



Minutes
Board of Adjustment Meeting
April 2, 2024 - 5:30 PM
[Recording Available Here](#)

Members Present: Tracy Egeline (Chair), Tim Tholt (Vice-Chair), Commissioner Andy Shirtliff, Carissa Beckwith

Members Absent: Bryan Topp

City Staff Present: Kyle Holland – Planner II, April Sparks – Administrative Assistant, Matthew Petesch – Deputy City Attorney

Call to Order and Roll Call

(0:01:25) The meeting was called to order, the Pledge of Allegiance was recited, roll was called and it was noted that a quorum of 4 members was present and that all 4 members most vote in favor of a motion for it to pass.

(0:02:19) The minutes from the March 5, 2024, meeting were approved unanimously.

Public Hearing Items

(0:03:41) 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

(0:06:30) Kyle Holland, City of Helena Planner II, provided a presentation which included photographs of the subject property, a vicinity map, and site plan. There had been one public comment received prior to the meeting with concerns of a multi-story structure as opposed to setbacks.

(0:11:57) Board members asked some questions about the existing site, including about the existence of sidewalks, and the size of the proposed garage.

Applicant Presentation and Questions for the Applicant

(0:14:43) Ryan Moe gave a brief presentation on the project, including the history, intent, and challenges that would be part of the project without the variance. Barbara Hamlin, the owner of the property also spoke before the Board and noted that this lot was chosen to keep costs down.

Public Comment

(0:17:39) There was no public comment on the item.

Board Discussion

- (0:17:57) There was some discussion about the required setbacks and where they are measured from before Vice-Chair Tholt expressed his admiration for the project and noted the Board's historic concerns of overhang on sidewalks for ADA purposes. He also stated that it appeared to him as though the sewer line was put in before the plans were finished, and to go back and move that line would be an expense to the developer, but it could be pushed back to give a few more feet to the driveway, and for that reason he was on the fence. Commissioner Shirtliff commended the applicants for working to bring more affordable housing to Helena through an infill development. He further stated that he could support the variance but was unsure if there was any way to add a condition that the tenants are asked not to park over the sidewalk. Chair Egeline concurred that the city needs more housing, and it would be a large expense to move a sewer line that's just been installed, and the cost of that sewer line was a question she would like to pose. Vice-Chair Tholt stated that there was not a good enforcement mechanism for a condition as suggested by Commissioner Shirtliff but was in favor of the variance despite wishing the sewer line could have been put in the proper location.
- (0:22:56) Ms. Beckwith stated that as she lived in a neighborhood with many new buildings and new sidewalks, she sees constant overhang of the sidewalks based on people parking there, and opposed the variance from the stance that this will exist for a long time and the public safety of anyone using those sidewalks is in question if the variance is approved.
- (0:23:43) Mrs. Hamlin stated that her observation of the neighborhood is that it is mostly older and most homes that have garages are closer to the street, but most homes don't have garages. Mr. Moe stated that he understood the concern with the vehicles overhanging the sidewalk, and that is why he included off-street parking off the alley so no one would park on the garage slab area. He also explained the placement of the sewer line and the expense it would take to move it. Vice-Chair Tholt again expressed his appreciation for the project and stated that he would be in support of the variance and asked the applicant be cognizant of the overhang issue. Ms. Beckwith questioned if the garage could be designed to be smaller and she and Chair Egeline went back and forth about the sizes of garages.

Motion

- (0:29:52) Vice-Chair Tholt made a motion to approve a variance from Section 11-4-2 (B) (3) to decrease the setback to the vehicular entrance of a garage from 20 feet to 16.3 feet for a property in a R-2 zoning district with the legal description of Lots 15 and 16 in Block 45 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. Commissioner Shirliff seconded the motion. A roll call vote was taken. The motion failed on a 3:1 vote.

General Public Comment

(0:31:28) There was no public comment.

New Business

(0:31:41) It was noted that two applications would be brought forward on May 7th at the next meeting, and there was other discussion on other applications expected to be submitted for later this summer.

Adjournment

(0:32:51) The meeting was adjourned.