



# 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](mailto: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: Plymouth Congregational Church Primary Number: (406) 442-9883  
Address: 400 So. Oakes Other Phone: \_\_\_\_\_  
Email: disseria@yahoo.com

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

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

**AUTHORIZED REPRESENTATIVE: Primary Contact?**

Name: Gus Byrom Primary Number: 406-202-8768  
Address: 703 Red Letter St. Other Phone: \_\_\_\_\_  
Email: gbyromiii@gmail.com Company: Church Board Member

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

Address of Property 400 South Oakes Helena Montana 59601  
Address City State Zip Code

Legal Description (Block & Lots, Subdivision, COS#) Corbin Subdivision  
Block 48, Lots 1 - 36

Geocode 05-1888-32-2-05-010000

The most recent deed for impacted property

Lot or Parcel Size (square feet) 2.7 Acres

Current and proposed use of structure or property: Church

Current Zoning District R-2

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: \_\_\_\_\_
- Exceed building height limitation: \_\_\_\_\_

**Lot Coverage/Area Criteria:**

- Lot coverage percentage: \_\_\_\_\_
- 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): 8 ft. X 5 ft. ( 40 sq. ft. ) Base 7 ft. X 2 1/2 ( 17.5 sq. ft. ) Ply Church \*
- Sign height: Plymouth Church 8 1/2 ft., Unitarian / U 7 ft. 2 in.
- Sign location: Facing Winne between Oakes and Tamarack
- Number of signs: Two church signs - one for Plymouth Church, one for Unitarian/Universalist



**Other:**

Sign Area - Unitarian Sign 4 ft. 7 in X approx. 4 ft. = 19.12 sq. ft.

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Sign is 7 ft. 2 in. high

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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.

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No special conditions apply to the site.

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- 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.

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Request is to replace current church sign for Plymouth which has been in place since approxi. 1970.

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Current Unitarian sign would remain in place. Installed approx. 12 years ago.

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- 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.

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Unitarian / Universal church sign also on property south of Plymouth Church sign.

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- 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.

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The current Plymouth sign is simply deteriorating due to age. It has been in place for decades.

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The Unitarian sign would not be changed.

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- 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.

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To our knowledge churches in Helena have signs identifying to the public their facility.

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**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.

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Current Plymouth sign is deteriorating. Needs to be replaced.

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No changes proposed to Unitarian / Universalist sign.

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**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.**

Churches should be entitled to an appropriate site sign as they are a quasi-public community institution.

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**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.**

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New Plymouth sign would be in compliance with any city building and fire codes. Sign will be un-lighted.

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Sign would be re-built in same location. Unitarian sign will remain in place.

