

Minutes
Board of Adjustment Meeting
September 20, 2022, 5:30 p.m.
Virtual Zoom Platform

Board Members Present:

Byron Stahly, Chair
Burton Federman, Vice-Chair
Commissioner Shirliff
Tracy Egeline

Staff Present:

Michael Alvarez, Planner II
April Sparks, Administrative Assistant

Board Members Absent:

Members of the Public Present:

Call to Order:

(0:00:15) Chair Stahly called the meeting to order shortly after 5:30. Roll call was taken, and a quorum was established (4 Board members)

Approval of Minutes:

(0:01:27) The minutes of the Board of Adjustment meeting of May 3, 2022, were unavailable, and will be presented at the next meeting.

Public Hearing #1:

(0:09:29) After some technical difficulties, staff read the three standards of Section 11-5-5 and the seven standards that may be considered.

Staff Presentation:

(0:14:41) Staff provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. As of Tuesday, September 20, 2022, public comment had been received regarding the proposed variance, which was sent to the Board as an addendum.

Questions asked of Staff:

(0:13:45) Vice-Chair Federman asked Mr. Alvarez about correspondence that referred to an ADA compliances. Mr. Alvarez stated that there was an ADA compliance that was for 729 9th Ave, so more about the alley being accessible, but he was unsure what that comment really addresses about the project.

(0:19:35) Ms. Egeline asked if the turning radius to get into the garage off the driveway was looked at. Mr. Alvarez stated that would be better asked of the applicant. Chair Stahly stated he also would like to get this information from the applicant. Mr. Alvarez asked Vice-Chair Federman a clarifying question regarding the public comment he was asking about previously.

(0:20:59) Chair Stahly stated he would like to hear from the applicant.

Applicant Presentation:

(0:21:05) Roger Dail, 730 Flowerree, presented a PowerPoint presentation to the Board. In his presentation, Mr. Dail pointed out that the vehicles owned by the family were too large for the existing garage, necessitating building a new garage. Mr. Dail proceeded to present two site plans, including the one that was submitted with his application. He noted the current orientation of the driveway and stated that they were trying to determine the orientation of the driveway with the proposed garage and noted that it could either come in straight or at an angle. Mr. Dail proceeded to show the Board some other details of the site noting the slope of the backyard and the locations of other features and property lines. Mr. Dail cited the recent storms which caused fallen tree branches in the neighborhood and multiple break ins over the past 7 years as reasons for wanting a garage to keep the family's vehicles secure.

Questions asked of Applicant:

(0:25:27) Chair Stahly stated that he appreciates the backyard drainage, and asked about photos showing the applicant's vehicles, with more of a 90 degree turn from Hay Street seemed like a more logical layout than what is being presented, which appears to have more complicated driveway turning movements, but the coming straight in thing that Mr. Dail had shown is more doable, however Chair Stahly expressed his concern of sidewalks with garage setups like this one, and when vehicles do not end up in the garage, for whatever reason, and the park in front of their garage, it impedes the sidewalk, which creates his concerns for accessibility and the potential for vehicles to impede the sidewalk.

(0:27:40) Vice-Chair Federman asked if there were currently curb cuts. Mr. Dail stated there were. Vice-Chair Federman stated that if you went straight in one truck is not going to make the curb cut. Mr. Dail stated that he and his wife wanted to keep the large ash tree and a retaining wall, and with the current driveway there is a curve to the right, so it is difficult to measure exactly, but there should be about 3 or 4 parking spots within what they are calling their driveway, and that the vehicles would not hang over the sidewalk, which they want to avoid, so while he's not sure how to answer the question, but the current curb cut is planned to be kept. Vice-Chair Federman asked if they will be rotating the garage towards the house and come over as close to the house as possible. Mr. Dail stated that it depends on the tree [that the homeowners want to preserve] and what the surveyor says, and that these are questions that they still need to do their due diligence on and figure things out.

