

# STAFF REPORT

105 N Warren St.

Variance

*Case# VAR2601-0001*

Travis Goodrich,  
*Planner I*

Community Development Department  
316 North Park Avenue, Room 403  
Helena, Montana 59623





City of  
**Helena**

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## Section 1 - Project Overview

Jonathan Ries of Triple R Surveying, on behalf of property owner Christopher Dorsi, is requesting variances to construct a single-family residence in the R-O zoning district for the property addressed as 105 N. Warren St.

The applicant is requesting variances to decrease the front lot line setback along Warren St. from 10'-0" to 2'-0" as well as Breckenridge St. from 10'-0" to 4'-0". The third variance is requesting to reduce the garage entrance setback along Warren St. from 20'-0" to 3'-0".

## Section 2 – Variance Request

The applicant has requested the following variances:

1. A variance from Section 11-4-2 to reduce the front lot line setback along the western property boundary from 10'-0" to 2'-0" in a R-O zoning district for the property located at 105 N. Warren St, Helena, Montana 59601 and the Geocode of 05188831246010000 and the legal description of Lots 11 in Block 39 of the Original Helena Townsite, Lewis and Clark County, Montana, as shown on the plat filed under Document No. 3283738.
2. A variance from Section 11-4-2 to reduce the front lot line setback along the southern property boundary from 10'-0" to 4'-0" in a R-O zoning district for the property located at 105 N. Warren St, Helena, Montana 59601 and the Geocode of 05188831246010000 and the legal description of Lots 11 in Block 39 of the Original Helena Townsite, Lewis and Clark County, Montana, as shown on the plat filed under Document No. 3283738.
3. A variance from Section 11-4-2 to reduce the garage entrance setback along the western property boundary from 20'-0" to 3'-0" in a R-O zoning district for the property located at 105 N. Warren St, Helena, Montana 59601 and the Geocode of 05188831246010000 and the legal description of Lots 11 in Block 39 of the Original Helena Townsite, Lewis and Clark County, Montana, as shown on the plat filed under Document No. 3283738.

## Section 3 - General Information

<b>Application Date:</b>	January 16, 2026
<b>Public Hearing Date:</b>	Board of Adjustment March 3, 2026
<b>Applicant:</b>	Johnathan Ries 3400 Centennial Dr Helena, MT 59601
<b>Property Owner:</b>	Chris Dorsi 401 N. Wallace St. Bozeman, MT, 59715

**Legal Description:** Lots 11 in Block 39 of the Original Helena Townsite, Lewis and Clark County, Montana, as shown on the plat filed under Document No. 3283738.

**General location:** This property is generally located at the northeast corner of the intersection of Warren St. and Breckenridge St.

**Present Land Use:** R-O - Residence, two-dwelling units

**Adjacent Land Uses:**

North: TR (Transitional Residential) – Professional Offices

South: R-O – Residence, Single – Dwelling Unit  
– Residence, Multiple – Dwelling Units (3 or more)

East: R-O – Residence, Single – Dwelling Unit  
– Residence, Multiple – Dwelling Units (3 or more)

West: TR (Transitional Residential) – Parking Lot

**History of Applicable Permitting Action:**

**105 N. Warren St:**

- 1) Duplex on parcel was built in 1887. (No Building Permit Found)
- 2) Encroachment agreement for use of alley approved in 1999.
- 3) Permits for a re-roof, MEP systems installation and repair, etc. were approved from electrical, plumbing, re-roof, etc. were approved from 1949 to 2021.

**Tract/Property Size:** Approximately 0.08 Acres

**2025 Land Use Plan**

**Land Use Designation(s):** **Downtown** - The Downtown area consists largely of high-density office, retail, housing, entertainment, institutional, and governmental uses. New development Downtown should seek to provide a mix of these uses, promoting a strong pedestrian-friendly environment and activating the historic core of the city. The Downtown land use should emphasize and maintain Helena’s community character including preservation of existing historic structures or architectural elements and contribute to Helena’s cultural resources and sense of place.

## Section 4 - Public Process

- A. Variance applications are filed with the Community Development Department and any required fees must be paid upon submission of an application. The application will then be reviewed by City staff per City Code Section 11-5-1.
- B. The Board of Adjustment shall hold a public hearing and make a determination per City Code Section 11-5-2.

