CENTRAL  
ADDN NO 3, S30, T10 N, R03  
W, BLOCK 53, Lot 1 - 11, &  
30X122 CLOSED JACKSON ST,





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](mailto:kholland@helenamt.gov)

[helenamt.gov](http://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 11-9-7 (A) (3) to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder).

And

2. A variance from Section 11-9-7 (B) (1) to increase the maximum lot line setback from 0' to 10', for a property with a legal description of Lots 1, 2, 3, 4, 5, and 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot 1. (Being the same premises referenced in the Quit Claim Deed recorded on August 4, 2016, at Document No. 3293205, Book M51, Page 6955, in the Office of Lewis & Clark County Clerk and Recorder).

The reason for the variances is to construct a hotel where public utilities are lined along E Lyndale Ave, and Memorial Dr, as well as accommodate visitors and the turning movements of emergency services.

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 is located at 40 E Lyndale Street.

**GENERALLY LOCATED:**

This property is on the north side of East Lyndale Avenue between N Last Chance Gulch and Logan St

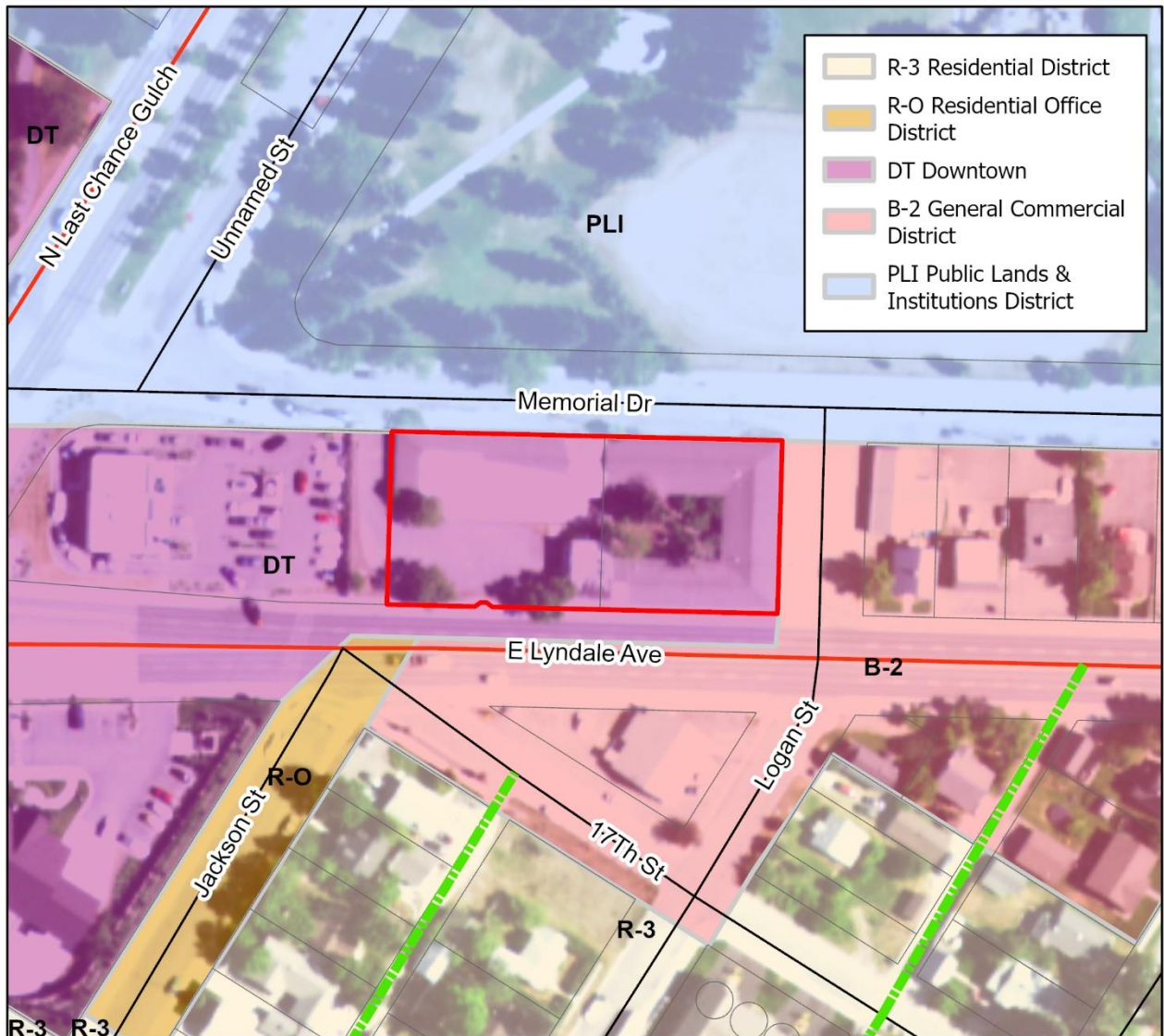
If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8459.

