



# BOARD OF ADJUSTMENT VARIANCE APPLICATION

Community Development Department, Planning Division  
316 North Park Avenue, Room 445, Helena, MT 59623  
406-447-8490; citycommunitydevelopment@helenamt.gov

Date received:

APPLICATION FEE: \$125.00  
(PAYABLE TO THE CITY OF HELENA)  
ALL FEES ARE NON-REFUNDABLE

**PROPERTY OWNER: Primary Contact?**

Name: Bryan Johnson Primary Number: 406-439-9994  
Address: 1400 Phoenix Ave Other Phone: \_\_\_\_\_  
Email: bjohnson@mt.net

**APPLICANT (If different from property owner): Primary Contact?**

Name: \_\_\_\_\_ Primary Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Company: \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE: Primary Contact?**

Name: \_\_\_\_\_ Primary Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Company: \_\_\_\_\_

**Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.**

Address of Property 1400 Phoenix Ave Helena MT 59601  
Address City State Zip Code

Legal Description (Block & Lots, Subdivision, COS#) Lot 20 and 15 feet West of Lot 19, Block 6 of Flower Gard

Geocode 05188820303010000

The most recent deed for impacted property

Lot or Parcel Size (square feet) 9867

Current and proposed use of structure or property: Home/Business

Current Zoning District R-3-T #25

Are there other related Land Use Applications being submitted: Yes  No

Submit proof of current paid taxes

1 copy of a scaled site plan and supporting data/documents. The site plan must clearly show the existing standard and the proposed variance to the standard.

**Section B: INDICATE WHICH VARIANCE(S) IS (ARE) BEING REQUESTED AND THE EXTENT OF THE VARIANCE.**

**EXAMPLE:** [X] Reduce Front Lot Line Setback: *From the required 10 feet to 3 feet.*

**Please provide all the information requested in the Application. An incomplete application may delay the review of your request. Please note: "N/A" is not an acceptable answer alone and requires an explanation if used.**

**Dimensional Criteria:**

- Reduce front lot line setback: \_\_\_\_\_
- Front lot line setback #2 (corner lot): \_\_\_\_\_
- Reduce garage entrance setback: \_\_\_\_\_
- Reduce side lot line setback: \_\_\_\_\_
- Reduce rear lot line setback: 3 feet to 1 foot
- Exceed building height limitation: \_\_\_\_\_

**Lot Coverage/Area Criteria:**

- Lot coverage percentage: approximately 27%
- Front porch lot coverage percentage: \_\_\_\_\_
- Lot area per dwelling unit: \_\_\_\_\_

**Landscaping Criteria:**

- Reduce or eliminate landscaping area: \_\_\_\_\_
- Reduce or eliminate screening: \_\_\_\_\_

**Parking Criteria:**

- Exceed the maximum parking spaces allowed: \_\_\_\_\_
- Reduce the amount of required on-site parking spaces: \_\_\_\_\_
- Reduce or eliminate loading berths: \_\_\_\_\_
- Reduce or eliminate required bicycle spaces: \_\_\_\_\_
- Reduce size of parking space: \_\_\_\_\_

**Sign Criteria:**

- Sign area (square footage): \_\_\_\_\_
- Sign height: \_\_\_\_\_
- Sign location: \_\_\_\_\_
- Number of signs: \_\_\_\_\_

Other:

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**Section C: BOARD OF ADJUSTMENTS VARIANCE REVIEW CRITERIA.**

**To approve a requested variance for a new building or portion thereof, the Board of Adjustment shall consider the following standards in section 11-5-5 of the Helena City Code and find as follows:**

1. The variance will not create a significant risk to the public health, safety, or general welfare;
2. The variance will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located; and
3. Excluding monetary hardship, strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.

**These are the standards your application for variance will be judged on. Your answers in section D should speak to the review criteria.**

**It is the applicant's burden of proof to show that a variance should be granted. As part of your application, you are required to provide information for each of the following factors including all alternatives considered. Failure to provide adequate responses or requested documentation may result in a returned application.**



**Section D: EVALUATION FACTORS**

- 1. **Special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property.**

If the above condition applies, state the specific factors and provide supporting documentation. For example, if the variance request is due to an abnormal lot configuration, provide a survey of the lot that specifically demonstrates the issue.

No special circumstances or conditions on property. Planning on extending the existing garage 13 feet to the North.