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

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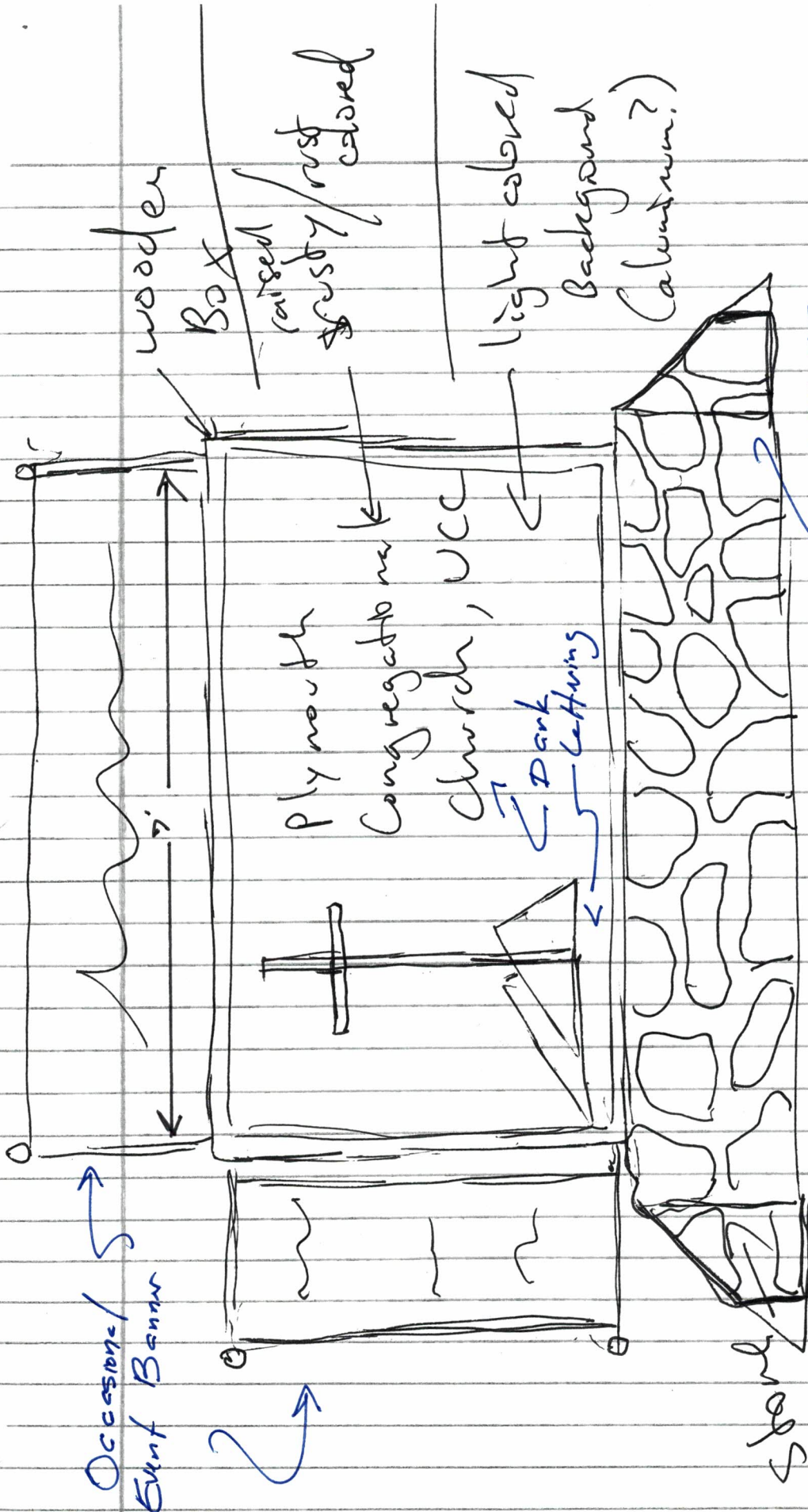
Proposed Plymouth sign drawing will be distributed to neighboring private properties.

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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.





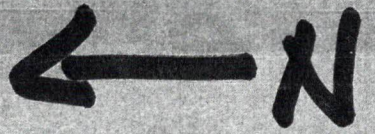
NEW, PROPOSED  
 PLYMOUTH CHURCH  
 SIGN

