



City of Helena  
**BOARD OF ADJUSTMENT**  
**APPLICATION FOR VARIANCE**  
Community Development Department  
Phone (406) 447-8490 Fax (406) 447-8460  
[citycommunitydevelopment@helenamt.gov](mailto:citycommunitydevelopment@helenamt.gov)

- 1) APPLICATION FOR VARIANCE MUST USE THIS FORM.
- 2) AN APPLICATION FEE OF \$125.00 MUST BE PAID TO THE COMMUNITY DEVELOPMENT DEPARTMENT BEFORE THE CITY WILL PROCESS THE APPLICATION.

CITY STAFF RESERVE THE RIGHT TO RETURN MATERIALS THAT ARE DEEMED INCOMPLETE OR LACK SUFFICIENT SUPPORTING DOCUMENTATION. THIS MAY ALSO DELAY THE SCHEDULING TO PRESENT A VARIANCE REQUEST.

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**(Part A) PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.**

1. 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.

2. **APPLICANT/REPRESENTATIVE:**

Name: _____	Cell Phone Number: _____
Address: _____	Other Phone Number: _____
Email: _____	

3. **PROPERTY OWNER** (If different from applicant):

Name: _____	Cell Phone Number: _____
Address: _____	Other Phone Number: _____
Email: _____	

4. **ADDRESS OF PROPERTY:**

\_\_\_\_\_

5. **LEGAL DESCRIPTION OF PROPERTY** (Block & Lots, Subdivision/Addition):

\_\_\_\_\_

6. **LOT OR PARCEL SIZE** (Square feet):

\_\_\_\_\_

7. **CURRENT AND PROPOSED USE OF STRUCTURE OR PROPERTY:**

\_\_\_\_\_

8. **ZONING DISTRICT:**



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(Part 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.*

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**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:**

- 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: \_\_\_\_\_

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**(Part 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.

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**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.**

1. Are there 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 so, 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. How is the proposed variance compatible with the other structures located on the site or in the vicinity of the site? Provide a site plan that accurately and to scale represents the height, location, and dimensions of existing structures.

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3. Describe whether there is a prevalence of nonconformities in the vicinity of the applicant's site that are similar to the variance requested. If so, what are those nonconformities and provide supporting documentation.

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4. 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, there fore creating the non-conformity. Explain.

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5. Would a literal interpretation of the provisions in this title deprive the property owner of rights commonly enjoyed by other similar properties in the same zoning district? 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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**(Part C Continued...)**

6. 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. Describe whether or not granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other similar properties located in the same zoning district and provide supporting documentation.