- 2. **The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.**

Ex: How is the proposed variance compatible with the other structures located on the site or in the vicinity of the site? On the site plan you provide, please represent accurately and to scale the height, location, and dimensions of existing structures.

Neighboring properties have garages/shops that are at the one-foot setback and have a larger footprint than what is being requested.

- 3. **Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.**

If so, what are those nonconformities and provide supporting documentation.

See question 2.

- 4. **The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.**

Is the need for a variance request a result of government action? For example, the front yard setbacks were increased after construction of the structure, thereby creating the non-conformity. Explain.

The request is not the result of government action. Request is needed to improve productivity and safety in my shop.

- 5. **Whether a literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title.**

For example, would the denial of the variance deny the property owner the right to safe placement of a garage where garages are typical? If so, explain.

Garage structure already exists. Neighboring properties have structures at the one foot set back, denial of my variance request prevents me from having the same concessions as my neighbors.



6. **The extent to which the hardship or difficulty results from the actions of the applicant.**

Explain the extent of the circumstances that are creating hardship or difficulty in compliance with the City Code and list alternatives and options considered by the applicant. Provide supporting documentation.

Current footprint of garage does not allow space to safely maneuver between equipment and is not optimal for larger fabrication projects.

7. **Whether granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other properties similarly located in the same zoning district.**

Surrounding properties have structures that are at the one-foot setback.

8. **Do you think a rebuttable presumption, as identified in City Code Section 11-5-5(E), should apply to your property, yes or no? For example, do you have an existing non-conforming structure that you wish to rebuild in the same location? If yes, show the original footprint of the building. Provide documentation that proves the existence of the prior nonconformity. Document that the nonconformity can be in compliance with building and fire codes.**

Existing garage will not be rebuilt. Request is to extend original structure 13 feet to the North.

9. **Provide any additional information you would like the Board to consider.**

as mentioned previously I am requesting approval to expand my garage to increas productive and safety for

SAFTY. BECAUSE OF THE JACK OF SPACE SEVERAI  
PIECES OF EQUIPMENT ARE ON CASTERS (FOR  
MOBILITY) BUT ARE SUPPOSED TO BE BOLTED DOWN

IT IS THE POLICY OF THE CITY OF HELENA'S BOARD OF ADJUSTMENT TO NOT ACT ON A PROPOSAL IF THE APPLICANT/PROPERTY OWNER OR REPRESENTATIVE IS NOT PRESENT AT THE BOARD OF ADJUSTMENTS HEARING. CITY STAFF REPRESENT THE CITY AND CANNOT ANSWER QUESTIONS ON BEHALF OF THE APPLICANT AT THE BOARD OF ADJUSTMENT HEARINGS.

**I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

Signed:  Date: 3/5/24  
Property Owner

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
(If different from Owner)

(Property owner must sign application)

**It is recommended that the applicant contact neighbors to inform them of proposal and identify any concerns that the applicant may be able to address.**

City Planning Staff represents the City; staff cannot answer questions for the applicant.

# 102347

First Montana Land Title Company  
400 North Park Avenue, Ste 100  
Helena, MT 59601

After Recording Return to:  
First Montana Land Title Company  
400 North Park Avenue, Ste 100  
Helena, MT 59601

3291518 B: M51 P: 5480 DEED  
06/29/2016 04:02 PM Pages: 1 of 1 Fees: 7.00  
Paulette DeHart Clerk & Recorder, Lewis & Clark MT



**WARRANTY DEED**  
(JOINT TENANTS)

For Value Received:

Rick A. Frost and Jeannette G. Frost

the grantor(s) do(es) hereby grant, bargain, sell and convey unto

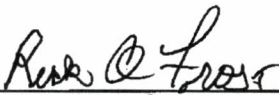
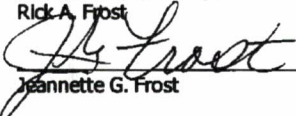
Bryan Johnson and Sarah K. Johnson

The grantees, as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants and to the heirs and assigns of such survivor, the following described premises, in Lewis and Clark County, Montana, to-wit:

The West 15 feet 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. (Deed reference Book 235 of Deeds, Page 150)

