

STAFF REPORT

405 Washington Drive

Variance

Case# VAR2601-0003

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

The applicant, Paul Jenkins, is requesting a variance to construct an addition to the entryway of a residence in a R-2 zoning district for the property addressed as 405 Washington Drive, Helena, MT, 59601. The applicant is requesting a variance to reduce the front lot line setback along the Western property boundary from 10'-0" to 6'-6".

Section 2 – Variance Request

The applicant has requested the following variance:

1. A variance from section 11-4-2 to reduce the front lot line setback along the western property boundary in a R-2 zoning district from 10'-0" to 6'-6", for a property with the address of 405 Washington Drive, Helena, Montana, 59601, the geocode of 05188829310010000, and the legal description of The West 45 feet of Lot 16 of Block 16 of the FLOWERREE ADDITION to the City of Helena, Lewis and Clark County, Montana.

Section 3 - General Information

Application Date:	January 30, 2026
Public Hearing Date:	Board of Adjustment March 3, 2026
Applicant:	Paul Jenkins Confluence Design Build 317 N Cruse Ave, Suite 220, Helena, MT 59601
Property Owner:	Elmer Cupino 405 Washington Drive, Helena, MT, 59601
Legal Description:	The West 45 feet of Lot 16 of Block 16 of the FLOWERREE ADDITION to the City of Helena, Lewis and Clark County, Montana. (Deed Reference Book 226, Page 431)
General location:	This property is generally located at the northeast corner of the intersection of Washington Drive and 8th Avenue.
Present Land Use:	Residential, single-dwelling unit
Adjacent Land Uses:	North: R-2 – Residential, single-dwelling unit South: PLI (Public Lands and Institutions) - Administrative Government Agency

East: R-2 - Residential, single-dwelling unit
 R-O - Administrative Government Agency

PLI (Public Lands and Institutions) - Administrative Government Agency

West: R-2 - Residential, single dwelling unit

History of Applicable Permitting Action:

405 Washington Drive:

- 1) 1955 Earliest Building Permit on file (Building Construction)
- 2) Permits for a new deck, electrical, plumbing, re-roof, etc. were approved from 1982 to 1995.

Tract/Property Size: Approximately 0.15 Acres

2021 Land Use Plan

Land Use Designation(s):

Urban Residential - Urban residential areas are located near Helena's core and are designed to support moderate- to high-density residential development while accommodating a range of complementary business types. These areas should offer a diverse mix of housing options in addition to single-family detached homes, townhomes, duplexes, and triplexes, and multifamily developments of more than four units to promote greater density and housing variety in a walkable environment. Additionally, compatible commercial uses such as small-scale retail, cafes, professional offices, and personal services should be incorporated to encourage mixed-use neighborhoods.

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 20, 2026 no public comments have been received.

Section 5 –Evaluation

The property at 405 Washington Drive currently has the land use of single-dwelling unit residence and is zoned R-2. The applicant is proposing an addition to the home’s entryway. This addition will extend beyond the existing foundation and will be located 6’-7” from the western front property line. As a result, the applicant is requesting a variance to reduce the required front lot line setback along the western front lot line from 10’-0” to 6’-6”.

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 variance:

1. A variance from section 11-4-2 to reduce the front lot line setback along the Western property boundary from 10’-0” to 6’-6”, for a property with the address of 405 Washington Drive, Helena, Montana, 59601, the geocode of 05188829310010000, and the legal description of The West 45 feet of Lot 16 of Block 16 of the FLOWERREE ADDITION to the City of Helena, Lewis and Clark County, Montana.

ZONING EVALUATION for the properties legally addressed as 405 Washington Drive, Helena, MT, located in a R-2 zoning district.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: §11-4-2 (Table 2 (R-2))	Front Lot Line Setback 10'-0" minimum	13'-8" from property line.	Decrease western Front Lot Line Setback to 6'-6" to allow for construction of a new foyer.	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.*
 - The property is located on a corner lot adjacent to a platted 70-foot right-of-way along Washington Drive, which is wider than the more typical 60-foot residential rights-of-way found elsewhere in the city. As a result, the property line is positioned farther from the back of curb and sidewalk than is common under current subdivision standards. Because front setbacks are measured from the property line rather than the sidewalk or curb, the increased right-of-way width reduces the effective buildable area along the frontage and causes the proposed foyer addition to encroach further into the required front setback than would occur under a standard 60-foot right-of-way condition.