(0:29:35) Chair Stahly asked Mr. Alvarez if he knew what the Board had before them is the variance that shows that 5 foot in front and kind of a "cattywampus" building and it sounds like the applicant is not sure he's going to do that, so if the Board were to approve a garage entrance setback from 20 feet to 5 feet, could he then come back to the city with something that actually showed that (setback) greater than the 5 foot, would 5 foot be a minimum, but if he actually started turning things and got more of a setback, could he do that if the Board approved this variance or would he have to stick to the orientation that the Board is looking at on the application. Mr. Alvarez stated that the applicant would be able to go up to the five feet if that is what is approved but he certainly can make it more conforming as he wishes that that. Vice-Chair Federman stated that it is still going to be less than 20, so there is a number to identify. Mr. Alvarez stated that if the Board approves of it the way that it's written and he wants to go to say, 10 feet, and he submitted plans like that then they would be accepted. Chair Stahly asked Mr. Alvarez if he knew what the distance is from the property line to the sidewalk and stated that it would be helpful to have this type of information before a meeting. Mr. Alvarez stated he thought it was 1 foot, but he would confirm that information.

(0:32:08) Vice-Chair Federman stated that the Board did not have a dimension on the driveway, so they didn't know exactly what they are talking about, and the applicant could end up with a car protruding into the sidewalk if it's less than 20 feet. Mr. Dail stated that he had tried to make that calculation, and it was difficult to determine exactly, but that the edge of the sidewalk to their property line, there is a fence between them and their neighbor and on that it looks like it's about four feet from the end of the sidewalk to where their property begins. Chair Stahly stated that looking at the drawing not knowing if it's to scale, it is helpful to have the photograph supplied by Mr. Dail and he can see the sidewalk width and would guess that the property line is three to four feet back from it. Mr. Dail stated that he wrote down 53 inches yesterday from the sidewalk, but that it is hard to tell, and that there is a pin in the southwest corner, but it's still an approximate distance.

(0:35:29) Vice-Chair Federman pointed out that the site plan shows a 20-foot set back from the property to the proposed garage, and that is taken as a true measurement. He further stated that the photograph is of one thing and that another is being proven and it does not make sense. Chair Stahly also stated that he was struggling with the same issue. Citing that he could possibly see with that 5 foot because the far garage space could have a vehicle outside and it wouldn't impede the sidewalk, but if there were a vehicle outside the garage on the nearer parking space, it would impede the sidewalk. That is why he is asking Mr. Alvarez the question about the give feet he could come back and then change the orientation of the garage and keep the five-foot minimum and then there would be an issue with both vehicles if they weren't in the garage protruding into the sidewalk, and ultimately this is what he would like to avoid with the variance applications.

(0:34:57) Mr. Dail brought up another view on his presentation and stated that the current driveway will be repurposed. There would be a proper slope, and the new driveway would be in a specific area, so the worst-case scenario, the way the cars are currently parked in that driveway will be in existence. Chair Stahly stated that based upon the drawing the Board was looking at, in the corner of the new structure, they are seeing it would be approximately 4 foot on the other side of the retaining wall and fence, and then you can see the near stall, his concern with that being that close, so if there is a vehicle parked out in front of the structure for any reason, it's impeding the sidewalk. Mr. Dail stated he could see that as being an issue, and stated it depends on the angle and that he had alternate proposals. Chair Stahly stated he could not see approving the site plan as submitted, and that if Mr. Dail could come back with a site plan that maybe ends up being 7-8 feet back, he may feel more comfortable with that. Vice-Chair Federman asked to see a site plan that had been approved in 2016. Mr. Dail stated that he thinks the key is the angle at which the drawing is showing the "cattywampus" garage, whereas it would be more of a pull in straight garage just like the one that was approved in 2016. Vice-Chair Federman noted that the 2016 site plan is showing a definite 20-foot setback and stated his opinion that is the plan that the Board should have in front of them. Mr. Dail stated that the main difference between what was presented and the 2016 plan is taking down the tree, which he had previously stated an intent to retain, and removing the patio, and whether it is a 20-foot set back or moved forward a little, that is what the homeowners are trying to work with the Board to figure out their options. There was more discussion about variants to the plan that Mr. Dail could pursue and Vice-Chair Federman asked if Mr. Dail would agree to table the item and bring it back with a single revised plan. Mr. Alvarez explained the process for tabling an item and then what would be needed to bring it back before the Board.

Public Comment:

(0:49:03) There was no public comment

Board Discussion and Motion:

(0:49:13) Vice-Chair Federman made a motion to table the item. Ms. Egeline seconded the motion. The motion passed unanimously (4:0).

Public Hearing #2:

Staff Presentation:

(0:49:59) Staff provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. There was no public comment received regarding this variance.

Questions asked of Staff:

(0:54:10) Ms. Egeline asked about an email that was in the packet, that dealt with privacy on the back of the property, and if it was this one. Mr. Alvarez stated that is related to 717 Third. There were no further questions for staff.

