



Development Services

Department

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

## ZONING VARIANCE APPLICATION

**Email:** [planning@kalispell.com](mailto:planning@kalispell.com)

**Website:** [www.kalispell.com](http://www.kalispell.com)

Project Name	Property Address
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NAME OF APPLICANT	Applicant Phone
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Applicant Address	City, State, Zip
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Applicant Email Address
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*If not current owner, please attach a letter from the current owner authorizing the applicant to proceed with the application.*

OWNER OF RECORD	Owner Phone
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Owner Address	City, State, Zip
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Owner Email Address
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CONSULTANT (ARCHITECT/ENGINEER)	Phone
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Address	City, State, Zip
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Email Address
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POINT OF CONTACT FOR REVIEW COMMENTS	Phone
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Address	City, State, Zip
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Email Address
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List ALL owners (any individual or other entity with an ownership interest in the property):

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

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\_\_\_\_\_ Please initial here indicating that you have verified the description with the Flathead County Clerk and Recorder and that the description provided is in a form acceptable to record at their office.



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**This is a variance from the provisions of:** (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 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 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** (attach separate sheet w/ answers):

- 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.



**APPLICATION PROCESS**

(application must be received and accepted by the Kalispell Planning Department **30 days prior** to the Board of Adjustment Hearing)

**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](mailto: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 Clerk & Recorder that the legal description submitted is accurate and recordable. They can be reached at (406) 758-5526.*

**5. Application fee based on the schedule below, made payable to the City of Kalispell:**

Single Family & Duplex - Residential	<b>\$200</b>
All other uses	<b>\$400</b>

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