



Minutes
Board of Adjustment Meeting
March 5, 2024 - 5:30 PM
[Recording Available Here](#)

Members Present: Tracy Egeline (Chair), Tim Tholt (Vice-Chair), Commissioner Andy Shirtliff, Michael Newhouse, Bryan Topp

Members Absent: Carissa Beckwith (Alternate)

City Staff Present: Kyle Holland – Planner II, Stefani Reinhart – Executive Assistant to the City Manager

Call to Order and Roll Call

(0:04:30) Chair Egeline called the meeting to order and the Pledge of Allegiance was recited. Ms. Reinhart took roll. A quorum of five was noted.

Minutes

(0:06:08) Minutes were approved as presented.

Public Hearing Items

(0:06:40) 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

(0:09:33) Kyle Holland, City of Helena Planner II, provided a presentation which included photographs of the subject property, a vicinity map, and site plan. He summarized the staff report. No public comment had been received.

(0:13:28) Mr. Holland was asked about design plans for the garage. He stated that no design work had been done yet, as the homeowner wanted to secure the variance first. There was an additional question about the discrepancy in the site plan and the legal description of the property. Mr. Holland noted that this application was submitted in 2023 and was held until the site plan could be updated and proceeded to note the differences. Another question was asked about department comments and if a survey would be required to check for easements. Mr. Holland stated that a survey is not generally required for a power line easement, and if the setback standards are being followed, it will be reviewed during the building permit process.

Applicant Presentation and Questions for the Applicant

(0:17:27) Brady Christensen stated that this was their first step before investing in a site plan drawn, and that they plan on adhering to all codes and anything else that is needed. Mr. Christensen was asked if this would be a single level garage. He confirmed that it would be. He was also asked about the current roof pitch and proposed roof on the new garage. Mr. Christensen stated that they planned on a gable roof, with metal roofing including snow stops and gutters.

Public Comment

(0:19:25) The meeting was opened to public comment on the item. There was no public comment.

Board Discussion

(0:19:39) Board discussion was opened. Several board members expressed concerns over requiring mitigation of potential runoff onto neighboring properties as well as questioning the applicant about the need for the rear setback variance, as it appeared there was room to move it forward on the site plan. Mr. Christensen explained how he had initially miscalculated the dimensions of his property, and he had since adjusted the site plan moving the garage forward. He further stated that if he were to move it forward any further that he would lose space for parking in the driveway, and he would prefer to keep the garage even with the house as shown in the drawing, while noting moving it forward would put the roof line close to the neighboring garage roof line, which could create more issues. Mr. Christensen was asked about the proposed size of the garage, and he stated that he was hoping to have room for lawn equipment, vehicles, and a workshop without needing to build more than once. Board members started stating their support of the request, some with conditions to mitigate runoff.

Motion

(0:29:46) Vice-Chair Tholt made a motion to approve a variance from Section 11-4-2 to decrease the side lot line setback from 6 feet to 1 foot and a variance from Section 11-4-2 to decrease the rear lot line setback from 10 feet to 2 feet for a property in a R-3 zoning district with the legal description of Lot 15 and the East half of Lot 16 in Block 533 of the Helena Townsite, Lewis and Clark County, Montana with the conditions that a building permit is obtained within a year and that the side lot affected has mitigation factors put on to it for run off from the roof. Commissioner Shirliff seconded the motion. The motion passed unanimously (5:0).

Item 2

Staff Presentation and Questions for Staff

(0:31:47) Mr. Holland provided a presentation which included photographs of the subject property, a vicinity map, and site plan. He summarized the staff report. No public comment had been received.

(0:35:18) Mr. Holland was asked if there is a design intent associated with the screening requirement and what type of screening is allowed. He stated that it is not so much a design intent, but used to create a barrier between dissimilar uses and the requirement is a fence with a 75% or greater opacity or vegetative screening of similar that is a minimum of three feet tall. Mr. Holland also stated that the public works variances would go directly before the City Commission.

Applicant Presentation and Questions for the Applicant

(0:36:41) Ben Tintinger, of Mosaic Architecture, spoke on behalf of the owners, stating that they feel that having fencing between residential properties does not make sense, and would detract from the property. Mr. Tintinger was asked if they had considered landscaping as opposed to fencing. Mr. Tintinger reiterated that they did not consider screening as it does not make sense between residential properties, but stated while there was no landscape plan developed there would be landscaping along the boulevard with trees and various plants, but any landscaping is not intended to be screening.

Public Comment

(0:38:12) Public comment was opened. There was one comment in support of the request.

Board Discussion

(0:39:28) Board discussion was opened, and several board members signaled their support for the request.

Motion

(0:40:10) Mr. Newhouse made a motion to approve a variance from Section 11-24-5 (A) to remove required screening for a tract in a commercial district that is adjacent to a residential district for a property in a B-2 zoning district with a legal description of Lot 5-A, Block 4 of the Sleeping Giant Addition to the City of Helena, County of Lewis and Clark, State of Montana as shown on the Amended Plat of said Sleeping Giant Addition on file and of record in the office of the Clerk and Recorder of Lewis and Clark County, Montana as Document No. 504523/A with the condition that a building permit be obtained within a year. Vice-Chair Tholt seconded the motion. The motion passed unanimously (5:0).

Item 3

Staff Presentation and Questions for Staff

(0:41:19) Mr. Holland provided a presentation which included photographs of the subject property, a vicinity map, and site plan. He summarized the staff report. No public comment had been received.



(0:46:20) Mr. Holland was asked if anything had changed with the application from a year ago. He stated that there had been no substantial changes, and that the Board is looking at the same variances that were granted a year ago.

Applicant Presentation and Questions for the Applicant

(0:47:00) Karli Mosey, of Bell Hotel LLC, stated that the design plans are almost complete, and they intend to submit for a building permit in mid-April. There were no questions from the Board.

Public Comment

(0:47:21) There was no public comment on this item.

Board Discussion

(0:47:30) Board discussion was opened, and several board members spoke in support of the variance request.

Motion

(0:48:15) Commissioner Shirtliff made a motion 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, 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 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) with the condition that a building permit be obtained within one year. Mr. Topp seconded the motion. The motion passed unanimously (5:0).

Public Comment

(0:50:10) Chair Egeline opened the meeting to public comment. Mr. Holland noted that the 4th item on the agenda had been withdrawn by the applicant and would not be heard. There were no additional comments.

Adjournment

(0:50:45) The meeting was adjourned.