Sincerely,

**Kyle Holland, Planner II**

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

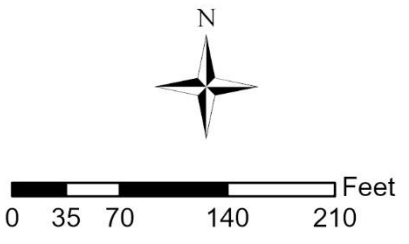
# 40 E Lyndale Ave Zoning Map



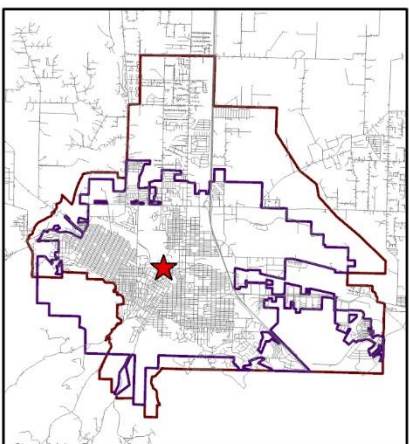
- 40 E Lyndale Ave
- Divided 4-Lane
- Paved
- Alley
- MT Parcels w Condos



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



Legal Description: CENTRAL  
 ADDN NO 3, S30, T10 N, R03  
 W, BLOCK 53, Lot 1 - 11, &  
 30X122 CLOSED JACKSON ST,



# Project Reviews

## City of Helena

**Project Number: ZBOA2402-001**

Description: **40 E Lyndale Ave**

Applied: **2/5/2024**

Approved:

Site Address: **40 E LYNDALE AVE**

Closed:

Expired:

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

Status: **RECEIVED**

Applicant: **Karlie Mosey**

Parent Project:

Owner: **Bell Hotel Properties, LLC**

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	NOT APPLICABLE	
Notes:						
Review Group: AUTO						
2/5/2024		2/8/2024	DIRECTOR REVIEW	Christopher Brink		
Notes:						
Review Group: ZONING						
2/9/2024	2/16/2024	2/22/2024	BUILDING	Kim Mack	APPROVED	
Notes:						
Full building code and site review will be completed when plans are submitted for permits.						
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			
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	2/21/2024	2/22/2024	PUBLIC WORKS	JAMIE CLARK	NO COMMENT	
Notes:						

**ORDER AND DECISION OF THE BOARD OF ADJUSTMENT  
CITY OF HELENA, MONTANA**

**WHEREAS, Karli Mosey** heretofore petitioned the Board of Adjustment for a variance of zoning requirements relating to the following real property located within the City of Helena, Montana, with a legal address of:

**40 E Lyndale St**

**SAID VARIANCE BEING OF THE FOLLOWING NATURE:** The applicant is requesting a variance from Section 11-9-7-A-3 to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).


**WHEREAS,** the Board of Adjustment gave notice and held a Public Hearing on said Petition as required by the applicable statutes and ordinances, and took testimony under oath from Petitioner and other interested parties, and said Board of Adjustment is now fully informed in the premises.

**THE BOARD OF ADJUSTMENT FINDINGS ARE AS FOLLOWS: Approves the following variance:**

Move to Approve a variance from Section 11-9-7-A-3 to decrease the minimum percentage of lot coverage from 50% to 35%, for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana together with the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221). *with the condition a building permit must be obtained within one (1) year.*

**IT IS HEREBY DETERMINED AND ORDERED** that the variance petitioned for by the petitioner are **APPROVED.**

**DONE AND DATED BY ORDER OF SAID BOARD OF ADJUSTMENT THIS 7<sup>th</sup> DAY OF MARCH 2023.**

  
\_\_\_\_\_  
Tracy Egeline  
Chair of the Board of Adjustment

**ORDER AND DECISION OF THE BOARD OF ADJUSTMENT  
CITY OF HELENA, MONTANA**

**WHEREAS, Karli Mosey** heretofore petitioned the Board of Adjustment for a variance of zoning requirements relating to the following real property located within the City of Helena, Montana, with a legal address of:

**40 E Lyndale St**

**SAID VARIANCE BEING OF THE FOLLOWING NATURE:** The applicant is requesting a variance from Section 11-9-7-B-1 to increase the maximum lot line setback from 0' to 10', for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221).

**WHEREAS,** the Board of Adjustment gave notice and held a Public Hearing on said Petition as required by the applicable statutes and ordinances, and took testimony under oath from Petitioner and other interested parties, and said Board of Adjustment is now fully informed in the premises.

**THE BOARD OF ADJUSTMENT FINDINGS ARE AS FOLLOWS: Approves the following variance:**

Move to Approve a variance from Section 11-9-7-B-1 to increase the maximum lot line setback from 0' to 10', for a property with a legal description of Lots 1 to 6 of Block 53 of the Central Addition No. 3 to the City of Helena, Lewis and Clark County, Montana together with the east one-half of vacated and closed Jackson Street adjacent to Lot. (Ref: Resolution 9248 in M Book 2 of Records, page 5059, and Quit Claim Deed recorded in M Book 2 of Records, page 6221). *with the condition a building permit must be obtained within one (1) year.*

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Tracy Egeline  
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