2. *The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.*
 - The property contains a single-story, single-family dwelling constructed in 1955 on the corner of Washington Drive and 8th Avenue. The residence is approximately 1,594 square feet on a 6,314 square foot lot, resulting in current lot coverage of approximately 25%, and is consistent in height and scale with surrounding residential development in the R-2 zoning district.
 - The portion of the project requiring the variance is a proposed 171 square foot foyer/entryway addition. The overall renovation also includes replacement of the existing deck and construction of a 438 square foot master bedroom addition. Upon completion, total lot coverage will be approximately 2,205 square feet, or approximately 35%, which remains below the 40% maximum permitted in the R-2 district.
 - Surrounding properties are similarly developed with single-family dwellings of comparable scale. The proposed foyer addition does not increase overall building height and maintains compatibility with the existing structure and neighborhood character.

3. *Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.*
 - Numerous properties with frontages along Washington Dr. have front lot line setbacks that are less than the 10-foot minimum required under current R-2 standards. For example, 408 Washington Drive has an existing front lot line setback of approximately 2 feet, and 428 Washington Drive has an existing front setback of approximately 4 feet. Additionally, 1236 9th Avenue, located approximately one block north of the subject property, has an existing front lot line setback of approximately 4.5 feet.

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 1955, 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 10-foot front setback requirement would prevent the proposed foyer addition in its current configuration. Several nearby properties have existing front setbacks that are less than 10 feet. While the subject property remains usable as a single-family residence, strict enforcement would limit the owner's ability to provide covered access and maintain ADA accessibility.

6. *The extent to which the hardship or difficulty results from the actions of the applicant.*
 - The proposed foyer addition is a voluntary improvement to the existing residence. The property remains usable as a single-family dwelling without the addition. However, the dimensional limitation arises from the existing lot width, corner configuration, and structure placement, all of which were established prior to current ownership and prior to adoption of the present setback standards. The applicant did not create the lot dimensions or original building placement. The need for setback relief results from the interaction between these existing site conditions and the current zoning requirements.

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 variance would not confer an unreasonable special privilege to the subject property. As discussed in Question 3, several neighboring properties exhibit reduced front setback conditions consistent with the established development pattern in the area. The request is limited to a reduction of the required front setback for a single-story foyer addition. The property will remain subject to all other R-2 zoning standards and does not involve a change in use, building height, or lot coverage beyond what is otherwise permitted in the district.

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. The proposed project involves construction of a new foyer addition and is not the reconstruction of a previously existing nonconforming structure in the same location or 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:	Proposed additional bedroom suite must not block 50' sight distance triangle as per City Code section 7-3-7.
Legal:	No Comment
Utility:	No Comment
Fire:	No Comment
Engineering:	No Comment
Building:	No Comment

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 6'-6", for a property with the address of 405 Washington Drive, Helena, Montana, 59601, the geocode of 05188829310010000, and the legal description of The West 45 feet of Lot 16 of Block 16 of the FLOWERREE ADDITION to the City of Helena, Lewis and Clark County, Montana.

Appendix A – Maps

405 Washington Dr. Vicinity Map



— Paved
- - - Alley
▭ 05188829310010000
▭ MT Parcels w Condos

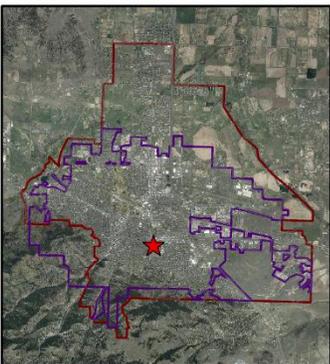


Community Development
City/County Building
316 North Park Avenue, Rm. 445
Helena, MT 59623