This review process as defined by city code allows for public comment, staff review and vetting through city departments and appointed and elected boards or committees prior to approval. As part of this process, the Community Development Department sends the application materials to applicable departments for their review and comment. This leads to a full evaluation of potential impacts and helps determine how the proposed conditional use relates to the review criteria.

### Public Comment

An integral part of the review process is the conducting of public hearings and the solicitation of public comment.

As of February 20th, 2026, no public comments have been received.

## Section 5 –Evaluation

The property at 105 N. Warren Street is currently developed with a two-story duplex and is zoned R-O (Residential Office). The applicant is proposing construction of a new single-family residence on the southern portion of the lot. Due to the corner lot configuration, the proposed structure will be located 2'-0" from the western front property line along Warren Street and 4'-0" from the southern front property line along Breckenridge Street. Additionally, the proposed garage entrance will be located 3'-0" from the western front property line. As a result, the applicant is requesting variances to reduce the required 10'-0" front lot line setbacks to 2'-0" and 4'-0", and to reduce the required 20'-0" garage entrance setback to 3'-0".

Evaluation by City staff is based on compliance with Helena City Code. This evaluation of the proposed variance with City Code compliance does not constitute a recommendation to the Board of Adjustment and is not based on the Board of Adjustment review criteria outlined in Helena City Code 11-5-5.

The Applicant is requesting the following variances:

1. A variance from Section 11-4-2 to reduce the front lot line setback along the western property boundary from 10'-0" to 2'-0" in a R-O zoning district for the property located at 105 N. Warren St, Helena, Montana 59601 and the Geocode of 05188831246010000 and the legal description of Lots 11 in Block 39 of the Original Helena Townsite, Lewis and Clark County, Montana, as shown on the plat filed under Document No. 3283738.
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**ZONING EVALUATION for the property legally addressed as 105 N Warren St, Helena, MT, located in a R-O zoning district.**

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
<b>City Code:</b> §11-4-2 (Table 2 (R-O))	Front Lot Line Setback 10'-0" minimum	N/A	Decrease western Front Lot Line Setback to 2'-0"	Yes
<b>City Code:</b> §11-4-2 (Table 2 (R-O))	Front Lot Line Setback 10'-0" minimum	N/A	Decrease southern Front Lot Line Setback to 4'-0"	Yes
<b>City Code:</b> §11-4-2 (B) (3) Lot requirements for zoning districts	The vehicular entrance of a garage must be set back at least twenty feet (20'), measured in a straight line from the vehicular entrance of the garage to the lot line of the property that abuts public right of way designated as a street and has a driveway approach.	N/A	Decrease the garage entrance setback along the western property boundary from 20'-0" to 3'-0"	Yes

Section 11-5-5 of the Helena Zoning Ordinance includes certain criteria that must be reviewed as part of the variance procedure.

- A) *Notice of the board's hearing of each application must be published in a newspaper of general circulation within the city once, at least fifteen (15) days prior to the hearing date.*
- B) *The board of adjustment shall hold a public hearing on the application to gather facts and information. Persons interested in the requested variance and community development department staff may testify at the public hearing.*
- C) *To approve a requested variance for a new building or portion thereof, the board of adjustment shall consider the following standards 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) *Strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.*

- D) *In evaluating the standards in subsection C of this section, the board of adjustment may consider the following 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.*
  - 2) *The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.*
  - 3) *Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.*
  - 4) *The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.*
  - 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.*
  - 6) *The extent to which the hardship or difficulty results from the actions of the applicant.*
  - 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.*
- E) *A property owner who desires to reconstruct a nonconforming building or nonconforming portion of a building must apply for a variance. When reviewing the variance to reconstruct a nonconforming building, the property owner is entitled to a rebuttable presumption that the standards in subsection C of this section are met if the property owner can prove the existence of the prior nonconformity and that the nonconformity can be in compliance with building and fire codes.*
- F) *The board of adjustment may impose conditions to minimize adverse impacts that the variance may have on the public health, safety, or general welfare. Any approval that includes conditions is subject to the terms of the conditions. Conditions stated in the approval may include, but are not limited to:*
- 1) *A time period in which the proposed structure shall be completed; and*
  - 2) *Other conditions necessary to mitigate adverse effects from the variance.*
- G) *Any variance from the maximum number of off street parking spaces, as specified in section 11-22-6 of this title, must require that a minimum of twenty percent (20%) of the parking area be landscaped in accordance with the standards in chapter 22 of this title. This landscaping is in addition to the requirements of chapter 24 of this title. The board of adjustment may also place conditions, within applicable city code provisions, on the location and permissible types of surfacing materials for off street parking and loading areas.*
- H) *If a variance to the zero foot setback is requested in Downtown or Transitional Residential Districts, the maximum setback allowable along the primary and secondary lot line cannot exceed ten (10) ft.*

