

BOWMAN COUNTY

Planning & Zoning Office
104 First Street NW Suite #4
Bowman, North Dakota 58623

VARIANCE APPLICATION

Application # _____

Date Issued: _____

INSTRUCTIONS:

Complete forms and return with
application fee to the address above.

Make check payable to Bowman County.

APPLICATION FEE: \$150.00

Receipt Number: _____

APPLICANT INFORMATION:

Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Phone Number: _____

Legal Description of Property: Lot: _____ Block: _____ Subdivision _____ City: _____

Qtr: _____ Section: _____ Township: _____ Range: _____

Present Zoning of Property: _____

Present Use of Property: _____

Reason for Requesting Variance:

Please complete the questions and certification on this form. All questions must be answered completely. If additional space is needed, please attach extra pages to this application.

1. What is the proposed use of the property to include all land and structures: _____

2. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

Too narrow ☐ Elevation ☐ Soil ☐ Too small ☐ Slope ☐

Subsurface ☐ Too shallow ☐ Shape ☐ Other reasons ☐ N/A ☐

(If Not Applicable (N/A) is selected, you may skip questions 3-7 and begin with question #8)

3. Describe your concerns with the items marked above, giving dimensions where appropriate. _____

4. How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? _____

5. Are the conditions on your property the result of man-made changes (such as the relocation of a road or highway)? _____, if so, describe _____

6. Which of the following types of modifications will allow you a reasonable use of your land?

Change in setback requirement ☐ Change in lot coverage requirement ☐

Change in yard restriction ☐ Change in height requirement ☐

Change in area requirement ☐

7. Are the conditions of hardship for which you request a variation true only of your property? _____
If not, how many other properties are similarly affected? _____

8. If a change in classification is requested, please indicate:

Agricultural Zone to _____

Commercial Zone to _____

Industrial Zone to _____

Residential Zone to _____

9. A scale drawing must be submitted showing the identity and dimensions of all structures on the parcel with their distances shown from lot lines and setback requirements. (See attached page #4)

All applications must be completed by the landowner and submitted in person or by mail. Applications may be rejected or returned if all supporting materials are not submitted together or the application is not complete. If requested by the County Planning & Zoning Board or the Planning & Zoning Administrator additional information must be submitted. No application will be processed, reviewed or scheduled for a public hearing if it is incomplete.

If the application is a corporation, LLC, an attorney, realtor, or someone other than the owner, the name on the application shall remain consistent throughout the supporting materials submitted. Please contact the Zoning Office if you have any questions.

I, the undersigned applicant, do hereby attest that the information contained in this application is truthful and correct to the best of my ability. I agree to comply with the zoning ordinances and the requirements and conditions of this Variance as established by Bowman County.

A public hearing on the Variance Permit will be held following proper notice pursuant to Section 11-33-08 NDCC. The notice shall include a description of the action and location in sufficient detail for concerned parties to determine the action's impact. This notice shall be published in the Official County Newspaper two weeks prior to the hearing date. Two public hearings will be held.

If any building or structure is erected, constructed, reconstructed, altered, repaired or converted without first obtaining the proper permit, there will be a penalty assessed to the applicant at the rate of ten (10) times the original Permit Fee. If any building, structure or land is found to be in violation of this code, the Code Administrator or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding:

- 1) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- 2) To restrain, correct, or abate such violations;
- 3) To prevent the occupancy of the building, structure, or land; or
- 4) To prevent any illegal act to conduct business or use in or about such premises.

A violation of any provision of this code or the regulations and restrictions made herein shall constitute the maintenance of a public nuisance and shall be a Class A Misdemeanor.

Signatures of all parties involved must be notarized.

Applicant's Printed Name

Applicant's Signature

STATE OF _____)

COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared _____ known to me to be the persons who are described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same.

Notary Public

My Commission Expires: _____

Applicant's Printed Name

Applicant's Signature

STATE OF _____)

COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared _____ known to me to be the persons who are described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same.

Notary Public

My Commission Expires: _____

If applicant is not the owner of the property, a notarized signature must be obtained from property owner.

Property Owner Printed Name

Property Owner Signature

STATE OF _____)