Applicant Presentation:

(0:55:03) Ms. Charlton asked if the Board needed anything of her. She was told that this is her opportunity to address the Board, and she was not required to make a presentation.

Questions asked of Applicant:

(0:56:07) Vice-Chair Federman stated that the plan looks as though there is a lot of coverage, and it looks like a lot of building. Ms. Charlton stated that when she first sent the application in, they had been hoping to build within the same measurements of the existing house, so did not know that the lot coverage was non-conforming. Mr. Alvarez stated that the proposed plan goes deeper (into the lot), so the planned house is larger. There was some discussion about the size of the lot, 23' wide, and the square footage of proposed and existing buildings. Vice-Chair Federman stated that it just looks like a lot of building for the size of the lot. Mr. Alvarez stated that it is an unusual, and slightly deeper block length than is typical by about 15 feet.

(1:01:09) Chair Stahly stated that to him this is the traditional Helena narrow lot, and unnecessary hardship and practical difficulty get difficult. There is simply no way to add on to the house without maintaining those existing narrow side lot lines that they have, so he will be supporting the application.

Public Comment:

(1:02:05) There was no public comment.

Board Discussion and Motion:

(1:03:57) Vice-Chair Federman made a motion to approve a variance from Section 11-4-2 to decrease the allowable minimum side lot line setback from 6' to 4' (east) and a variance to decrease the allowable minimum setback from 6' to 3' (west) for a property with a legal description of All that portion of Lot 3 in Block 606 of Hoback & Cannon Addition to the City of Helena, Lewis and Clark County, Montana, and more particularly described on Quit Claim Deed 558565, records of Lewis & Clark County, Montana, with the condition that the applicant obtains a building permit within two years.

Ms. Egeline seconded the motion. The motion passed unanimously (4:0).

Public Hearing #3:

Staff Presentation:

(1:07:22) Staff provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. There one written no public comment received regarding this variance, which does not appear to be in support or opposition but is more about accessibility in alleys.

Questions asked of Staff:

(1:10:30) Ms. Egeline wanted to verify that the applicant is attempting to park three cars in this space that is 35 feet wide, which seems large. Mr. Alvarez stated that there are three drivers in the house, so he's possibly misunderstanding the request from the applicant, but they are trying to better accommodate their cars off street.

(1:11:09) Vice-Chair Federman asked if there is a dimension from the alleyway to the front of the garage. Mr. Alvarez states it is listed as 16 feet, where five feet is the requirement by code for an alley.

Applicant Presentation:

(1:12:58) The applicant had not yet been able to connect to the meeting, so item #4 was introduced, and the applicant would hopefully be able to connect.

Public Hearing #4:

Staff Presentation:

(1:15:08) Staff provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. There were three public comments received regarding the variance.

Questions asked of Staff:

(1:19:08) Vice-Chair Federman asked Mr. Alvarez if he could go back in his presentation to the drawing that showed the right-of-way behind the house, particularly the one with the yellow line. Mr. Alvarez stated he was unsure which drawing was being referenced. Vice-Chair Federman rephrased the question and asked if the applicant's property abuts any of the neighboring properties, the property behind it specifically. Mr. Alvarez stated that it does in fact abut the property behind it. Chair Stahly noted that comparing the location on the map and the site plan makes it difficult to ascertain that.

(1:20:49) Ms. Egeline asked about the dimensions of the access easement, as it was difficult to determine what was noted in the packet. Mr. Alvarez stated that in his opinion it is easier to make that out on the aerial view and showed that to the Board as well as went over it. Vice-Chair Federman clarified that he was asking about the property that faces 2nd St. Mr. Alvarez stated the properties abut but are separated by a fence.

Applicant Presentation:

(1:25:04) Ken Morrison, the applicant, stated that they are aware of the neighbors' concerns and are willing to address those issues if needed, but would like to allow Bill Fields, their contractor, to speak to the project. Mr. Fields stated that the reason they are trying to build where they are is to keep the current driveway intact as the ground does slope to the north, and they are trying to not change the elevations there. Mr. Fields noted that they had heard there was a concern of privacy from the neighbor, but they have made every effort to deal with that. The building is designed with no windows in the living area on the north side for that reason. Mr. Morrison noted that there are many garages built right on the property lines in the neighborhood, and there are some that are in their area, including one of the adjacent properties. Mr. Morrison stated that these properties have been grandfathered in, so there is a prevalence of that type of non-conformance. He also added that the original intent for the project was to give his wife a studio space, and that is what they have been striving for. Mr. Morrison stated his wife currently works in a closet in the house and they have been wanting to do this for a long time, and have been talking to their neighbors about this project for 6-7 years. Mr. Morrison stated the studio space was the main purpose of the structure, but they decided as they were going to the expense and effort that it would also be good to have the ability to live there if needed, as the house does not have a bedroom on the bottom floor.

