



Planning Department
201 1st Avenue East
Kalispell, MT 59901
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www.kalispell.com/planning

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:

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in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken.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 Kalispell Planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

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Applicant Signature

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Date

**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. Please address how each of these have 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. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provision of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this ordinance;

C. That the special conditions and circumstances do not result from the actions of the applicant;

D. That granting the variance requested will not confer a special privilege to subject property that is denied other lands in the same district;

E. That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;

F. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land;

G. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

H. The fact that property may be utilized more profitably will not be the sole element of consideration before the Board of Adjustment.

## 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 Kalispell Zoning Ordinance. For example, a variance from the required side yard setback in an R-4 zoning district would read: Section 27.07.040, paragraph 3.
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. Page 2 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 copy of the deed for the property.
  - c. Additional information may be necessary based on the specific variance requested.
6. Variance Application Fees: **(Fee must be submitted with the application)**

Single-Family & Duplex - Residential:	\$200
All other uses:	\$400