

Minutes
Board of Adjustment Meeting
January 3, 2023, 5:30 p.m.
Virtual Zoom Platform and City-County Building 330

Board Members Present:

Byron Stahly, Chair
Commissioner Andy Shirtliff
Tim Tholt
Tracy Egeline
Mike Newhouse

Staff Present:

Michael Alvarez, Planner II
April Sparks, Administrative Assistant

Board Members Absent:

Burton Federman, Vice-Chair

Members of the Public Present:

Roger Dial
HCTV

Call to Order:

(0:00:05) Chair Stahly called the meeting to order shortly after 5:30. Roll call was taken, and a quorum was established (4 Board members)

Public Hearing #1:

(0:01:58) Staff read the three standards of Section 11-5-5 and the seven standards that may be considered.

Staff Presentation:

(0:05:21) Staff provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. There was one public comment received, which was read into the record.

Questions asked of Staff:

(0:09:25) Ms. Egeline asked if there was a drawing that shows a close up of the porch with dimensions, as she would like a better understanding of how large it will be, and also on the side yard. Mr. Alvarez stated that the best drawing he had to offer at the time was the one presented, although he does have additional building documents that he could make available if Ms. Egeline was willing to wait. Ms. Egeline stated that may be helpful in understanding how deep the porch is and how much room they need. Mr. Alvarez stated that the applicant should be able to answer that question and that the porch is going to be about feet deep and pointed out that the front of the home would be in the required set back, so if you're putting a porch on the front of the home, it will be in the set back.

(0:10:51) Mr. Tholt asked if it was correct that the porch would not come any farther than the house given what he saw on the drawing. Mr. Alvarez confirmed that, and pointed out that the bay window is within a couple of inches of the porch. Mr. Tholt stated that he thought that was key to keep in mind as well.

(0:11:16) Ms. Egeline asked if the heavy dashed line right in front of the bay window that looks like it goes under the roof was the setback line in question. Mr. Alvarez clarified that the heavy dashed line is the property line that the setback would start from, and it looks as though this front porch goes over that line by approximately 6 inches. Mr. Alvarez stated that Transportation Systems has already made a comment and the applicant had already provided new drawings and it was possible that it had been moved back to the property line. Ms. Egeline asked if the house was parallel to the property line. Mr. Alvarez stated that it is slightly off.

(0:12:36) Commissioner Shirliff arrived at the meeting, making Board members present five.

(0:12:47) Chair Stahly stated that this was one of the unusual things that comes before the Board. He noted that if that is the property line, then it appears that the street is not parallel with the property line, which would not be a surprise in this location. Mr. Alvarez stated that the biggest comment in the back and forth for the applicant was with Transportation Systems and making sure that they had a full width sidewalk in front of the home, and they will have that.

Applicant Presentation:

(0:14:04) Sophia Sparklin, BSPARK Architecture, stated that Mr. Alvarez had presented the project very well. Ms. Sparklin did add that in 2022 the National Park Service reviewed the property again and it approved part one, so the property is considered specifically a historic district contributing property. The applicant intends to apply for National Park Service Historic Rehabilitation tax credits, which is part of the context of recreating the front entrance that was demolished in recent history and replaced with the current ramshackle ramp piece. Ms. Sparklin also noted regarding the comment about the property line, the plots in this part of the city came after these historic buildings, so they are slightly off, and if you look at the old Sanborn maps you will see that each time they drew the maps it was shifted slightly. Additionally, from Ms. Sparklin's research that was done, the proposed porch matches the historic porch and is smaller than the existing ramp. Ms. Sparklin also volunteered to show the plans that reduce the size of the porch by about 6 inches so it would in fact be smaller than is currently shown based upon the conversations had with Transportation Systems.

Questions asked of Applicant:

(0:16:07) Ms. Egeline asked about the front down spout as it was shown on the elevation as it appeared to be dumping onto the sidewalk, and that concerned her. Ms. Sparklin stated that was a great comment and that the entire property is sloping back towards the backyard, so there are plans to create a sort of absorption pit in the back unless there is some storm water management that can be tied into and acknowledged the concern for ice on the sidewalk with the comment. Ms. Sparklin also noted that the property's relationship to the street specifically is one of the aspects of the South Historic District has been nominated and is known for, so while it obviously will not be compliant with current zoning and set back codes, it is exemplary for that the neighborhood used to be.

Public Comment:

(0:19:23) There was no public comment on this item.

Board Discussion:

(0:19:34) Mr. Tholt stated that he appreciated application, and that it is one of the better applications he has seen in his short time on the Board, and that this section of town is why the board was made because it is lots and situation occur, so he would be in favor of this proposal. Mr. Newhouse also expressed his support for the proposal. Chair Stahly stated that he appreciated the detailed drawings, that it is in character with that was there historically, will be a nice addition, and he has no issue with the variance being requested.

(0:20:44) Ms. Egeline stated that it looks like the patio at the back lines up with the side of the house, and asked if it is sunken as she knows the lot slopes quite a bit to the back and asked if the patio were sunken at all or if there is a retaining wall around it and wanted to understand how the property was situated. Ms. Sparklin stated the section by the back door was lowered, and that was in response to the previous developer's attempt to create a downstairs apartment and they were told they needed an even entry/exit out of that unit, so the section was lowered and the step it up to the current level around the section of sunken courtyard, but nothing is building up other than retention walls where you step down. Ms. Egeline asked about the height of the retaining walls. Ms. Sparklin stated there is nothing that sticks out from the current terrain, as that would kind of encroach onto the neighbors set back, and asked Ms. Egeline if she was concerned with fall protection or zoning with that question. Ms. Egeline stated that she was concerned with fall protection, and that she was curious about the topography and wanted to understand it better. Ms. Sparklin responded that there will be planters and a handrail by the back stairs and that she could produce more detailed plans that go into the landscaping there is necessary.

(0:22:54) Mr. Tholt asked for clarification from Mr. Alvarez on the scope of the variance request. Mr. Alvarez stated that the variance being requested was for the porch area. Ms. Egeline apologized as she thought the side set back was for the entire property. Ms. Sparklin explained that the reconstruction of the porch is what necessitated the variance request and that the rest of the building is inside the set back. Mr. Alvarez pointed towards his presentation on the reason why the variance was being requested.

Motion for Variance:

(0:24:56) Mr. Newhouse motioned to Approve a variance from Section 11-4-2 to decrease the front lot line minimum setback from 10' to 0', for a property with a legal description of Lot 4 of Block 31 of the Original Townsite Helena, Lewis and Clark County, Montana with the condition that a building permit is obtained within one (1) year.

Ms. Egeline seconded the motion. The motion passed unanimously (5:0).

(0:26:25) Ms. Egeline motioned to Approve a variance from Section 11-4-2 to decrease the side lot line minimum setback from 6' to 3', for a property with a legal description of Lot 4 of Block 31 of the Original Townsite Helena, Lewis and Clark County, Montana with the condition that a building permit is obtained within one (1) year.

Mr. Tholt seconded the motion. The motion passed unanimously (5:0).

Approval of Minutes:

(0:27:37) There were some corrections noted for the minutes of the Board of Adjustment meeting of November 1, 2022 and approved pending those changes.

Old/New Business:

(0:29:00) There was no old or new business

Member Communications / Proposals for next Agenda

(0:29:05) It was noted that the next meeting will be held on Tuesday, February 7th and that it will be a full agenda. It was also proposed that officer elections be placed on the next agenda.

Adjournment:

(0:30:54) With no further business before the Board, the meeting adjourned at shortly after 6:00 PM.