

**Development Services****Department**

201 1st Avenue East
Kalispell, MT 59901
Phone (406) 758-7940

VARIANCE APPLICATION**Email:** planning@kalispell.com**Website:** www.kalispell.com

Project Name

Property Address

NAME OF APPLICANT

Applicant Address

City, State, Zip

If not current owner, please attach a letter from the current owner authorizing the applicant to proceed with the application.

OWNER OF RECORD

Owner Address

City, State, Zip

CONSULTANT (ARCHITECT/ENGINEER)

Address

City, State, Zip

POINT OF CONTACT FOR REVIEW COMMENTS

Address

City, State, Zip

List ALL owners (any individual or other entity with an ownership interest in the property):

Legal Description (please attach a full legal description for the property and a copy of the most recent deed).

Before the application will be deemed to be accepted for review, our office must receive an approval of the legal description from the Flathead County Plat Room. Please submit the legal description to their office (plat@flatheadcounty.gov).



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This is a variance from the provisions of: (refer to the specific section in the Kalispell Zoning Ordinance or Subdivision Regulations. For example, a variance from the required side yard setback in an R-4 zoning district would include: Section 27.07.040(3)):

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

Before any variance can be granted, the Planning Administrator shall make findings of fact based upon evidence setting forth and showing that the following circumstances exist. Please address how each of these have been met (attach separate sheet w/ answers):

A. The application for a variance must be for relief from land or building form design standards or subdivision design and improvement standards.

B. The granting of a variance must meet all of the following criteria:

- i. the variance is not detrimental to public health, safety or general welfare;
- ii. the variance is due to conditions peculiar to the property, such as physical surroundings, shape, or topographical conditions;
- iii. strict application of the regulations to the property results in an unnecessary hardship to the owner as compared to others subject to the same regulations and that is not self-imposed;
- iiii. the variance may not cause a substantial increase in public costs; and
- iiiii. the variance may not place the property in nonconformance with any other regulations.

C. Additional criteria may apply if the variance is associated with a floodplain or floodway pursuant to the requirements of Title 76, chapter 5.



APPLICATION PROCESS

Variance applications must be considered and approved or approved with conditions before application or in conjunction with application for a zoning permit or subdivision approval. Variance requests must be reviewed and determined by the Planning Administrator. The Planning Administrator's decision is final and no further action may be taken except as provided in the City of Kalispell's Land Use Appeal process.

1. Answer all questions. Answers must be clear and contain all necessary information.

2. 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. additional information may be necessary based on the specific variance requested.

3. Electronic copy of the application materials submitted. Either copied onto a disk or emailed to planning@kalispell.com (Please note the maximum file size to email is 20MB)

4. A bona fide legal description of the subject property and a map showing the location and boundaries of the property.

*Note - verify with the Flathead County Plat Room that the legal description submitted is accurate and recordable. They can be reached at (406) 758-5510.

5. Application fee based on the schedule in the link below, made payable to the City of Kalispell
<https://www.kalispell.com/DocumentCenter/View/447/Planning-Fees-Schedule-2023-PDF?bidId=>

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 City staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature

Date