



PRELIMINARY SUBDIVISION VARIANCE APPLICATION

SECTION 11.1 VARIANCE (76-3-506), MCA

PLANNING DIVISION

2825 3RD AVENUE NORTH, 4TH FLOOR
BILLINGS, MONTANA 59101

PHONE: (406)247-8676

FAX: (406) 657-8327

PROJECT#

PROPERTY INFORMATION							
Primary Parcel/Legal Description (C/S, Subdivision, Lot, Block)					Property Tax ID		
General Location							
CLASSIFICATION: (CHECK ONE)							
<input type="checkbox"/>	City Major (6 or more lots)	<input type="checkbox"/>	City Minor (5 lots or fewer)	<input type="checkbox"/>	City Subsequent Minor (Reviewed as aa minor)	<input type="checkbox"/>	City Expedited
<input type="checkbox"/>	County Major (6 or more lots)	<input type="checkbox"/>	County Minor (5 lots or fewer)	<input type="checkbox"/>	County Subsequent Minor (Reviewed as a major)	<input type="checkbox"/>	County Expedited
ATTRIBUTES							
Gross Area (Acres)		Net Area (Acres)		Number of Lot(s)			
Lot Size Maximum (Square Feet)			Lot Size Minimum (Square Feet)				
APPLICANT/SURVEYOR INFORMATION							
PROPERTY OWNER:							
E-mail Address		Mobile Phone		Home Phone			
Mailing Address (City, State, Zip)							
AGENT/SURVEYOR:							
E-mail Address		Mobile Phone		Business Phone			
Mailing Address (City, State, Zip)							

A. Variance(s) Requested

List and Attach Variance Request application and Variance Request criteria answers per Chapter 11.

1.A.1-5. **Each requested variance shall be deemed a separate application, to be processed concurrently with the preliminary plat.** A variance review fee must accompany all applications for variances.

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B. Facts of Hardship: Provide a **separate written statement** describing the facts of hardship upon which the request for variance is based.

I declare that I am the owner of record of the above-described property, and have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, the information is true and correct.

Owner of Record

Date

Owner Under Contract

Date



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Article 23-1100. ADMINISTRATIVE PROVISIONS

Section 23-1101. Variances.

The City Council or Yellowstone County Board of County Commissioners may grant reasonable variances from the design and improvement standards of these Regulations when strict compliance would result in undue hardship and the result would not negatively affect public health and safety. The granting of a variance shall not have the effect of nullifying the intent and purpose of these Regulations or justifying submission of an incomplete application. The City Council or Board of County Commissioners may not approve a variance that would permit structures within the 100-year floodplain, as defined in 76-5-101, MCA.

A. Requesting a Variance. The subdivider shall include with the submission of the variance request, a written statement describing the facts of hardship upon which the request for the variance is based. Each requested variance shall be deemed a separate application, for which a fee shall be required. Information addressing each of the following findings shall accompany the application. The Planning Board shall review the submitted findings and make a recommendation to the City Council or Yellowstone County Board of County Commissioners.

The governing Board shall not approve variances unless the subdivider has demonstrated that the request satisfies the following findings:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and
5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

B. In granting variances, the Governing Body may require conditions of approval that will, in their judgment, secure the objectives of these Regulations.

C. When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based.

D. An application for a variance is not necessary where Planned Neighborhood Developments are proposed, as modifications to the standards and requirements of these Regulations may be approved by the governing body.