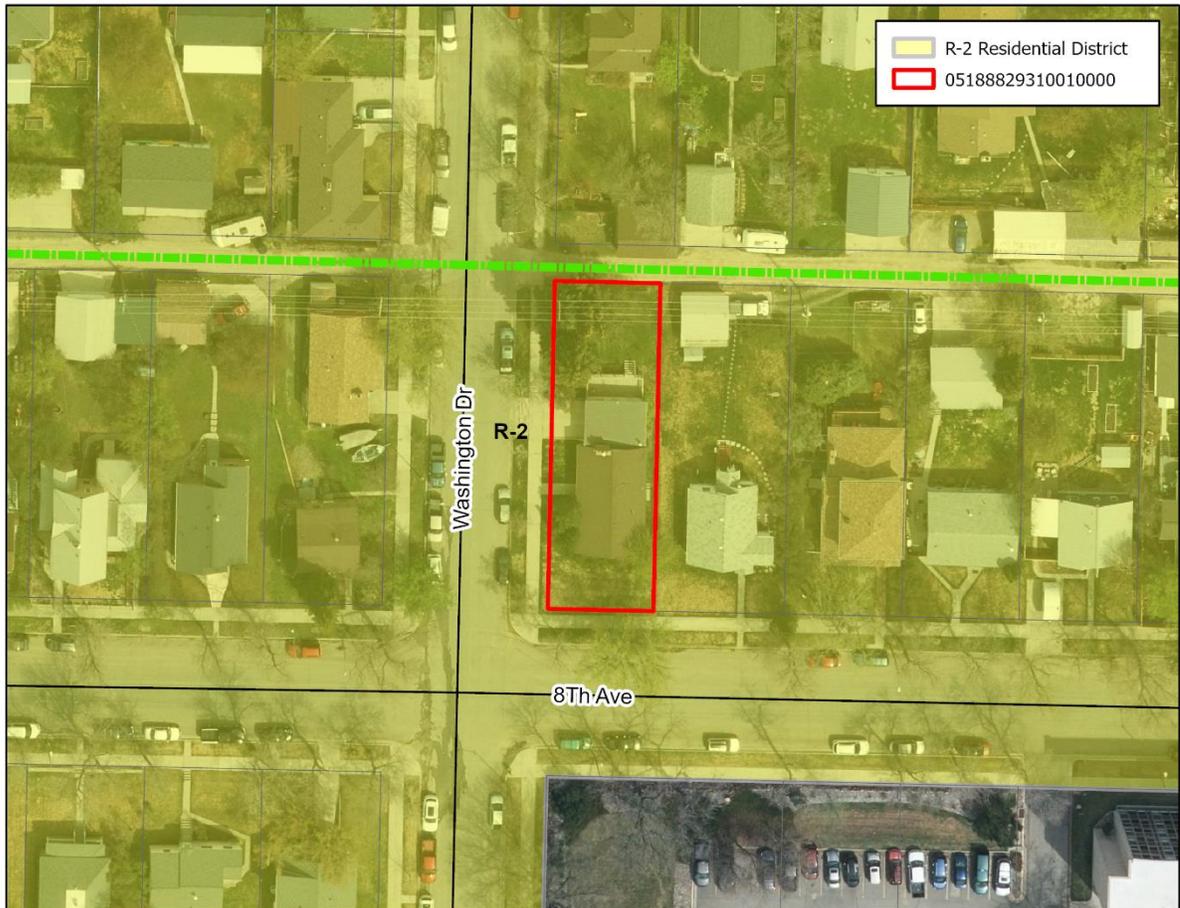


0 25 50 100 Feet

Legal Description: FLOWEREE
ADDN, S29, T10 N, R03 W,
BLOCK 16, Lot 16, W45'



405 Washington Dr. Zoning Map



 05188829310010000

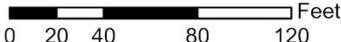
 Paved

 Alley

 R-2 Residential District

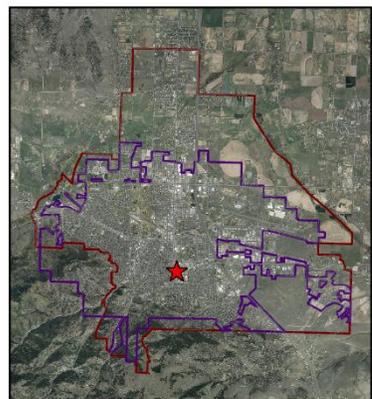


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0 20 40 80 120 Feet

Legal Description: FLOWEREE
ADDN, S29, T10 N, R03 W,
BLOCK 16, Lot 16, W45'



05188829310010000 Utility Map



— Paved
- - - Alley
05188829310010000
MT Parcels w Condos

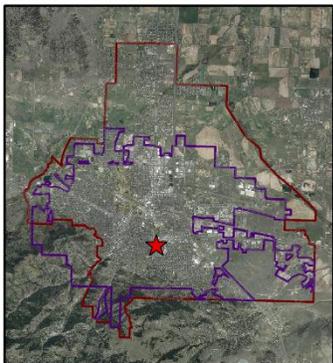


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0 20 40 80 Feet

Legal Description: FLOWEREE
ADDN, S29, T10 N, R03 W,
BLOCK 16, Lot 16, W45'





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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 3rd, 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 3rd, 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/u/abx78Gko9e>.

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 in a R-2 zoning district from 10'-0" to 6'-6", for a property with the address of 405 Washington Drive, the geocode of 05188829310010000, and the legal description of The West 45 feet of Lot 16 of Block 16 of the FLOWERREE ADDITION to the City of Helena, Lewis and Clark County, Montana.

The reason for this variance is to construct an entryway addition to the home.

ADDRESS:

This property is located at 405 Washington Drive, Helena, Montana, 59601.

GENERALLY LOCATED:

This property is generally located at the northeast corner of the intersection of Washington Drive and 8th Avenue.

Sincerely,

Travis Goodrich, Planner I
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City-County Building
316 N. Park Ave, Rm 403
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405 Washington Dr. Zoning Map



05188829310010000
 Paved
 Alley
 R-2 Residential District



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

N



0 20 40 80 120 Feet

Legal Description: FLOWEREE
 ADDN, S29, T10 N, R03 W,
 BLOCK 16, Lot 16, W45'