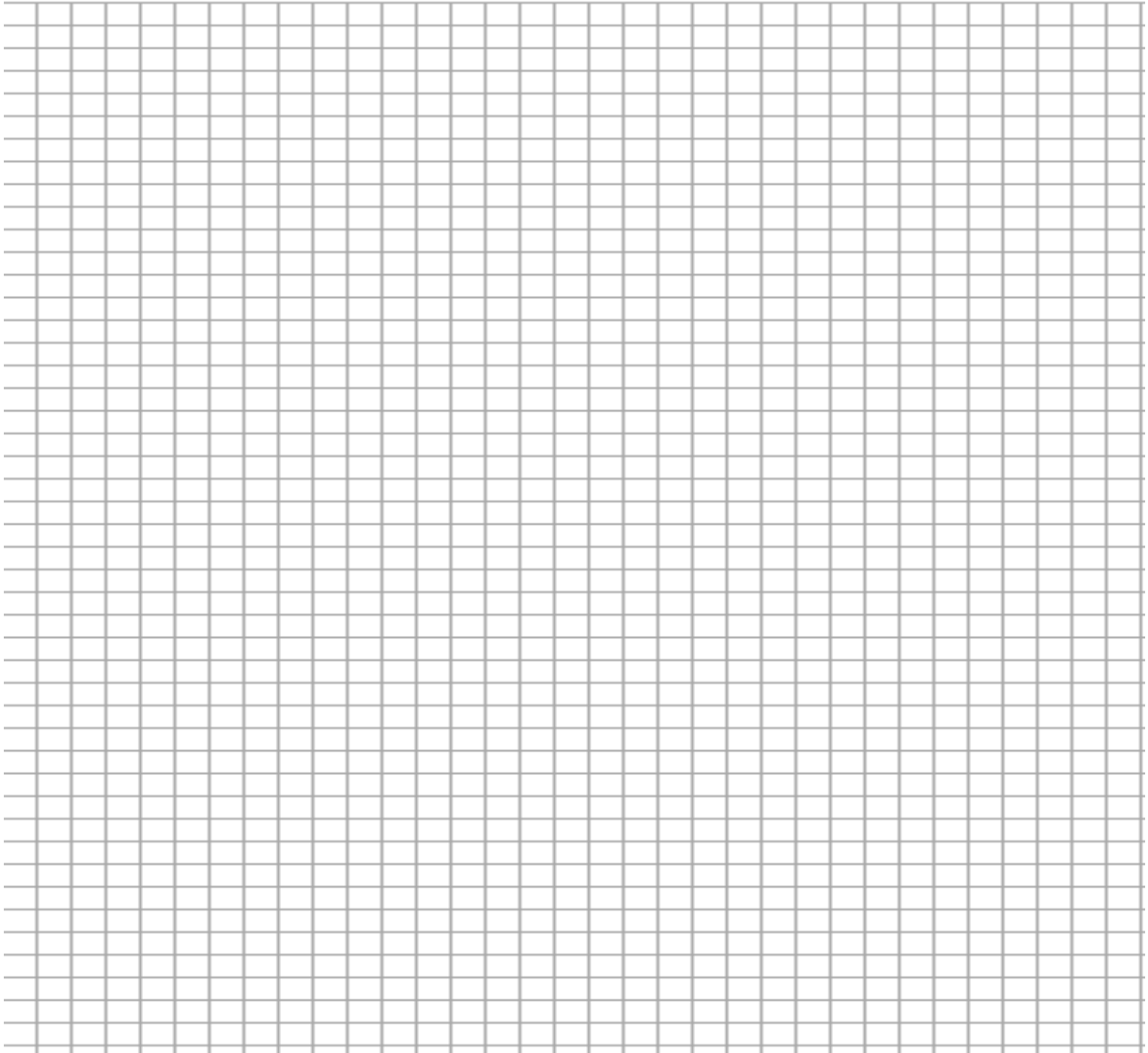
COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared _____ known to me to be the persons who are described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same.

Notary Public

My Commission Expires: _____

PLOT PLAN



Information needed on the Plot Plan: In order to help your permit process go as quickly as possible, the following information must be clearly shown on your Plot Plan, even if it is not to scale.

- | | |
|---|--|
| ☐ North Arrow | ☐ Proposed Structure(s), with Dimensions |
| ☐ Adjacent Streets and Approaches | ☐ Existing Structure(s), with Dimensions |
| ☐ Setbacks | ☐ Septic tank, drain field & distance from structures |
| ☐ Easements | ☐ Water well or SW water line locations |
| ☐ Show the distance from the proposed structure to your property line in all four directions. | |
| ☐ Also include photocopies of all existing/proposed floor plans, site plans, surveys, etc. with the application. | |

For Use by the Planning and Zoning Board

Date application Filed: _____

Date set for Hearing: _____

Date Notice Published in Newspaper: _____

Date Adjacent Property Owners Notified: _____

Date Fee \$150.00 Paid: _____ Credit ☐ Cash ☐ Check ☐ Check # _____

The board shall base its findings on evidence presented in the application, comments received from adjacent property owners and the following conditions before it may approve a request for variance:

- a) The surrounding or the topographic condition of the property would result in undue hardship.
- b) The variance request is not based on a desire for economic or other gains.
- c) The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.
- d) The variance shall not be detrimental to the public welfare or injurious to other properties in the area.
- e) The variance shall not be contrary to the interest and purpose of this ordinance.

In light of the evidence presented at the hearing on this case and in conformity with the requirements of the Zoning Ordinance, a variance is:

☐ Granted ☐ Denied ☐ Granted subject to the following requirements:

Date

President, Planning and Zoning Board

Date

Chairman, Bowman County Commission