



**Minutes**  
**Board of Adjustment Meeting**  
**February 6, 2024, 5:30 p.m.**  
**Virtual Zoom Platform and City-County Building 330**

**Members Present:** Tracy Egeline, Andy Shirliff, Mike Newhouse, Bryan Topp, Carissa Beckwith

**Members Absent:** Tim Tholt

**City Staff Present:** Kyle Holland, April Sparks, Matthew Petesch, Aimee Hawkaluk

**Call to Order and Roll Call**

**(0:03:30)** Chair Egeline called the meeting to order, led recitation of the Pledge of Allegiance, and then Roll call was taken. A quorum was established with five members present.

**Minutes**

**(0:05:19)** Mr. Newhouse motioned to approve the December 5, 2023 minutes as presented. Mr. Topp seconded the motion. Chair Egeline abstained from voting as she was not present at the last meeting. The minutes were approved unanimously.

**Public Hearing Items**

**(0:05:48)** Prior to staff starting any presentation, Chair Egeline announced that as she had recused herself from the tabled item being brought forward as Item 1, she would ask for a motion for Mr. Newhouse to act as Chair on the item. Mr. Topp moved to nominate Mr. Newhouse as acting chair. Commissioner Shirliff seconded. The motion passed unanimously.

**(0:06:27)** 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**

**(0:09:24)** Mr. Holland provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. Prior to the December hearing 41 comments in opposition and 12 comments in support had been received. An additional 13 public comments had been received since the last hearing on this item, 12 in opposition with only one new commentor, and 1 in support which was a new commentor as well. There were no questions for city staff.

**Applicant Presentation and Questions for the Applicant**

- (0:18:17) Jason Egeline, of CWG Architecture on behalf of Carroll College, made a brief presentation on the proposed variance, noting the differences between having lights at 60' and at 100', and presented displays on the difference of the reach of light from both sized poles. Mr. Egeline also gave comparisons to similar locations around Helena.
- (0:31:30) Charlie Gross, Carroll College Athletic Director, presented information on the proposed uses of the new stadium, noting number of events and timing as related to sunset times and time of the year.
- (0:37:56) Mr. Egeline added that the FAA application for this project is in progress, but not yet complete.

#### **Public Comment/Board Discussion**

- (0:39:06) Mr. Newhouse opened the item for public comment, limiting comments to two minutes each. There were 4 comments supporting and 4 comments against the proposed variance.
- (0:52:27) Mr. Egeline noted that the applicant was only asking for a decision on the height of the light polls, and nothing else that had been brought up in the course of public comment.
- (0:56:19) Mr. Topp asked the Carroll College lighting expert a question about the color temperature of the lights and the impact on public health and safety. Chris Fote replied that there are not any studies that would reflect any impact from such a short duration of usage of the lighting as is being proposed. Mr. Egeline noted that the same color temperature would be used at 60' or 100'.
- (0:59:43) Commissioner Shirliff asked Mr. Gross about the hours of operation of the proposed events. Mr. Gross gave approximate beginning and ending times for the various proposed events. Commissioner Shirliff followed up by asking if Carroll College is open to having discussions with neighbors should there need to be any changes. Mr. Gross responded that they would be open to that.
- (1:06:58) Mr. Newhouse asked for a motion. Mr. Holland put up the proposed motion language. Commissioner Shirliff asked for clarification on the proposed height in the motion language. Mr. Holland explained that this is proposed language based off the initial application and the Board can make any changes to the language they desire.

#### **Motion**

- (1:10:19) Mr. Topp moved to approve a variance from section 11-4-2 to increase the maximum building height from 60' to 100' for a property with a legal description of S19, T10 N, R03 W, COS 619517 acres 25.519, Tract C-1 and G.Lot 4 with the condition that a building permit be obtained within one year. Commissioner



Shirliff seconded the motion. A roll call vote was called. The motion passed unanimously (4:0).

## **Item 2**

### **Staff Presentation and Questions for Staff**

- (1:13:32) Mr. Holland provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. No public comment had been received on the application.
- (1:17:00) Commissioner Shirliff asked about the businesses' hours of operation. Mr. Holland stated he wasn't sure, but thought that PureView might be the only one to operate into night hours. Mr. Newhouse asked about the sign permits. Mr. Holland stated that sign permits were issued after the signs were installed and is why they are illuminated the way they are, and a code violation letter was sent asking for the signs to be turned off until this matter is resolved.
- (1:18:04) Ms. Beckwith asked if the letter sent was based on a complaint or if planning staff noticed this on their own. Mr. Holland stated that this was generated by a complaint. Mr. Holland and Ms. Sparks explained that the code violation process is largely complaint driven as the city does not have a code enforcement officer. Mr. Topp asked about sign lighting that is allowed in code. Mr. Holland went over the types of lighting that would be allowed by code, and where the lighted signs in question would be permitted.

### **Applicant Presentation and Questions for the Applicant**

- (1:20:37) Jacob Augenstein of Slate Architecture, on behalf of Seeley Building, LLC, gave a brief presentation on the applicant's request. He addressed the question about the hours of the businesses and noted that all the businesses are open past dark in the winter, and many open early as well, and provided additional photos of examples of non-conforming signs. There were no questions for the applicant.

### **Public Comment and Board Discussion**

- (1:25:37) Chair Egeline opened public comment. There were 4 comments in support of the variance.
- (1:30:12) Mr. Newhouse disclosed that through the course of his employment he was involved in the COS that was shown for this property but has no relationship with it beyond that. There were some questions regarding the extent of the variance and Mr. Holland stated like the previous item, it would only apply to what was presented in the application materials, and any new signs would require their own sign permits and would need to go through this process again, additionally any replacement of a sign is considered a new sign. Mr. Topp asked if there were requirements like hours of operation for an internally illuminated sign in other zoning districts. Mr. Holland stated that is not typical.



## **Motion**

**(1:34:51)** Mr. Newhouse moved to approve a variance from Section 11-9-7 (D) (5) (b) to allow internally illuminated and backlight wall signs for a property with a legal description of Lot 9A being a portion of Lots 8, 9, and 10 of the Chessman and Davis Placer, and part of Lot 1, Block 4 of the Central Addition to the City of Helena, Lewis and Clark County, Montana, as shown on the Certificate of Survey filed under Doc. No. 3349376. Commissioner Shirliff seconded the motion.

**(1:35:40)** A roll call vote was taken. The motion passed unanimously (5:0).

## **Public Comment**

**(1:36:17)** There was no general public comment.

## **Member Communications/Announcements**

**(1:36:30)** It was noted the next scheduled meeting is Tuesday, March 5, and that there are four applications to be heard. It was noted that there should be a quorum available.

## **Adjournment**

**(1:37:26)** The meeting was adjourned.