#### 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.*
  - No unusual topography or irregular lot shape is present.

2. *The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.*
  - The subject property currently contains a two-story duplex with an approximate footprint of 800 square feet located on the northern portion of the 3,418 square foot lot. The duplex has a 0'-0" setback for both the front and alleyway setback.
  - The applicant proposes construction of a 26' x 40' single-family dwelling with an attached 12' x 17' covered porch, resulting in a total proposed building area of approximately 1,244 square feet.
  - Structures in the immediate vicinity include a mix of residential, multi-family, and commercial-scale buildings within the R-O zoning district. Many of these structures were developed prior to adoption of current setback standards and exhibit varying setback patterns along Warren and Breckenridge St.
  
3. *Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.*
  - The properties located immediately east of the subject parcel exhibit 0'-0" setback conditions. Structures at 208 Breckenridge Street and 104 N. Ewing Street are constructed at the front property line, while 204 Breckenridge Street is constructed at the side property line.
  
4. *The subsequent imposition of zoning restrictions creating nonconforming lots or parcels and governmental actions beyond the applicant's control.*
  - The current City of Helena setback standards were adopted in 2008, with subsequent amendments in 2010, 2016, 2019, and 2020. The majority of residential development in the vicinity, including the subject property constructed in 1887, predates adoption of the current dimensional standards. As a result, many structures in the area were established prior to implementation of the present setback requirements.
  
5. *Whether a literal interpretation of the provisions of this title would deprive the property owner of the rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title.*
  - A literal interpretation of the required front and garage entrance setbacks would significantly reduce the buildable area on this 34-foot-wide corner lot. As mentioned earlier, nearby properties exhibit 0'-0" setback conditions consistent with historic Helena Townsite development. Strict enforcement would materially constrain the ability to construct a dwelling consistent with uses permitted in the R-O district.

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

The narrow lot width and dual front setback requirements are inherent site conditions not created by the applicant. However, the proposed building footprint and front-loaded garage contribute to the extent of the requested setback reductions.

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

Granting the requested variances would not confer an unreasonable special privilege on the subject property. Residential development is permitted within the R-O district and reduced, or zero-foot setback patterns exist on nearby properties within the historic Helena Townsite.

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.*

- No, rebuttable presumption does not apply because the proposal involves construction of a new single-family dwelling on the lot and does not constitute reconstruction of a previously existing nonconforming structure in its original footprint.

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

- There is no additional information to provide at this time.

## Section 6 – Department Comments

During the review process, relevant City departments provide comment on variance proposals. The following responses have been provided by the departments designated representatives.

**Planning:** No Comment

**Transportation:** Must meet all City Code requirements that are not allowed via variance.

Proposed plan impedes Sight Distance Triangle as referenced in City Code Section 11-4-2.B: "5. The sight distance triangle as required in title 7, chapter 3 of this code, must be observed for corner lots regardless of minimum setbacks established in this chapter."

The 20' garage door setback is not necessarily concerned with the character of the neighborhood or a loading space referred to in the variance application; but rather it is to provide an off-street parking/driveway that is

big enough for a vehicle to park out of the right of way and not impede the public sidewalk.

Plan appears to be proposing two new curb cuts. City Code allows only two curb cuts per frontage per lot, where the frontage is between 60' and 600', and there is already one on the Warren frontage, next to the existing duplex.

Drive approaches must be separated by 25' of full height curb.

<b>Legal:</b>	No Comment
<b>Utility:</b>	No Comment
<b>Fire:</b>	There may be an increased risk to nearby properties from fire, etc. Fire Department access could also be affected due to inadequate space around the structures.
<b>Engineering:</b>	No Comment
<b>Building:</b>	Site plan as reflected complies with the minimum fire separation distance per Table R302.1(1). Fire rated construction for walls, projections, openings and penetrations would be required if the components are less than the minimum fire separation distance as defined by the Table.

