

Application for a Variance (County)

File # _____ Date _____

Name: _____ Ph# _____

Address: _____

Agent Name: _____ Ph# _____

Legal Description:

Lot #: _____ Block#: _____ Subdivision: _____

COS#: _____ Metes & Bounds Description: (Attach Typed Description)

Note: Provide information on the following condition in your letter explaining your proposal.

A variance from the County Zoning Regulations shall not be granted by the Board of Adjustment unless and until the applicant demonstrates all of the following:

1. The proposed variance will not amount to a change in the use of the property to a use which is not permitted in the zone;
2. Special conditions exist that are unique to the property, such as size, shape, topography or location, which are not applicable to other lands in the same zoning classification;
3. Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making; for example, if literal enforcement would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same zone under the terms of these regulations, or if literal enforcement would preclude an effective design solution to the unique circumstance, thus preventing improvement of the livability, operation and efficiency, or appearance or proposed use of the building; and
4. Granting the variance will be in harmony with the general purpose and intent of these regulations and the Missoula County Growth Policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In making this determination the Board of Adjustment may consider the review criteria listed below.
 - i. The location, character and natural features of the property and surrounding properties;
 - ii. Non-economic situations which prevent the utilization of the property for the full range of uses allowed in that zone;
 - iii. The use sought would enhance and promote the development of the immediate neighborhood as outlined in the comprehensive plan;
 - iv. That the use conforms generally to the objectives of the adopted comprehensive plan and to the purpose of these regulations;
 - v. That the use meets the overall density, setback, height and other requirements of the zone in which it is located;

- vi. That the use will not adversely affect nearby properties or their occupants;
 - vii. Site plan design amenities intended to promote the appearance of the proposed use and mitigate adverse neighborhood impacts, including but not limited to: landscaping, fencing, screening, access, parking, pedestrian circulation, signs and lighting;
 - viii. Vegetation, topography and natural drainage;
 - ix. The availability of public utilities and services;
 - x. Expressed public opinion on the above consideration;
 - xi. Recommendations of the Zoning Officer; and,
 - xii. Applicable standards of these regulations shall be included in the review.
5. The fact that property may be utilized more profitably will not be an element of consideration before the Board of Adjustment.

Nine packets containing the following must be submitted with the application along with one electronic copy:

- 1. Letter explaining the proposal in detail and **addressing each of the variance review criteria above:** (The who/what/where/when/why)
- 2. Site Plan drawn to scale (1" = 20') showing the following:
 - a. Lot lines, dimensions, and total area in square footage;
 - b. Streets and all existing and proposed curbs and cuts;
 - c. All existing and proposed structures with setbacks;
 - d. Existing and proposed parking areas and access drives;
 - e. Existing and proposed landscaping; and,
 - f. Elevations of all proposed structures.
- 3. Topography: (flat/incline-decline)
- 4. A grading and drainage plan (if required this should be coordinated with the County Public Works office):
- 5. Other required information:
- 6. Application Fee: The fee is due at the time of applying for a Variance and shall be made payable to Community and Planning Services.

Owner

Date

Owner's Agent

Date

Applicant's Responsibility:

An application for a Variance must be made to the Zoning Officer by the property owner or a designated agent. The application and all necessary supporting documentation must be received at least five (5) weeks prior to the regular meeting, which is held on the third (3rd) Wednesday of each month. The applicant or the agent must be present at the meeting.

Zoning Officer Responsibility:

The Zoning Officer will send notice of the hearing to property owners within three hundred (300) feet. Notice will also be published twice in a County-approved local news media and the property will be posted with a hearing notice. The office shall inspect all submitted material for compliance and submit a report to the Board of Adjustment and the applicant prior to the meeting.

Board of Adjustment Responsibility:

The Board of Adjustment must take into consideration the Zoning Resolution and public testimony in making the decision to deny or approve, in whole or in part, and make its decision within thirty-five (35) days of the public hearing. The Board may require conditions for approval by which the decision is bound. A quorum must be present to take any action. Three (3) Board members constitute a quorum.