



City of Helena
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

Written applications for variances must be filed in the office of the Community Development Department on forms provided by the City. No application will be regarded as having been filed until the required fee is first paid to the Community Development Department.

APPLICATION FEE: **\$125.00** (Payable to the City of Helena)
ALL CITY OF HELENA APPLICATION FEES ARE NON-REFUNDABLE

AN INCOMPLETE APPLICATION MAY DELAY THE SCHEDULING TO HEAR YOUR VARIANCE REQUEST

Please provide all of the information requested.

1. This application must be submitted with **1 copy** of a scaled site plan and supporting data/documents.

2. APPLICANT/REPRESENTATIVE:

Name: _____
Address: _____
Work Phone: _____
Home Phone: _____
Cell Phone: _____
Email Address: _____

3. PROPERTY OWNER (if different from applicant):

Name: _____
Address: _____
Work Phone: _____
Home Phone: _____
Cell Phone: _____
Email Address: _____

4. ADDRESS OF PROPERTY: _____

5. LEGAL DESCRIPTION OF PROPERTY (Subdivision/ Addition and Blocks &

Lots: _____

6. LOT OR PARCEL SIZE (Square Feet): _____

7. USE OF STRUCTURE OR PROPERTY: _____

8. ZONING DISTRICT: _____

9. INDICATE WHICH VARIANCES ARE BEING REQUESTED AND THE EXTENT OF THE VARIANCE.

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

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 area: _____

Parking Criteria: (Required ADA parking spaces are not eligible for variance reductions).

- 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: _____

Sign Criteria:

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

BOARD OF ADJUSTMENTS VARIANCE REVIEW CRITERIA:

Purpose of Variance: Please describe how factors 1 through 3; and Standards 1 through 7 apply to the special conditions and circumstances that are unique to your property and for which variance relief is being requested:

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 Zoning Ordinance 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. Strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.

D. In evaluating the standards in subsection C of this section, the board of adjustment may consider the following 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.

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

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

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

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.

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

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.

A property owner who desires to reconstruct a nonconforming building or nonconforming portion of a building must apply for a variance. When reviewing the variance to reconstruct a nonconforming building, the property owner is entitled to a rebuttable presumption that the standards in subsection C of this section are met if the property owner can prove the existence of the prior nonconformity and that the nonconformity can be in compliance with building and fire codes.

IT IS THE POLICY OF THE CITY HELENA BOARD OF ADJUSTMENTS NOT TO ACT ON A PROPOSAL IF THE APPLICANT/PROPERTY OWNER OR REPRESENTATIVE IS NOT PRESENT AT THE BOARD OF ADJUSTMENTS HEARING. City Planning Staff represents the City; City staff cannot answer questions for the applicant at Board of Adjustment hearings.

I HEREBY CERTIFY THE ABOVE STATEMENTS AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT.

APPLICANT'S SIGNATURE: _____ DATE: _____

PROPERTY OWNER'S SIGNATURE: _____ DATE: _____
(Property owner must sign application if different than the applicant)