12/10/23

*[Signature]*

**A**

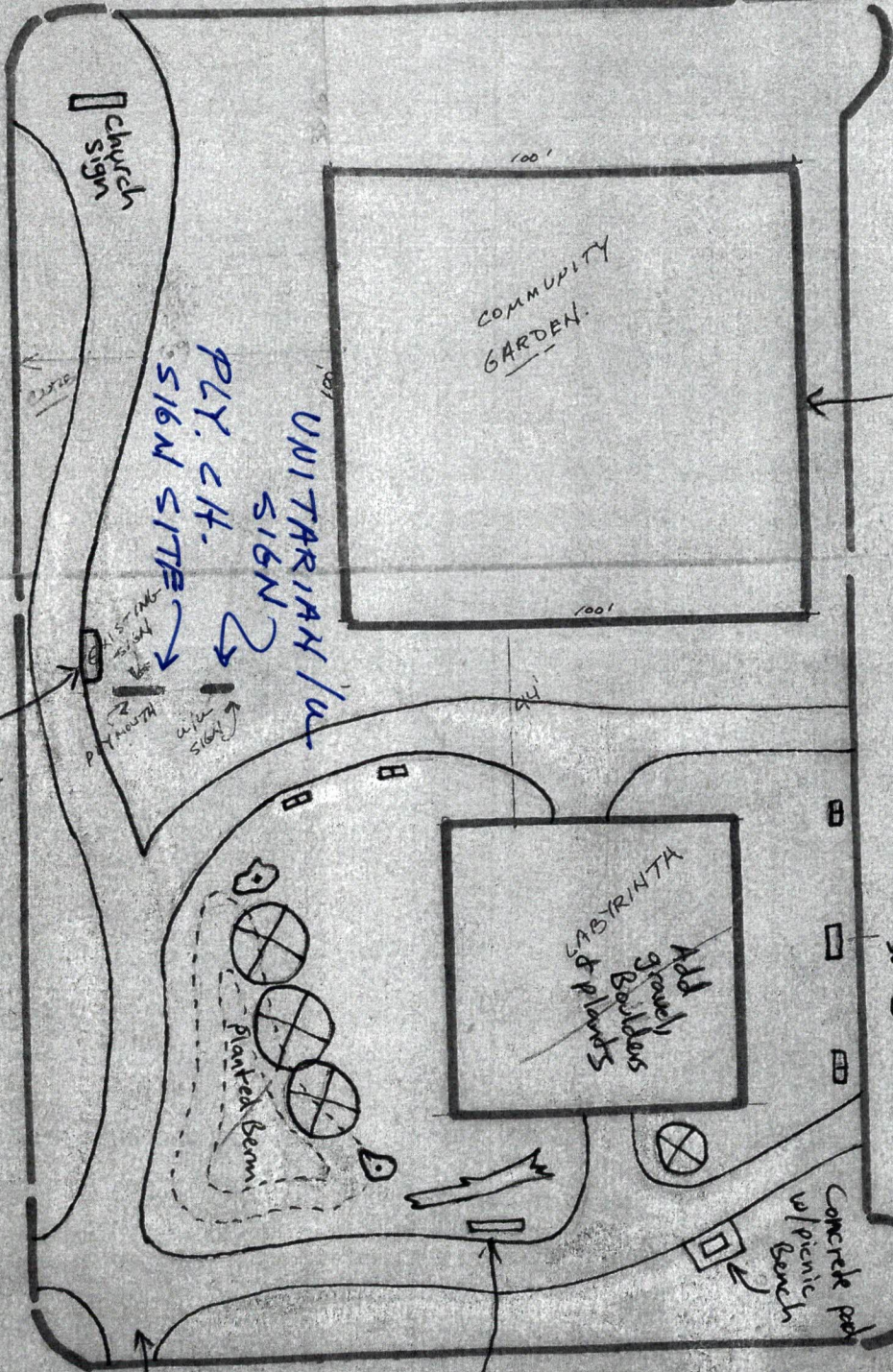
# SAMPLE DRAWING



Solar Panels, LCD Screen

OPEN SPACE N. OF CHURCH

WINNIE AVE.



PARKING

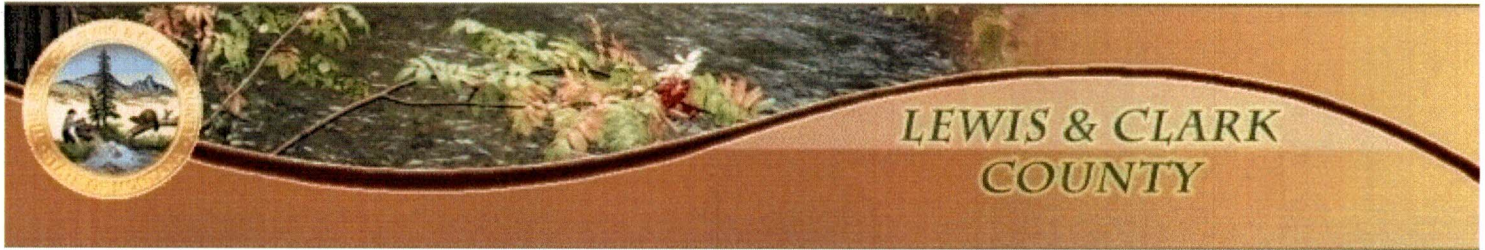
← CHURCH →

TAMARACK ST.