Questions asked of Applicant:

(1:28:56) Vice-Chair Federman asked why the applicant is proposing a building that is much taller, 24 feet, than those that the applicant pointed out as neighboring non-conformities, which are only possibly 15-18 feet high. He asked further why not simply put the roof over the living area and leave the garage at 15 or 18 feet high so that it wouldn't impose on people, then put your two story-living quarters and have a roof on that. Mr. Fields responded that the upstairs space above the garage is just an extra storage space, and that the current garage has open rafters in it, so all of the old materials being saved to match trim and whatnot would get stored in the attic space, so it will be floor space instead of attic space providing easier access. Vice-Chair Federman asked why did they have to increase the height to 24 feet. Mr. Fields said that the roof does increase in order to put a floor up there and have access for the storage, the truss layout is needed to keep the walls over 6 foot at the corners where you would go up. Vice-Chair Federman asked if Mr. Fields would agree that most of the garages in the neighborhood are only 15 or whatever feet high. Mr. Fields stated that he did not measure any garage in the area. Vice-Chair Federman stated that he is sure that the average height would be around that, and that they are one-story structures, and as all the properties are abutting, he wondered why that was not taken into consideration, and that this enormous roof is being proposed on the garage where you could just as well put on the new addition and have a roof on that. Mr. Morrison stated he wasn't sure if he was fully understanding the question, but the intent of the design was to try to have it look uniform across two structures and look like one structure and then have that space about the garage and the studio. Vice-Chair Federman stated he understood that intention, but he was pointing out what it looks like to him. Mr. Morrison stated that there are a lot of structures that are much higher than this garage all around, and that most of those are living structures, but that is not an unusual height for them, and in that case it would be difficult.

(1:32:39) Commissioner Shirliff asked about the intent of the space above the garage. Mr. Morrison stated that the studio space would be on the bottom level and the space above would be extra space to use above with studio work and his wife has suggested putting a sewing room of some kind up there. Mr. Morrison further added it could also be used as a bedroom if they needed it for some purpose. Commissioner Shirliff

followed up by asking if it was going to be used for a living space in another bedroom. Mr. Morrison stated that it could be used for that, and their interest is in having it as a dual use space if possible.

(1:34:00) Ms. Egeline asked for the existing slope of the house. Mr. Fields stated that the existing house is a 9/12. Ms. Egeline asked if the applicant had first looked at remodeling the existing home, as in the application they had stated they wanted a bedroom on a ground floor as they did not have one in case accessibility becomes an issue, and if they had considered remodeling any spaces to accommodate that. Mr. Fields stated that while the Morrison's home is not on the historical register, they have attempted to maintain the historical integrity by not adding vinyl windows and things like that and building wooden windows to replace stuff. Mr. Fields further stated that there have been additions put on the house, but to go back and put those additions on the house would seem to devalue what they have tried to maintain. Mr. Morrison added that the house was built in the 1890s, and they have lived there for almost 50 years, and they have attempted to maintain it historically as much as they have been able. He further stated that some people in the neighborhood have decided to change that and have taken out the inside and redo their historic homes, but it has been their goal since they have lived there to try to keep it as historic as possible.

Public Comment:

(1:36:23) Bill Johnson stated that he had purchased the property just to the south of the lot the applicants are proposing building on. Mr. Johnson stated that he wished that he would have liked to have been able to present his comments in person so that they could have provided some visual effects from the proposed new construction, but they did not find out about what was going to be built until the day before comments were due. Mr. Johnson stated that he purchased his property in 1990 and for the past 32 years have collaborated with the applicants on various projects and have generally had a good relationship and were not very concerned about the announcement that came from the city, because it said a new garage with additional living space between the existing location and the pool. Mr. Johnson stated he had conversations with the applicant and Mr. Morrison had indicated that the foundation of the existing garage was cracked and needed to be replaced, along with the desire to add studio space when replacing the garage, so they did not think much when receiving notification of the application for a variance. Mr. Johnson's wife called Mr. Alvarez for more information the day before comments were due, and found out the proposed dimensions for the new structure were 37x43 feet, and the square footage is just about 1600 square feet, with 540 of that for the garage itself. The living space on the lower floor Mr. Johnson calculated to be 670 square feet and the second floor 554 square feet, for a total of about 1225 square feet. Mr. Johnson stated that looking at the conceptual designs of the structure it appears to be a house with a 2 car garage attached to it, not a replacement of a garage, but a new house. Mr. Johnson noted that the building plans provided to him by Mr. Alvarez stated the height of the new building would be 24 feet, and described the visual impacts on his property, as well as noting that there would be noise impacts from someone living so close to the property line. Mr. Johnson also expressed concern about the effect of reflective heat coming off the garage and the effect it would potentially have on his landscaping, and finally his concern that his property value will suffer and stated it would feel as though they are living in a box. Mr. Johnson also expressed his puzzlement over why the applicant could not move the garage closer to the street, and while he noted the concern of not impacting the easement, there appears to be about a 20 foot distance from the front of their garage to where the driveway veers off from what can be seen on Google Maps, and that could be adjusted by clearing out some lilacs further towards the street, and a little to the west, so to Mr. Johnson everything about the design is about

maximizing benefit for the applicants. Mr. Johnson further stated his opinion that there are no hardships involved and again citing the proposed design. Mr. Johnson then yielded to his wife, Susan Leonard.

(1:46:34) At this juncture Chair Stahly asked Ms. Leonard if she could please limit her comments to three minutes. Ms. Leonard stated that Mr. Johnson voiced many of her points and didn't have much to add other than she finds it hard to see how the neighbor would recognize a hardship when there is so much room in their lot to accommodate their needs and asked that the variance not be approved. There were no further comments.

Board Discussion and Motion:

(1:47:37) Chair Stahly stated that he is not in support of the variance. Even prior to hearing the public comment, he was not impressed by the project and thought it was too much for the neighborhood to ensure, since the houses are so closely knit. Ms. Egeline stated that she thought there was a decision, and that there is a lot of room on the lot in question to make some decisions and it comes down to the homeowners making a decision on whether or not they want to change the existing house or create something that conforms this is smaller, so they can still come up with their desire, it just needs a different design to meet that. Chair Stahly stated that he had studied this well before the comments and had the three things that the Board needs to look at in statute in mind. Chair Stahly stated that he did not see a public health issue, there was clearly an issue when it came to peaceful use of enjoyment of other properties, and third it was difficult to find an unnecessary hardship of practical difficulty when you look at the size of the lot.

(01:49:58) Mr. Alvarez asked if he could get clarification from the Board on whether they will be distinguishing each set back as there are two variances being requested, side and rear. It was decided that the Board would vote on each variance request individually. Mr. Alvarez stated that he asked as if the Board is going to vote on each separately then it would be ideal to have some discussion about each variance prior to the vote. There was more discussion about procedure in making motions for the two setback requests.

(1:53:36) Vice-Chair Federman made a motion to deny a variance from Section 11-4-2 to decrease the allowable minimum side lot line setback from 8' to 6', for a property with a legal description of the east 9' of Lot 9 in Block 549 of the Easterly Addition to the City of Helena, Lewis and Clark County, Montana, and more particularly described on Quit Claim Deed 3350208, records of Lewis & Clark County, Montana.

Vice-Chair Federman stated that he is proposing denying the variance as it will negatively impact the neighbors due to the height and mass of the roof and the the structure just seems too imposing for the site.

Chair Stahly seconded the motion. The motion passed unanimously (4:0).

(1:55:34) Ms. Egeline made a motion to deny a variance from Section 11-4-2 to reduce the rear lot line setback from 10' to 4' for a property with a legal description of the east 9' of Lot 9 in Block 549 of the Easterly Addition to the City of Helena, Lewis and Clark County, Montana, and more particularly described on Quit Claim Deed 3350208, records of Lewis & Clark County, Montana.

Ms. Egeline stated that she does not believe there is a hardship.

Vice-Chair Federman seconded the motion. The motion passed unanimously (4:0).

Public Hearing #3 (continued)

(1:57:00) The third hearing was resumed with a brief recap of the staff presentation.

Questions asked of Staff:

(2:00:07) Ms. Egeline asked if Mr. Alvarez if he could show her the width of the lot that has an approved variance. Mr. Alvarez stated that it is 50 feet. Chair Stahly asked for clarification that the building and lot being discussed right now is approved in 2000 being used as an example and not the one seeking a variance now. Mr. Alvarez confirmed that.

