



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

**Members Present:** Tracy Egeline (Chair), Bryan Topp, Tim Tholt (Vice-Chair), Commissioner Andy Shirliff, Carissa Beckwith

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

**Call to Order and Roll Call**

- (0:01:37) The meeting was called to order, the Pledge of Allegiance was recited, roll was called and it was noted that all five members of the Board were present.
- (0:03:08) The minutes from the May 7, 2024, meeting were approved unanimously.

**Public Hearing Items**

- (0:03:48) 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**

- (0:06:13) Kyle Holland, City of Helena Planner II, provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Four public comments were received prior to the meeting, all in opposition.
- (0:12:19) Board members asked some questions about the space between the house and the proposed property line. Mr. Holland gave measurements for the full length of the proposed property line. Another Board member asked if anything would prevent the applicant from using the current location of the boundary line, demolishing the existing garage and building a new home on the new lot. Mr. Holland noted that there would be no zoning restriction in that scenario or if they were to build another residence on the parcel as it is now.

**Applicant Presentation and Questions for the Applicant**

- (0:15:05) Karen Finley, the property owner, addressed the Board, stating she had nothing to add, but was open to questions. Ms. Finley was asked questions by the Board about some of the variance requests. Ms. Finley noted that adjusting the boundary line to

accommodate the required 8' setback would make the existing driveway unusable, and they were attempting to maintain as much of a yard as possible with the existing home.

### **Public Comment**

**(0:17:35)** Public comment was opened at this time. There was one comment which was neither in support nor opposition.

### **Board Discussion**

**(0:19:22)** There was brief discussion in relation to fire danger, building code, and mitigation that has already been done with the lot line being requested. There was also discussion related to a focus of the personal enjoyment of the neighborhood expressed in public comment, and that as another dwelling unit is allowed to be built without this action, that does not cause any concerns for a board member. There was another comment that the Board member felt that moving a fence was not a hardship and one of the variances was not warranted because of that. Ms. Finley again spoke and stated that they wanted to preserve as much yard as possible, and that is why they chose 5'. This prompted some conversation about the space available for off-street parking, and the public comments related to the existing parking in the neighborhood.

### **Motion #1**

**(0:28:05)** Vice-Chair Tholt motioned to approve a variance from section 11-4-2 to decrease the minimum side lot set back from 8 feet to 5 feet for the side lot line setback on the eastern side of the existing dwelling for a property with a legal description of Lots 5 and 6 in Block 7 of the Chris Kenck Addition to the City of Helena, Lewis and Clark County, Montana, with the condition that an amended plat must be filed within one year. Ms. Beckwith seconded the motion. A roll call vote was called. The motion passed unanimously (5:0).

### **Motion #2**

**(0:29:30)** Vice-Chair Tholt motioned to approve a variance from section 11-4-2 to decrease the minimum side lot set back from 8 feet to 5 feet for the side lot line setback on the south side of the existing dwelling for a property with a legal description of Lots 5 and 6 in Block 7 of the Chris Kenck Addition to the City of Helena, Lewis and Clark County, Montana, with the condition that an amended plat must be filed within one year. Mr. Topp seconded the motion. A roll call vote was called. The motion passed unanimously (5:0).

### **Motion #3**



**(0:30:37)** Mr. Topp motioned to approve a variance from section 11-4-2 to decrease the minimum side lot set back from 8 feet to 5 feet for the side lot line setback on the north side of the existing garage for a property with a legal description of Lots 5 and 6 in Block 7 of the Chris Kenck Addition to the City of Helena, Lewis and Clark County, Montana, with the condition that an amended plat must be filed within one year. Commissioner Shirtliff seconded the motion. A roll call vote was called. The motion passed unanimously (5:0).

#### **Motion #4**

**(0:31:16)** Ms. Beckwith motioned to approve a variance from section 11-4-2 to decrease the minimum side lot set back from 8 feet to 5 feet for the side lot line setback on the west side of the existing garage for a property with a legal description of Lots 5 and 6 in Block 7 of the Chris Kenck Addition to the City of Helena, Lewis and Clark County, Montana, with the condition that an amended plat must be filed within one year. Commissioner Shirtliff seconded the motion. A roll call vote was called. The motion passed unanimously (5:0).

#### **General Public Comment**

**(0:32:08)** There was no public comment.

#### **Announcements**

**(0:32:27)** It was noted that the next meeting is scheduled for August 6, and there is an application for that date. Chair Egeline and Ms. Beckwith indicated that they would be unavailable. The next meeting will be held in September.

#### **Adjournment**

**(0:33:03)** The meeting was adjourned.