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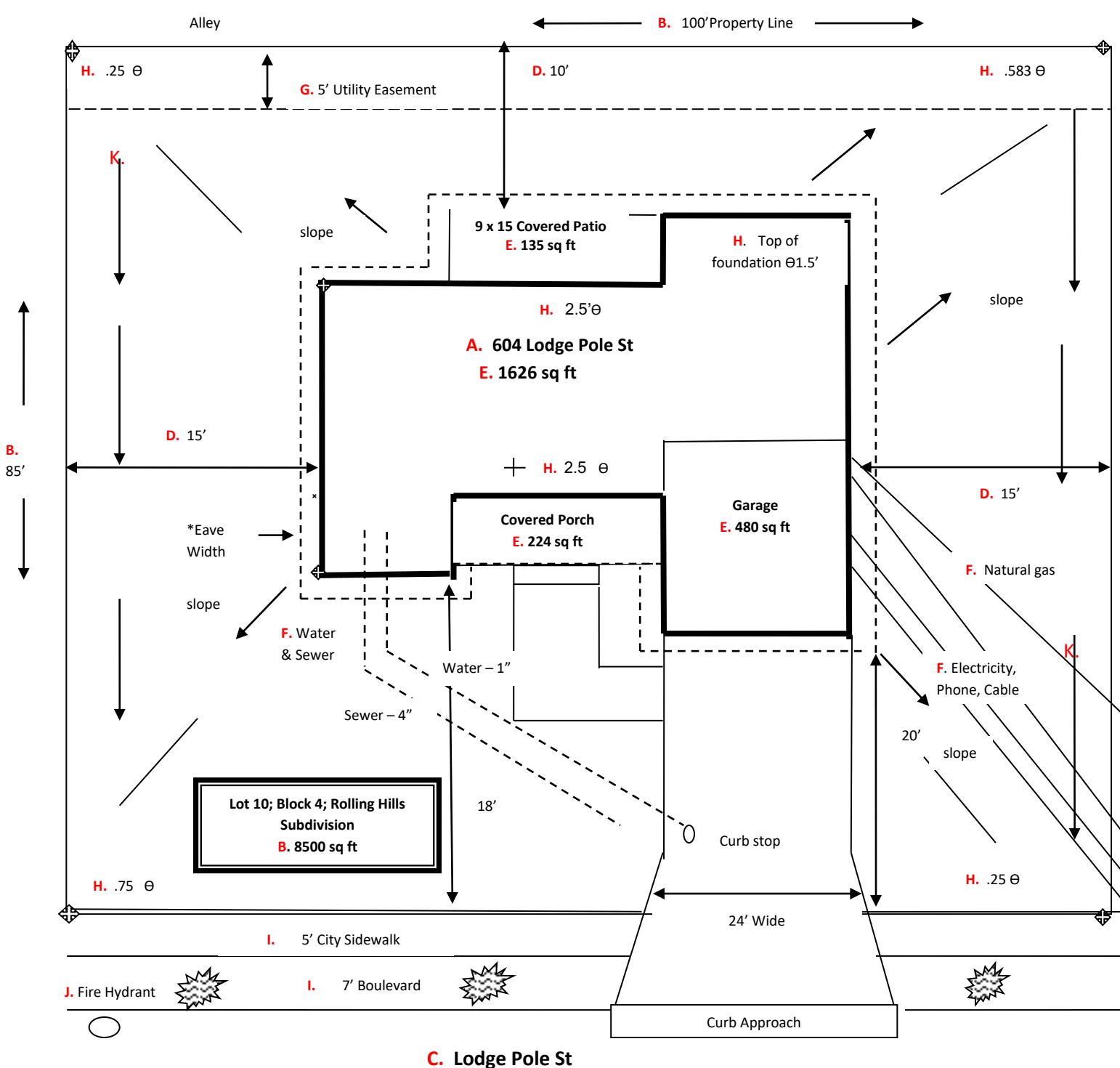
**IT IS THE POLICY OF THE CITY OF HELENA'S BOARD OF ADJUSTMENT TO NOT ACT ON A PROPOSAL IF THE APPLICANT/PROPERTY OWNER OR REPRESENTATIVE IS NOT PRESENT AT THE BOARD OF ADJUSTMENTS HEARING. CITY STAFF REPRESENT THE CITY AND CANNOT ANSWER QUESTIONS ON BEHALF OF THE APPLICANT AT THE BOARD OF ADJUSTMENT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

**I HEREBY CERTIFY 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)



- SITE PLAN REQUIREMENTS**
- A. Official Address
  - B. All property dimensions, lot square foot area
  - C. Names and locations of adjacent streets
  - D. Location and setback dimensions of new and existing structures
  - E. Total area of new and existing structures including sheds, detached structures, porches, and roof overhang.
  - F. Water and sewer service lines and sizes, gas electric, telephone and cable services
  - G. Site encumbrances – access, drainage and utility easements, and encroachments
  - H. Site topography with elevations at site corners, building corners, and finish floor levels  $\Theta$
  - I. Boulevard type sidewalk, curb-cut, approach and boulevard landscape materials
  - J. Location to nearest fire hydrant – show or provide distance reference in feet
  - K. Storm water drainage improvements
  - L. Any ADA Ramps – as required by the city engineering division

Joe Smith Construction, LLC  
 Helena, Mt  
 Scale 1/8" = 1'



**C. Lodge Pole St**