## Section 7 – Variance Motion

It is the recommendation of the City Attorney's Office that staff does not make a recommendation to approve or deny a variance.

If the Board of Adjustment approves the requested variances, the following conditions are recommended:

Building Permit: A building permit must be obtained within one (1) year.

### Variance Motions:

1. A variance from Section 11-4-2 to reduce the front lot line setback along the western property boundary from 10'-0" to 2'-0" in a R-O zoning district for the property located at 105 N. Warren St, Helena, Montana 59601 and the Geocode of 05188831246010000 and the legal description of Lots 11 in Block 39 of the Original Helena Townsite, Lewis and Clark County, Montana, as shown on the plat filed under Document No. 3283738.
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# Appendix A - Maps

## 105 N. Warren St. Vicinity Map



— Paved  
- - - Alley  
▭ 05188831246010000  
▭ MT Parcels w Condos

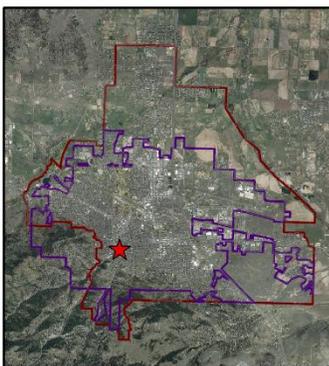


Community Development  
City/County Building  
316 North Park Avenue, Rm. 445  
Helena, MT 59623



0 25 50 100  
Feet

Legal Description: HELENA  
TOWNSITE 1869, S31, T10 N,  
R03 W, BLOCK 39, Lot 11, COS  
3283738



# 105 N. Warren St. Zoning Map



 05188831246010000

 Paved

 Alley

 R-O Residential Office District

 TR Transitional Residential

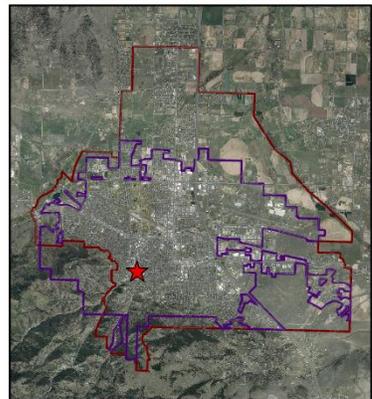


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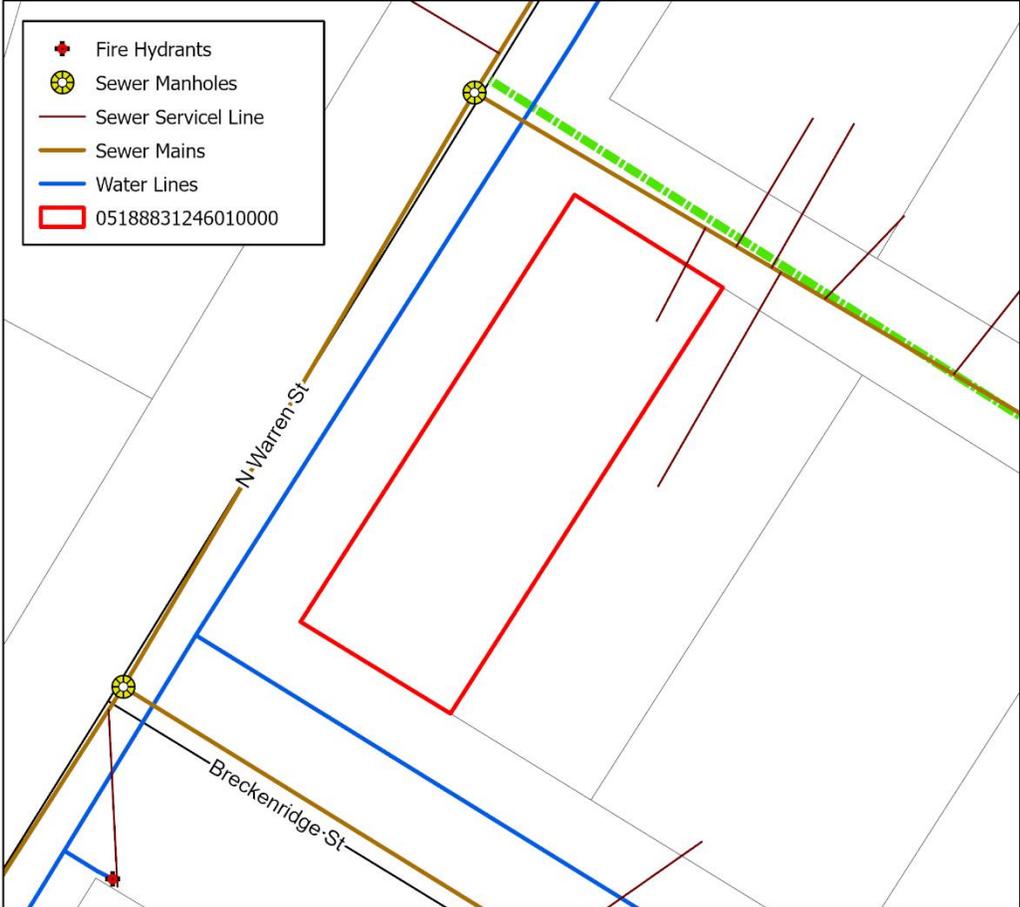
  


