



Minutes
Board of Adjustment Meeting
May 7, 2024 - 5:30 PM
[Recording Available Here](#)

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

Members Absent: Tracy Egeline (Chair)

City Staff Present: Kyle Holland – Planner II, April Sparks – Administrative Assistant III

Call to Order and Roll Call

(0:03:54) 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.

(0:05:55) The minutes from the April 2, 2024, meeting were approved unanimously.

Public Hearing Items

(0:06:41) 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

(0:09:14) 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 no public comment received prior to the meeting.

(0:14:17) Board members asked some questions about if the sight triangle would apply on the alley and how this application differs from the previous application, and the use of the property. Mr. Holland deferred to Transportation Systems comments on the question regarding the sight triangle, noted that additional information had been provided in this application from the previous one, and that the applicant runs a home occupation business, the official use of the property remains residential.

Applicant Presentation and Questions for the Applicant

(0:18:02) Bryan Johnson gave a brief explanation of his request and the reasons why he is seeking the variance. Board members asked some questions about his machinery,

and if he had considered any other options for the proposed expansion of his garage. Mr. Johnson stated that he had purchased both new and used equipment, and explained his reasoning for expanding the garage as he has proposed.

Public Comment

(0:22:09) Vice-Chair Tholt opened the item to public comment. There was no public comment on the item.

Board Discussion

(0:22:47) There was discussion about the standards that are to be considered by the Board, regarding similar garages in the area being a foot off the alley. Additional discussion was had over the existence of a hardship other than monetary, and the sight triangle was once again discussed. Staff was asked if the application is affected by the Montana Land Use Planning Act, staff replied it is not, but that it falls under the home occupation business license, where a person is allowed to use up to 49% of their home and up to 100% of any accessory building on the property for a business. There was some brief discussion about perceived hardships before there were no other comments or questions.

Motion

(0:31:16) Ms. Beckwith motioned to to approve a variance from section 11-4-2 to decrease the minimum side lot line setbacks from 5' to 1' for a property with a legal description of the west 15' of lot 19 and all of lot 20 in block 6 of the Flower Garden Addition to the City of Helena, Lewis and Clark County, Montana, with the condition that a building permit be obtained within one year. Commissioner Shirtliff seconded the motion. A roll call vote was called. The motion failed on a 3:1 vote.

Item 2

Staff Presentation and Questions for Staff

(0:33:20) Mr. Holland provided a presentation which included photographs of the subject property, a vicinity map, and site plan. There had been no public comment received prior to the meeting.

(0:41:23) A question was asked about sign regulations in relation to lots, as this parcel is 26 lots. Mr. Holland noted that the 36 lots in the parcel are under common ownership and use, so it counts as one for the purpose of calculating the sign. Mr. Holland was asked if this request would be brought forward under the new to-be-adopted sign code. Mr. Holland said that it would, as most of the restrictions in the R1, R2, and R3 districts were carrying over to the new code. Another question was asked regarding lighting. Mr. Holland replied that there is not currently a light, nor is one being proposed for the new signage.

Applicant Presentation and Questions for the Applicant

(0:43:35) Gus Byrom, representing the applicant, gave a brief presentation on the application, the different uses of the property, and the state of the structures of the signs. He also elaborated on the plans for replacing the current signs. Mr. Byrom was asked about the proposed height of the new sign with the proposed design. He stated that the proposed design would add approximately 18-20" to the height of the sign. A follow up question was asked if the applicants had considered a different configuration to mitigate the increase in height. Mr. Byrom replied that it configuration is an artistic choice to reflect the architecture of the church itself.

Public Comment

(0:52:04) There was one public comment in support of the application.

Board Discussion

(0:56:17) There was a question about the existence of a free-standing sign for the community garden located on the church grounds. Mr. Byrom stated that to his knowledge such a sign did not exist. Several Board members expressed their intent to support the application, and their appreciation for the work the applicants had done. Staff was asked if there would need to be a separate building permit for the foundations. Mr. Holland confirmed that both a building permit and sign permit would be required. Board members agreed they were comfortable with a single condition to obtain a sign permit.

Motion

(1:00:21) Mr. Topp motioned to approve a variance from section 11-23-10 (A) to increase the maximum number of freestanding signs from one to two, for a property with a legal description of all of lots 1-36, both inclusive in block 48 in Corbin Addition to the City of Helena, Lewis and Clark County, State of Montana; also a variance from section 11-23-10 (A) to increase the maximum height of a freestanding sign from 6' to 8'6" for a property with a legal description of all of lots 1-36, both inclusive in block 48 in Corbin Addition to the City of Helena, Lewis and Clark County, State of Montana; also a variance section 11-23-10 (A) to increase the maximum area of freestanding signs from 6 sq ft to 40 sq ft for a property with a legal description of all of lots 1-36, both inclusive in block 48 in Corbin Addition to the City of Helena, Lewis and Clark County, State of Montana; also a variance from section 11-23-10 (A) to increase the maximum height of a freestanding sign from 6' to 7' for a property with a legal description of all of lots 1-36, both inclusive in block 48 in Corbin Addition to the City of Helena, Lewis and Clark County, State of Montana; also a variance section 11-23-10 (A) to increase the maximum area of freestanding signs from 6 sq ft to 20 sq ft for a property with a legal description of all of lots 1-36, both inclusive in block 48 in Corbin Addition to the City of Helena, Lewis and Clark County, State of Montana; with the condition that a sign permit be obtained within one year. Commissioner Shirtliff seconded the motion. A roll call vote was taken, and the motion was passed unanimously (4:0).



General Public Comment

(1:03:17) There was no public comment.

Announcements

(1:03:30) It was noted that there would not be a June meeting, and it was uncertain if applications would be received for the July meeting date.

Adjournment

(1:05:04) The meeting was adjourned.

DRAFT