Applicant Presentation:

(2:01:45) Deb Dirkson, the applicant, stated that the garage is intended for three vehicles, her Suburban, Camry, and her parents' pickup. Ms. Dirkson stated that her parents are in their 80s and suffer from mobility issues. In addition, finding street parking is increasingly difficult with the doggy daycare, taekwondo, and school in session, as these generate more need than the street can accommodate, and for these reasons she would like to have a 3-car garage. Ms. Dirkson stated that there would be a 16-foot and a 110-foot door on the proposed garage, with space on the side to allow her mother space to get in and out of the vehicle.

Questions asked of Applicant:

(2:03:23) Ms. Egeline asked the applicant if tandem parking could be an option or if all three vehicles needed to be in use at the same time. Ms. Dirkson replied that all three vehicles are often all in use.

Public Comment:

(2:04:20) There was no public comment.

Board Discussion and Motion:

(2:04:37) Vice-Chair Federman stated he was glad someone told him it was a 3-car garage, as he was confused as to why it was so wide. Chair Stahly stated that the width also caused him some struggle with it as he wasn't sure if it was a 3-car garage or storage. Chair Stahly also stated that he used the standards the Board is supposed to evaluate these applications while reviewing this one, and when you look at the garages in the area a lot of them are single car, which is what the garage was that was approved in 2000, so the question he has asked himself is it an unnecessary hardship that someone can't have a 3-car garage in that location. Chair Stahly acknowledged the direction Ms. Egeline's thoughts seemed to be going and asked himself if there were some other ways to configure the garage so a variance would not be needed, and this is where he is struggling with the application.

(2:06:49) Vice-Chair Federman stated that he agreed with the applicant when she said there was hardly any parking in the front due to other public venues, however he was not familiar with the area, so he was taking her word that there are not many parking spaces out front. With that, he finds the need for all three cars makes the hardship.

(2:07:11) Ms. Egeline asked Mr. Alvarez to show the site plan again and asked for clarification on the distance from the neighbor to the west, which was 12 feet, and what the side

setback requirement is, which was 8 feet. With this information she suggested that the applicant could have a 34-foot garage if she moved it 4 feet and not need any variance and asked if there was a reason why she couldn't do this. Ms. Dirkson replied that she has a chicken coop in the area between the proposed garage, along with the fence and a shed which is currently her storage. Chair Stahly thanked Ms. Dirkson and noted that he had visited the site and said that upon looking at the site plan he assumed the applicant was trying to maintain the chicken coop and shed with the layout.

(2:09:10) Ms. Egeline stated that she was struggling with this one, and referenced the previous application heard by the Board, in which the homeowner had room to build onto their home but wanted to move it to the other side to keep the home historical. Ms. Egeline felt this was a similar situation in the homeowner is attempting to maintain something, but there is less room on this site. Chair Stahly stated that helps him as well to get more comfortable with the proposal and the fact that there is not a neighbor in objection helps him, unlike in the last application heard, although he still thinks it could be done without needing the variance.

(2:10:53) Vice-Chair Federman stated that the Board could use the strict compliance with the provisions of this title would create an unnecessary hardship or practical difficulty. As other person got their approval, he doesn't understand why one should and the other should not. Chair Stahly stated that while he appreciates the other non-conformities, which can be looked at, without knowing the specifics being the variance, he wants to make sure what he's looking at now stands on its own, and again, he stated he could get comfortable with it based on the site and the specifics of the site and situation. There was another call for public comment, and there was none.

(2:12:41) Vice-Chair Federman made a motion to approve variance from Section 11-4-2 to decrease the allowable minimum side lot line setback from 8' to 3' for a property with a legal description of Lot 2 in Block 19 of the Northern Pacific Addition to the City of Helena, Lewis and Clark County, Montana with the condition that a building permit be obtained within one year.

Ms. Egeline seconded the motion. The motion passed unanimously (4:0).

Old/New Business:

(2:13:49) Chair Stahly asked the Board how they would like to conduct future meetings, and after some discussion, it was decided to proceed in a hybrid format. There was also discussion about new members of the board

Public Comment:

There was no public comment.

Next Meeting:

The next regularly scheduled meeting is November 1, 2022.

Adjournment:

(2:21:01) With no further business before the Board, the meeting adjourned just after 8:15 PM.