0 10 20 40 60 Feet

Legal Description: HELENA  
TOWNSITE 1869, S31, T10 N,  
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# 105 N. Warren St. Utility Map



— Paved  
— Alley  
05188831246010000  
MT Parcels w Condos

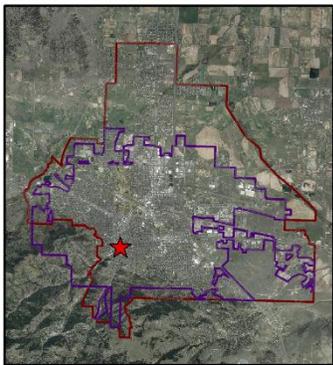


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Travis Goodrich, **Planner I**  
**Community Development Department**  
316 North Park Avenue, Room 445  
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[helenamt.gov](http://helenamt.gov)

**Date:** February 10, 2026

**TO WHOM IT MAY CONCERN:** Variances from district dimensional standards requirements are being proposed in your area. Please review the enclosed description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the March 3<sup>rd</sup>, 2026, Board of Adjustments public hearing to the City Planning Division, 316 North Park, Helena MT 59623.

**The Helena Board of Adjustments will hold a public hearing on the variance request on Tuesday, March 3<sup>rd</sup>, 2026 at 5:30 p. m. in person in the Commission Chambers and via Zoom at <https://us06web.zoom.us/j/86825428972> Meeting ID: 868 2542 8972. Dial in at (346) 248-7799 or find your local Zoom phone number by going to <https://zoom.us/j/86825428972>.**

Interested parties are encouraged to attend this meeting. We may not be able to reach all who may be interested in this application, and we encourage you to talk to your neighbors about this proposal.

**PROPOSAL:**

1. A variance from Section 11-4-2 to reduce the front lot line setback along the western property boundary from 10'-0" to 2'-0" in a R-O zoning district for the property located at 105 N. Warren St, the Geocode of 05188831246010000 and the legal description of Lots 11 in Block 39 of the Original Helena Townsite, Lewis and Clark County, Montana, as shown on the plat filed under Document No. 3283738.
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The reason for these variances is to construct a new single-family residence.

**ADDRESS:**

This property is located at 105 N. Warren Street, Helena, Montana, 59601.

**GENERALLY LOCATED:**

This property is generally located at the northeast corner of the intersection of North Warren St. and Breckenridge St.

Sincerely,

**Travis Goodrich, Planner I**  
Community Development Department  
City-County Building  
316 N. Park Ave, Rm 403  
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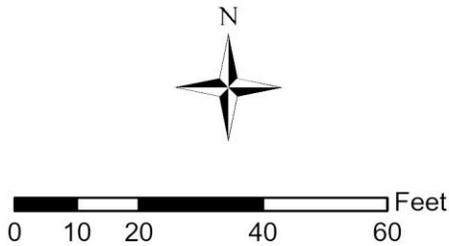
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