- ⊗ - Trees
- ⊙ - Boulders
- ▭ - Benches

HL201N





Shopping Cart: 0 items [\$0.00]

**New Search**

**History**

**Payoff**

**PayTaxes**

**Help**

**Property Tax ID:** 23455

**Status:** Current  
**Realware#:** 188832205010000  
**Receipt:** 31174

**2023 Owner(s):**  
PLYMOUTH CONGREGATIONAL CHURCH

**Mailing Address:**  
400 S OAKES ST  
HELENA, MT 596014605

**Levy District:**  
01-02, Tax District 01

**Tax Comparison**

**2023 Value:**

**Market:** \$2,254,147  
**Taxable:** \$0

**Detail**

**2023 Taxes:**

		<b>View Pie Charts</b>
<b>First Half:</b>	\$4,779.04	<b>Due:</b> 11/30/2023
<b>Second Half:</b>	\$4,779.03	<b>Due:</b> 5/31/2024
<b>Total:</b>	\$9,558.07	

**Detail**

**2023 Payments:**

<b>First Half:</b>	\$4,779.04
<b>Second Half:</b>	\$0.00
<b>Total:</b>	\$4,779.04

(May include penalty & interest)

**2023 Legal Records:**

**Geo Code:** 05-1888-32-2-05-01-0000 **Page:** 00000

**Property address:** 400 S OAKES ST, HELENA MT 59601  
**Subdivision:** (COR) SubDiv COR **Lot:** 1 **Block:** 48  
**TRS:** T10 N, R03 W, Sec. 32  
**Legal:** CORBIN SUBD, S32, T10 N, R03 W, BLOCK 48, Lot 1 - 36  
Acres: 2.70

**Note:** The accuracy of this data is not guaranteed. Property Tax data was last updated 03/28/2024 01:00 PM.

Send Payments to:  
Lewis & Clark County  
316 North Park Ave; Room #113  
Helena, Montana 59623

Phone: (406) 447-8329  
Email: propertytax@lccountymt.gov



PREPARED BY:  
LOCAL CHURCH MINISTRIES  
Church Building & Loan Fund  
700 Prospect Avenue, East  
Cleveland, Ohio 44115

SATISFACTION OF MORTGAGE

In consideration of the payment of the debt named therein, LOCAL CHURCH MINISTRIES CHURCH BUILDING & LOAN FUND, at 700 Prospect Avenue, Cleveland, Ohio 44115, hereby releases the mortgage dated the 30<sup>th</sup> day of June in the year Two Thousand Eight, made and executed by PLYMOUTH CONGREGATIONAL CHURCH, to the said LOCAL CHURCH MINISTRIES CHURCH BUILDING & LOAN FUND on the following property:

which was recorded in the Office of the Recorder, County of Lewis & Clark, State of Montana, on the 22<sup>nd</sup> day of June in the year Two Thousand Ten, at 2:33 in the p.m., Book M42, Page 1198, of Official Records, and which has not been further assigned, is paid, and does hereby consent that the same be discharged of record.

IN WITNESS WHEREOF, the said LOCAL CHURCH MINISTRIES CHURCH BUILDING & LOAN FUND has hereunto caused its corporate seal to be affixed and these presents to be subscribed by its Executive Minister and Treasurer at the City of Cleveland, the 20<sup>th</sup> day of June, 2018.

In the presence of  
WITNESSES:

LOCAL CHURCH MINISTRIES  
CHURCH BUILDING & LOAN FUND

Shaena Ragin  
Shaena Ragin

By: Susan Mitchell  
Susan Mitchell, Associate Director

Erin Frameli  
Erin Frameli

By: Ronald Nowak  
Ronald Nowak, Assistant Controller

STATE OF OHIO            )  
                                  ): SS  
COUNTY OF CUYAHOGA)

On this 20<sup>th</sup> day of June, 2018, BEFORE ME, a Notary Public in and for said County and State personally appeared the above-named LOCAL CHURCH MINISTRIES CHURCH BUILDING & LOAN FUND, an Ohio corporation, by Susan Mitchell, its Associate Director and Ronald Nowak, its Assistant Controller, who acknowledged that they did sign the foregoing instrument for and on behalf of said corporation and that the same is free act and deed of said corporation and the free act and deed of each of them as such officer.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Cleveland, Ohio, this 20<sup>th</sup> day of June, 2018.

Maria Smith Warren  
NOTARY PUBLIC



**EXHIBIT A**

Parcel One (church site): Situated in the County of Lewis and Clark, State of Montana, to-wit:

All of Lots One (1) to thirty-six (36), both inclusive, in Block Forty-eight (48) in Corbin Addition to the City of Helena, in the County of Lewis and Clark, State of Montana.