TO HAVE AND TO HOLD the same premises, with the appurtenances unto said Grantee(s), joint tenants with the right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants forever. And the said Grantor(s) do(es) hereby covenant to and with the Grantee(s), that he/she/they are/is the owner(s) in fee simple of said premises; that is free from all encumbrances SUBJECT to all legal taxes and assessments levied with respect to said premises and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 06-29-16

  
\_\_\_\_\_  
Rick A. Frost  
  
\_\_\_\_\_  
Jeannette G. Frost

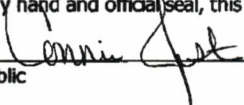
STATE OF Montana

COUNTY OF Lewis & Clark

I, a Notary Public of the County and State first above written, do hereby certify that

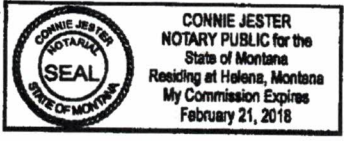
Rick A Frost & Jeannette G Frost personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this day June 29, 2016.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

(SEAL)







Shopping Cart: 0 items [\$0.00]

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- [PayTaxes](#)
- [Help](#)

**Property Tax ID:** 6659

**Status:** Current  
**Realware#:** 188820303010000  
**Receipt:** 21109

**2023 Owner(s):**  
JOHNSON BRYAN

**Mailing Address:**  
1400 PHOENIX AVE  
HELENA, MT 596011037

**Levy District:**  
01-01, Tax District 01

**2023 Value:**

**Market:** \$422,700  
**Taxable:** \$5,706

[Detail](#)

**2023 Taxes:** [View Pie Charts](#)

<b>First Half:</b>	\$2,268.07	<b>Due:</b> 11/30/2023
<b>Second Half:</b>	\$2,268.04	<b>Due:</b> 5/31/2024
<b>Total:</b>	\$4,536.11	

[Detail](#)

**2023 Payments:**

<b>First Half:</b>	\$2,268.07
<b>Second Half:</b>	\$0.00
<b>Total:</b>	\$2,268.07

(May include penalty & interest)

**2023 Legal Records:**

**Geo Code:** 05-1888-20-3-03-01-0000 **Deed Book:** M51 **Page:** 55480 **Instru#:** 3291518 **Date:** 2016-06-29

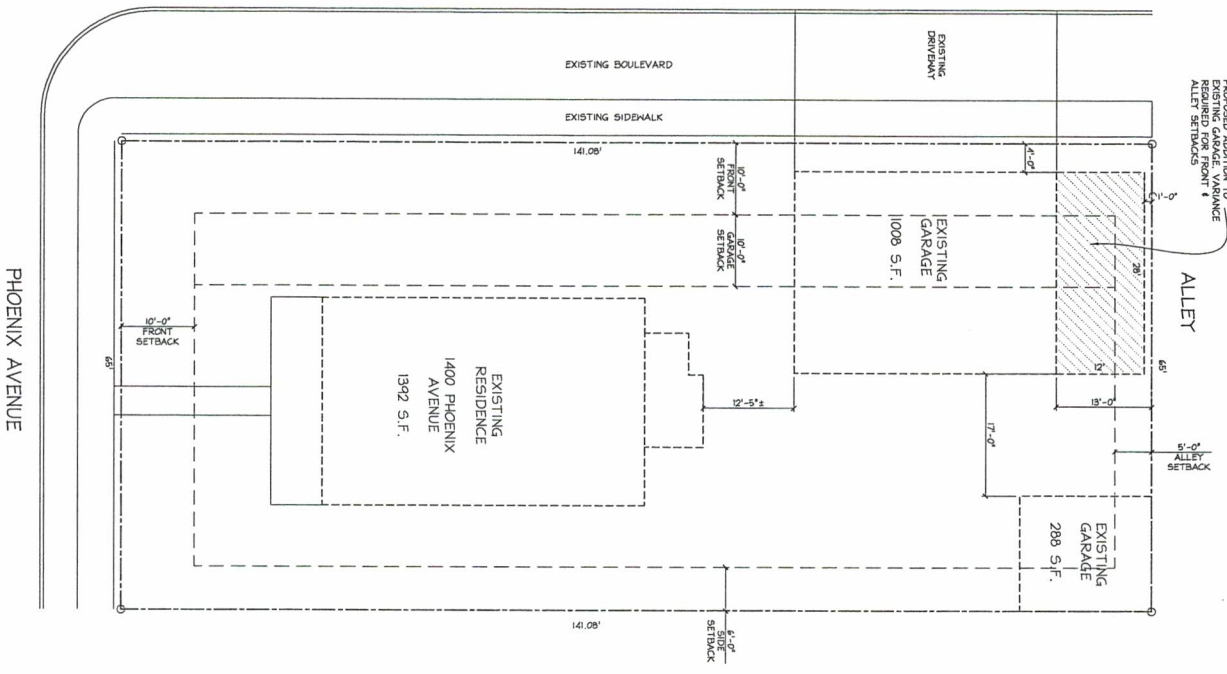
**Property address:** 1400 PHOENIX AVE, HELENA MT 59601  
**Subdivision:** (FLG) SubDiv FLG **Block:** 6  
**TRS:** T10 N, R03 W, Sec. 20  
**Legal:** FLOWER GARDEN ADDN, S20, T10 N, R03 W,  
BLOCK 6, LOT 20 & W15' OF LOT 19  
Acres: 0.21

