



## Minutes

### Board of Adjustment Meeting

September 5, 2023 - 5:30 PM

Virtual Zoom Platform and City-County Building 330

**Members Present:** Chair Tracy Egeline, Vice-Chair Tim Tholt, Commissioner Andy Shirliff, Michael Newhouse

**Members Absent:** Byron Stahly. Burton Federman

**City Staff Present:** Kyle Holland – Planner II, Michael Alvarez – Planner II, April Sparks – Administrative Assistant

### Call to Order and Roll Call

(0:11:28) Chair Egeline called the meeting to order at shortly after 5:30 PM. The Pledge of Allegiance was recited, roll call was taken, and a quorum was established (4 members). Staff and applicant introductions were made.

### Public Hearing Items

(0:13:49) Staff read the three standards of Section 11-5-5 and the seven standards that may be considered.

#### Item 1

##### Staff Presentation and Questions for Staff

(0:16:20) Kyle Holland, City of Helena Planner II, stated that this project cannot be heard at this meeting due to a lack of quorum. Chair Egeline is the applicant's representative for this project.

#### Item 2

##### Staff Presentation and Questions for Staff

(0:16:32) Mr. Holland, provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. 1 comment of no objection had been received.

(0:21:45) Chair Egeline asks about the rebuttable presumption and if in the past material has made a difference. Michael Alvarez states that there is not anything in code regarding materials.

### Applicant Presentation and Questions for the Applicant

(0:21:09) Chris Nichols, representative for the applicant American Sheet Metal, states he does not have a presentation but is here to answer any questions the board may have. Chair Egeline states that the board does not have any questions.



### **Board Discussion**

(0:23:49) Vice-chair Tholt states he thinks it is a clear cut rebuttable presumption, just with a change of materials.

(0:24:15) Commissioner Shirtliff states he feels it is "pretty cut and dry".

(0:24:26) Chair Egeline states her opinion that it is straightforward and the same thing. She adds that she thinks concrete is a better material for this for longevity and calls for a vote.

### **Motion 1**

(0:25:41) Vice-chair Tholt makes a motion to approve the variance with the condition that a building permit be obtained within one year. The motion is seconded by Mr. Newhouse.

(0:26:40) Chair Egeline calls for any public comment.

(0:27:47) With no public comment received, a roll call vote is taken. The motion passes 4-0.

### **New Business**

(0:28:13) Chair Egeline asks about if the minutes were skipped. Mrs. Sparks states that due to the short time between meetings, minutes from the August meeting are not ready and all previous minutes will be available for the October meeting.

### **Adjournment**

(0:29:26) Mr. Newhouse makes a motion to adjourn with Commissioner Shirtliff seconding. It passes 4-0.