

CITY OF POLSON

Planning & Building Department
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E: bp@cityofpolson.com
W: www.cityofpolson.com

Date Rec'd: _____

Fee: _____

VA #: _____

ZONING VARIANCE APPLICATION

FEE SCHEDULE: Residential Variance Fee \$250, Commercial Variance Fee \$500; plus \$12 per address for adjoining landowner notifications.

PURPOSE & PROCEDURE: A Variance provides relief for landowners who, due to some unique characteristic of their property, would suffer unnecessary hardship if the regulations are strongly enforced. A Variance request must go through a public hearing process with the Board of Adjustment (refer to page 4 for procedure flow chart). The Board of Adjustment shall approve a Variance only upon finding that it meets the criteria on page 3.

OWNER(S) OF RECORD:

Name: _____ Phone #: _____

Mailing Address: _____

City: _____ State: _____ Zip code: _____

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: _____ Phone #: _____

Mailing Address: _____

City: _____ State: _____ Zip code: _____

INTEREST IN PROPERTY: Owner Contract Buyer Other: _____

DATE PROPERTY WAS ACQUIRED: _____

LEGAL DESCRIPTION OF PROPERTY:

Street _____ Sec. _____ Township _____ Range _____

Address: _____ No. _____ 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 Lot Coverage Building Height

Other: _____

3. Specifically identify the Variance that is being requested, and state the reasons that the Variance is needed (please be specific and complete as possible): _____

SUBMITTAL REQUIREMENTS:

1. 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.
2. A copy of the deed for the property.
3. Additional information may be necessary based on the specific Variance requested.
4. Application fee and adjoining landowner addresses fee.
5. A certified list of all property owners within 150 feet of the subject property is required with the information listed below.

<u>Assessor No.</u>	<u>Sec-Twn-Rng</u>	<u>Lot/Tract No.</u>	<u>Property Owner & Mailing Address</u>
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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.

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 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.

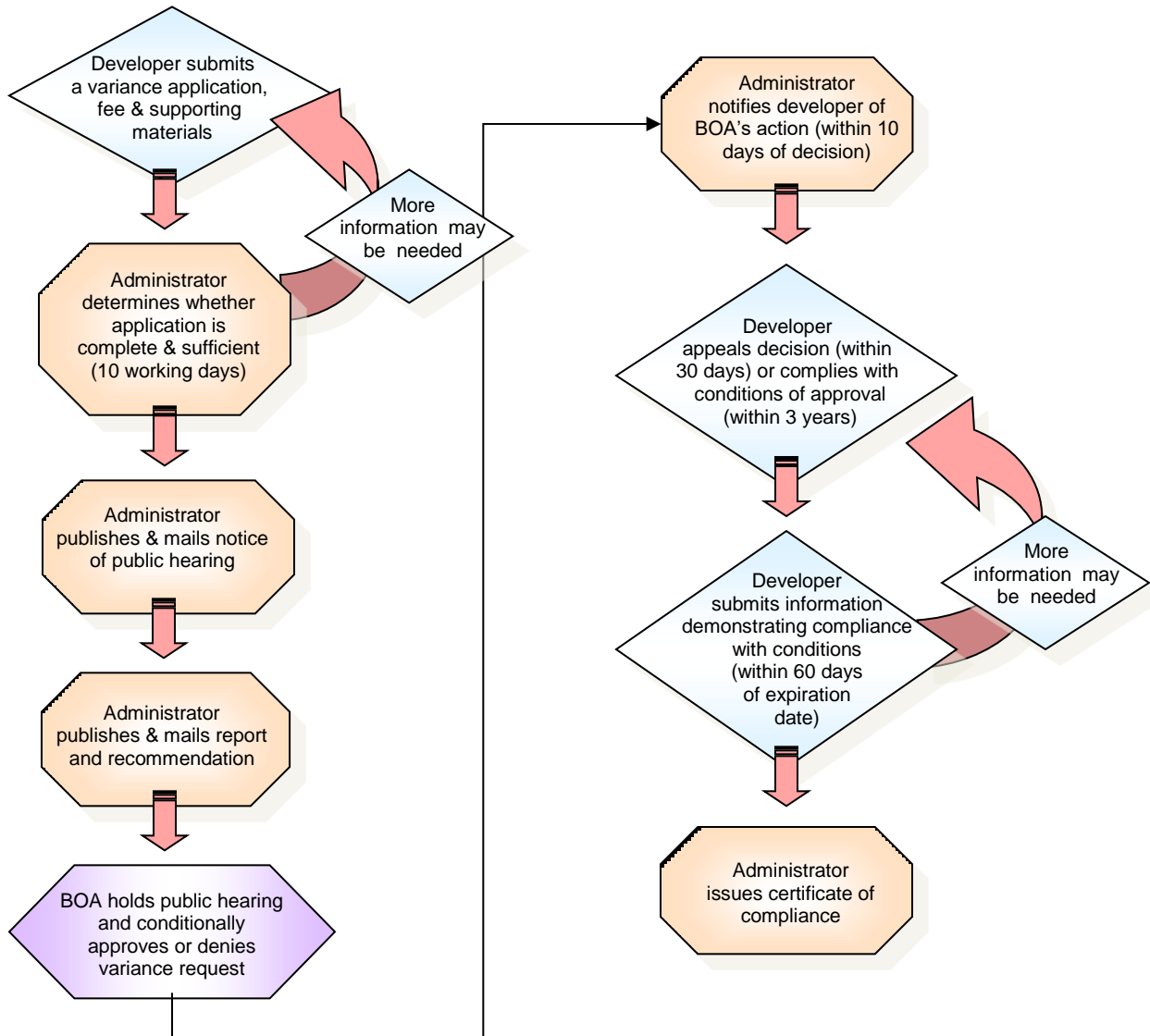
(Applicant)

(Date)

THE BOARD OF ADJUSTMENT SHALL APPROVE A VARIANCE ONLY UPON FINDING THAT:

- A. The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested;
- B. The failure to approve the variance will result in undue hardship because without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district;
- C. The alleged hardship has not been created by action of the owner or occupants;
- D. Approval of the variance will not have a substantial adverse impact on neighboring properties or the public;
- E. The variance is necessary to permit a reasonable conforming use; and
- F. Granting of the variance will observe the spirit of these regulations and provide substantial justice.
- G. Additional findings may be required for variances in airport overlay zones and shoreline buffers.
- H. Conditions may be attached to the approval of any variances.

Zoning Variance Process Flow Chart*



*This flow chart shows a typical zoning variance application and review process. This process differs from the subdivision variance process (Chapter Six). The administrator or BOA may require additional information during the review, applications may be amended and other changes in the process may occur.