**Note:** The accuracy of this data is not guaranteed. Property Tax data was last updated 04/08/2024 09:00 AM.

Send Payments to:  
Lewis & Clark County  
316 North Park Ave; Room #113  
Helena, Montana 59623  
  
Phone: (406) 447-8329  
Email: propertytax@lccountymt.gov



ROBERTS STREET



PROPOSED ADDITION TO GARAGE  
REQUIRED FOR FRONT & REAR  
ALLEY SETBACKS

**SITE CALCULATIONS**

ZONE	R3
LOT SIZE	945 S.F.
ALLOWABLE COVERAGE	40%
ALLOWABLE FOOTAGE	3644 S.F.
EXISTING BUILDINGS	2448 S.F.
PROPOSED ADDITION	334 S.F.
NEW TOTAL BUILDING	3084 S.F.
TOTAL COVERAGE	3004 S.F. = 33%
	THEREFORE O.K.

**SITE PLAN**  
SCALE: 1/8" = 1'-0"

**PLEASE NOTE:**  
ALL CURRENT FEDERAL, STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS SHALL BE REVIEWED AND THE SPECIFICATIONS OF THIS BUILDING AND ARE TO BE ADHERED TO. A LOCAL ENGINEER MAY BE NECESSARY TO COMPLY WITH LOCAL BUILDING CODES AND/OR BUILDING SITE CONDITIONS. DESIGNER ASSUMES RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION FOR ALL STRUCTURAL ENGINEERING REQUIRED TO COMPLETE DESIGN OF STRUCTURE.

**LEGEND**

- PROPERTY LINE
- - - SETBACK LINE
- DRAIN SWALE

**GENERAL NOTES**

1. ALL FINISH GRADES TO SLOPE AWAY FROM BUILDING A MINIMUM OF 1/8" TO SWALE FOR DRAINAGE.
2. PLUMBING CONTRACTOR TO VERIFY LOCATIONS OF SEWER & WATER SERVICES AND MAKE CONNECTIONS AS REQUIRED.

**LEGAL DESCRIPTION**

LOT 20 & THE WEST 1/2 OF LOT 14, BLOCK 6 OF THE FLOWER GARDEN ADDITION, CITY OF HELENA, MONTANA.  
1400 PHOENIX AVE

SHEET NUMBER  
**1**  
OF 1 SHEETS

AN ADDITION TO GARAGE  
FOR  
BRYAN JOHNSON

DRAWN BY: JMH  
CHK'D BY:  
APPR. BY:  
DATE: 9/2023

DESIGN & DRAFTING SERVICES, LLC  
HELENA, MONTANA  
458-5193

REVISIONS		
NO.	DESCRIPTION	DATE

VERIFY SCALE  
IF PRINTS ARE REDUCED, LINE BELOW ORIGINAL DRAWING.  
MODIFY SCALE ACCORDINGLY

**From:** bjohnson@mt.net  
**Subject:** space recommendations  
**Date:** 04/08/2024 10:59 AM  
**To:** kholland@helena.mt.gov

good morning, i hope this is what you wanted.

i have several large and heavy pieces of equipment that are on casters but are recommended to be bolted down for safe and smooth operation but with the lack of space they need to be mobile in my garage because lack of space.

5'x10' plasma table which has a footprint of 14x6 which is not mobile and weighs approx. 8000 lbs.

