



# BOARD OF ADJUSTMENT VARIANCE APPLICATION

Community Development Department, Planning Division  
316 North Park Avenue, Room 445, Helena, MT 59623  
406-447-8490; [citycommunitydevelopment@helenamt.gov](mailto:citycommunitydevelopment@helenamt.gov)

Date received: \_\_\_\_\_

APPLICATION FEE: \$125.00  
(PAYABLE TO THE CITY OF HELENA)  
ALL FEES ARE NON-REFUNDABLE

**PROPERTY OWNER:** *Primary Contact?*

Name: \_\_\_\_\_ Primary Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**APPLICANT** (If different from property owner): *Primary Contact?*

Name: \_\_\_\_\_ Primary Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Company: \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE:** *Primary Contact?*

Name: \_\_\_\_\_ Primary Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Company: \_\_\_\_\_

**Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.**

Address of Property \_\_\_\_\_  
Address City State Zip Code

Legal Description (Block & Lots, Subdivision, COS#) \_\_\_\_\_  
\_\_\_\_\_

Geocode \_\_\_\_\_

The most recent deed for impacted property

Lot or Parcel Size (square feet) \_\_\_\_\_

Current and proposed use of structure or property: \_\_\_\_\_

Current Zoning District \_\_\_\_\_

Are there other related Land Use Applications being submitted: Yes  No

Submit proof of current paid taxes

1 copy of a scaled site plan and supporting data/documents. The site plan must clearly show the existing standard and the proposed variance to the standard.

**Section B: INDICATE WHICH VARIANCE(S) IS (ARE) BEING REQUESTED AND THE EXTENT OF THE VARIANCE.**

**EXAMPLE:** [X] Reduce Front Lot Line Setback: *From the required 10 feet to 3 feet.*

**Please provide all the information requested in the Application. An incomplete application may delay the review of your request. Please note: "N/A" is not an acceptable answer alone and requires an explanation if used.**

**Dimensional Criteria:**

- Reduce front lot line setback: \_\_\_\_\_
- Front lot line setback #2 (corner lot): \_\_\_\_\_
- Reduce garage entrance setback: \_\_\_\_\_
- Reduce side lot line setback: \_\_\_\_\_
- Reduce rear lot line setback: \_\_\_\_\_
- Exceed building height limitation: \_\_\_\_\_

**Lot Coverage/Area Criteria:**

- Lot coverage percentage: \_\_\_\_\_
- Front porch lot coverage percentage: \_\_\_\_\_
- Lot area per dwelling unit: \_\_\_\_\_

**Landscaping Criteria:**

- Reduce or eliminate landscaping area: \_\_\_\_\_
- Reduce or eliminate screening: \_\_\_\_\_

**Parking Criteria:**

- Exceed the maximum parking spaces allowed: \_\_\_\_\_
- Reduce the amount of required on-site parking spaces: \_\_\_\_\_
- Reduce or eliminate loading berths: \_\_\_\_\_
- Reduce or eliminate required bicycle spaces: \_\_\_\_\_
- Reduce size of parking space: \_\_\_\_\_

**Sign Criteria:**

- Sign area (square footage): \_\_\_\_\_
- Sign height: \_\_\_\_\_
- Sign location: \_\_\_\_\_
- Number of signs: \_\_\_\_\_

**Other:** \_\_\_\_\_  
\_\_\_\_\_

**Section C: BOARD OF ADJUSTMENTS VARIANCE REVIEW CRITERIA.**

**To approve a requested variance for a new building or portion thereof, the Board of Adjustment shall consider the following standards in section 11-5-5 of the Helena City Code 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. Excluding monetary hardship, strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.

**These are the standards your application for variance will be judged on. Your answers in section D should speak to the review criteria.**

**It is the applicant's burden of proof to show that a variance should be granted. As part of your application, you are required to provide information for each of the following factors including all alternatives considered. Failure to provide adequate responses or requested documentation may result in a returned application.**

**Section D: 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.**

If the above condition applies, state the specific factors and provide supporting documentation. For example, if the variance request is due to an abnormal lot configuration, provide a survey of the lot that specifically demonstrates the issue.

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- 2. **The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.**

Ex: How is the proposed variance compatible with the other structures located on the site or in the vicinity of the site? On the site plan you provide, please represent accurately and to scale the height, location, and dimensions of existing structures.

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- 3. **Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.**

If so, what are those nonconformities and provide supporting documentation.

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- 4. **The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.**

Is the need for a variance request a result of government action? For example, the front yard setbacks were increased after construction of the structure, thereby creating the non-conformity. Explain.

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- 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.**

For example, would the denial of the variance deny the property owner the right to safe placement of a garage where garages are typical? If so, explain.

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**6. The extent to which the hardship or difficulty results from the actions of the applicant.**

Explain the extent of the circumstances that are creating hardship or difficulty in compliance with the City Code and list alternatives and options considered by the applicant. Provide supporting documentation.

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**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.**

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**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.**

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**9. Provide any additional information you would like the Board to consider.**

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IT IS THE POLICY OF THE CITY OF HELENA'S BOARD OF ADJUSTMENT TO NOT ACT ON A PROPOSAL IF THE APPLICANT/PROPERTY OWNER OR REPRESENTATIVE IS NOT PRESENT AT THE BOARD OF ADJUSTMENTS HEARING. CITY STAFF REPRESENT THE CITY AND CANNOT ANSWER QUESTIONS ON BEHALF OF THE APPLICANT AT THE BOARD OF ADJUSTMENT HEARINGS.

**I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Property Owner

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
(If different from Owner)

(Property owner must sign application)

**It is recommended that the applicant contact neighbors to inform them of proposal and identify any concerns that the applicant may be able to address.**

City Planning Staff represents the City; staff cannot answer questions for the applicant.