



106 1st Street E., Polson, MT 59860  
 406-883-8200 Fax 406-883-8238  
 www.cityofpolson.com



**VARIANCE APPLICATION**

**Contact Person:**

**Owner & Mailing Address:**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone No.: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Interest in property: Owner \_\_\_\_\_ Contract Buyer \_\_\_\_\_ Other \_\_\_\_\_  
 Date Property was acquired: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):**

Street	Sec.	Town-	Range
Address: _____	No. _____	ship _____	No. _____
Subdivision	Tract	Lot	Block
Name: _____	No(s). _____	No(s). _____	No. _____

**1. This is a variance from the provisions of:** \_\_\_\_\_  
 \_\_\_\_\_

**2. This is a request for a variance relating to:**

Setbacks \_\_\_\_\_ Parking \_\_\_\_\_ Lot Area \_\_\_\_\_ Building Height \_\_\_\_\_

Other \_\_\_\_\_

**3. Specifically identify the variance that is being requested, and state the reasons that the variance is needed: (Attach more pages as needed)**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**4. Before any variance can be granted, the Board of Adjustment shall make findings of fact based upon evidence produced at a public hearing setting forth and showing that the following circumstances exist. Variances provide relief for land owners who, due to some unique physical characteristic of their property, would have no beneficial use if these regulations are strictly enforced. Land Uses may not be varied. Please address how each of these criteria has been met.**

- A. In considering all proposed variances to this ordinance, the board shall, before making any findings in a specified case, first determine that the proposed variance will not amount to a change in the use of the property to a use which is not permitted within the district;
- B. The need for a variance results from physical limitations unique to the lot or parcel on which the variance is requested;
- C. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot or parcel is possible without a variance;
- D. The alleged hardship has not been created by actions of the owner or occupants;
- E. Approval of the variance will not create a nuisance or have an adverse effect on implementation of the plan, and;
- F. The variance is the minimum relief from the requirements of these regulations necessary to permit a reasonable conforming use;
- G. Additional findings may be required for variances in airport safety zones and shoreline buffers;

During the course of review of the application and after final determination by the City of Polson, the Owner/Developer hereby agrees to hold the City of Polson harmless from all claims, expenses, costs and attorney's fees that may arise as a result of the actions or process taken by the Owner/Developer. This "hold harmless" responsibility does not indemnify the City from its acts of negligence, violation of codes or ordinances, or defense of its codes or ordinances.

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Polson Planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

---

Applicant Signature

---

Date

**INSTRUCTIONS FOR COMPLETION OF VARIANCE APPLICATION**

1. Answer all questions. Answers must be clear and contain all necessary information.
2. In answering question **1**. On the application refer to the specific section in the Polson Development Code. For example, a variance from the required front yard setback in an MRZD zoning district would read: Chapter VII, Table VII.2.MRZD Specific Standard – Minimum Front Yard Setback.
3. in answering question **3**. On the application be as specific and complete as possible. If additional space is needed, please use the back of the application or a separate sheet of paper.
4. Question **4** of the application lists the criteria which the Board of Adjustment considers in making its decisions. These criteria are statutory requirements which the Board is obligated to consider in each case.
5. Submittal requirements are as follows:
  - a. A dimensioned site plan, drawn to scale, showing all existing improvements (buildings, utilities, driveways and parking areas, trees and landscaping) on both the subject property and adjacent parcels. The site plan must also include adjacent right-of-ways and any easements. If the variance request involves signs, complete drawings of the signs must be submitted. If the variance request is to exceed the allowable building height, building elevation drawings are required.
  - b. A certified list of all properties within 150’ of the subject property is required with the information listed below, and can be obtained from the County Plat Room or can be obtained from a title company.

Example Format:

Assessor No   Sec-Twn-Rng      Lot/Tract No   Property Owner & Mailing Address

- c. A copy of the deed for the property.
  - d. Additional information may be necessary based on the specific variance requested.
6. Variance Application Fees: **(Fee must be submitted with the application)**

**Residential Fee   \$250.00      Commercial Fee   \$500.00**

In reviewing the application and materials submitted by the applicant, the City of Polson may determine that it may require extraordinary review and incur additional, expenses, costs and staff time on behalf of the applicant. The staff will advise the applicant of anticipated additional time and anticipated costs, including expenses for outside consultants, prior to incurring the same. The applicant is expected to pay such anticipated costs and hereby waives all statutory or ordinance time frames imposed upon the City until such fees and costs are paid.