48" pan press brake (on casters) which is used to bend metal approx. 1800 lbs. safe work area 6'x6'

slip roller (on casters) weighs approx. 800 lbs. used for rolling metal safe work area of 6'x6.'

5x10 welding table (on casters) approx. 1200 lbs. need approx. 2' all the way around for working 9'x14'

3 welders are all on carts for mobility size roughly 3'x3' each.

planishing hammer used for hammering and bending metal mobile 5'x5.'

English wheel safe work area approx., 3'x3'

please let me know if you need anything else

thanks for your help



(No subject)

Bryan Johnson <bjohnson@capcity.club>

Fri 3/8/2024 11:10 AM

To: Bryan Johnson <bjohnson@capcity.club>

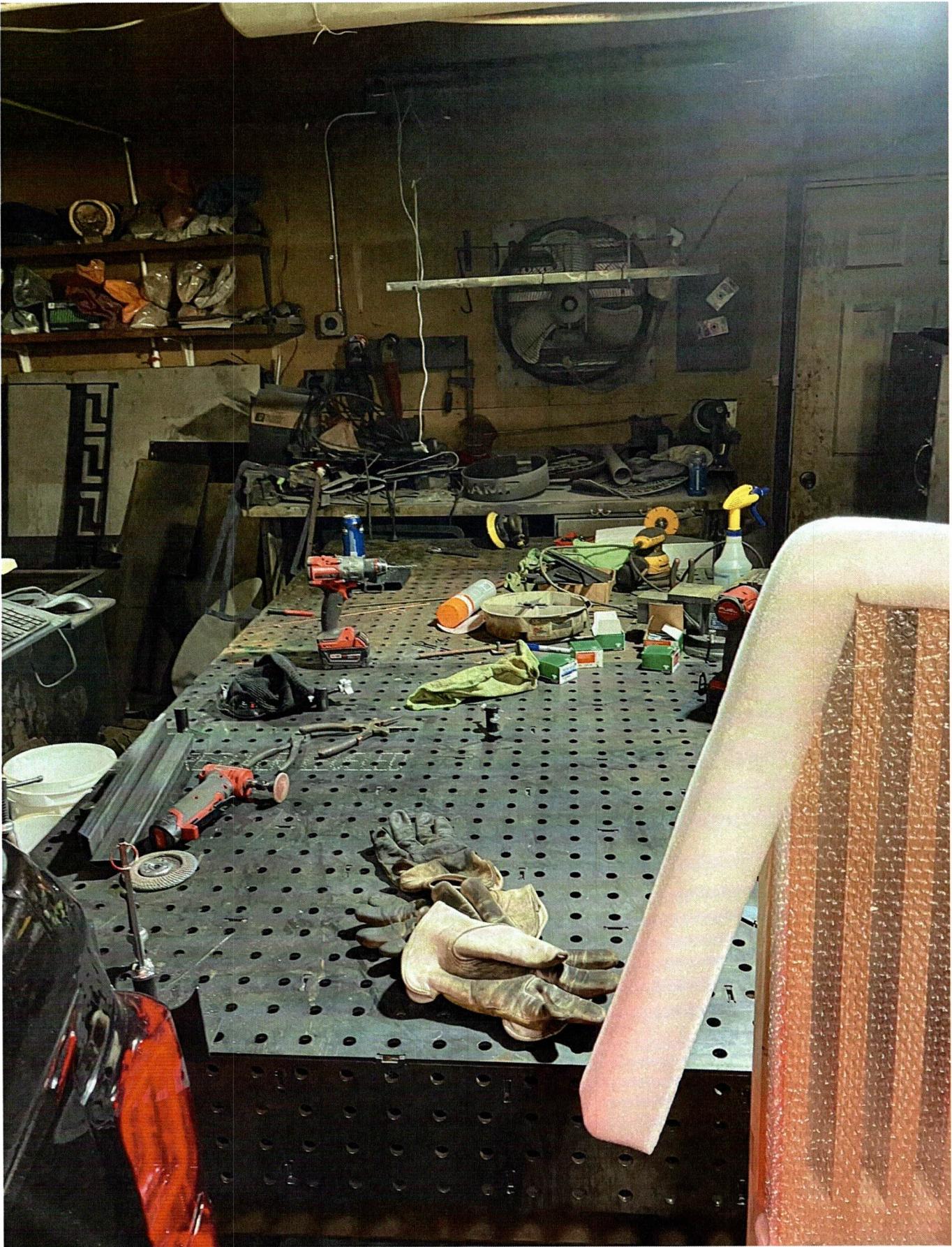
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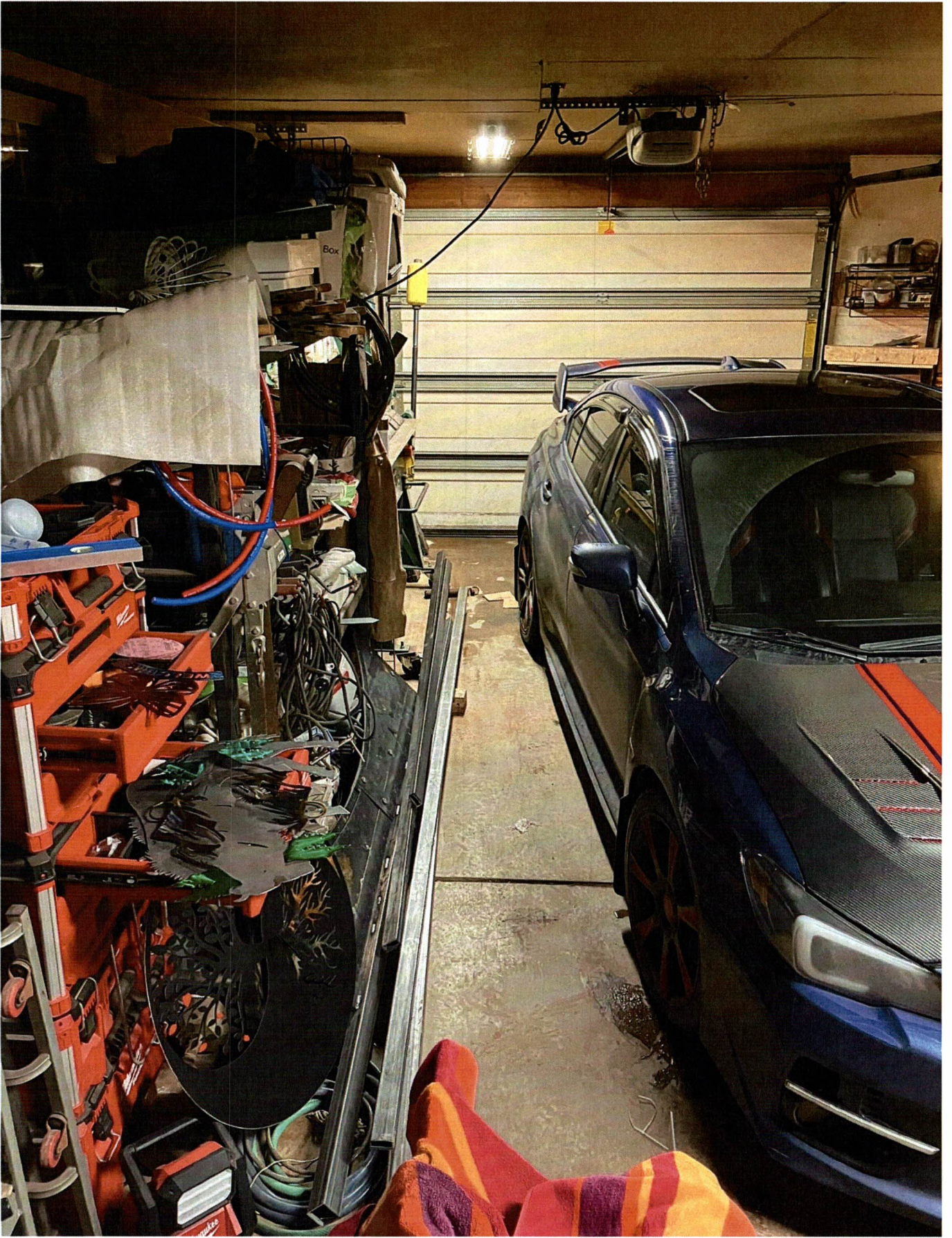


















Pic

Bryan Johnson <bjohnson@capcity.club>

Fri 3/8/2024 11:35 AM

To: Bryan Johnson <bjohnson@capcity.club>

Sent from my iPhone













