



GALLATIN COUNTY

Zoning Variance Information and Application

Gallatin County zoning district regulations provide for variances when, because of exceptional circumstances affecting the applicant's property, a strict application of the zoning regulation would result in an undue hardship. In general, variance is a planning term and the criteria for granting a variance are specific to each zoning regulation. A variance will not be granted to confer special privileges inconsistent with limitations placed upon other property, nor to allow uses that the zoning regulation does not permit. If you wish to apply for a variance the following applies:

1. **Pre-Submittal Meeting.** Meet with a planner for a pre-submittal meeting (STRONGLY SUGGESTED).
2. **Cover Letter.** Prepare a cover letter describing the overall project, why you are seeking a variance, addressing the applicable variance criteria, and applicable development standards of the specific zoning district the project is located in.
3. **Required Attachments.** Prepare a site plan, including all existing and proposed structures, architectural projections such as eaves, decks/porches, driveways, parking spaces, landscaping, signage, property lines, watercourses and easements. This must be no larger than 11" x 17", drawn to scale and/or with measurements clearly labeled. If topography is an issue in the variance request, also show contours. Depending on the request, floor and elevation plans may also be required in order to provide a full description of the project.
4. **Zoning Regulations & State Statute.** Refer to the appropriate section of the applicable zoning regulations and state statute to include any additional requirements and supplements.
5. **Certified Mail.** Prepare a certified list of the names, mailing addresses and legal descriptions of the property of the owners adjoining the exterior boundaries of the subject property (see pages 5 - 6 of the application).
 - ▶ Provide three sets of mailing labels for each adjoining land owner.
 - ▶ Labels must be smaller than 1" x 2-5/8" (similar to Avery 5160 or 30 per sheet) so that they are the proper size for the certified mail.
6. **Submittal.** Submit the attached application form, supplements, and required fee(s) to the Planning Department; make checks payable to the Gallatin County Treasurer.
 - ▶ Provide original, not including this application cover page, and required number of copies.
 - ▶ Check with the Planning Department before submitting to find out the number of copies needed for your Zoning District.
 - ▶ Submit complete and assembled copy packets.
 - ▶ After the initial submittal, additional copies may still be requested.

PROCESS

- The County Planning Department determines whether the application packet is complete.
- The County Planning Department distributes copies of the application packet to appropriate departments and agencies for review and comment.
- The County Planning Department schedules public hearing.
- Public notice is provided as follows:
 - The County Planning Department sends notice (by certified mail) to the owners of property adjacent to the site.
 - The County Planning Department publishes notice in appropriate newspaper(s).
- The County Planning Department analyzes the application materials and any comments received from other departments and agencies. The County Planning Department conducts a site visit of the property(s). The County Planning Department prepares a staff report that evaluates the proposal, which is submitted to the hearing body at the public hearing. The applicant or applicant's representative must be present at the hearing to answer questions raised by the hearing body or public.
- Decisions on variances may be appealed to the court of record within 30 days of being made.
- If you have any questions regarding the application or need any assistance filling out any part of the application form, please contact the Planning Department.

For 101 districts*

- The Planning and Zoning Commission and the County Commission hold a joint public hearing at which they consider the staff report, applicant and public comments. The Planning and Zoning Commission develops a recommendation which is forwarded to the County Commission.
- In a regular public meeting, the County Commission considers the Planning and Zoning Commission's recommendation. The County Commission votes on whether to approve or deny the variance.

The Planning and Zoning Commission and County Commission may attach conditions to their recommendations and approval. Violations of such conditions will be considered violations of the zoning regulation.

For 201 districts*

- The hearing and decision-making body varies depending on which 201 Zoning District the subject property is in.
- For most variances, the Board of Adjustment holds a public hearing at which it considers the staff report, applicant and public comments. The Board of Adjustment votes on whether to approve or deny the variance.
- For certain variances, the County Commission holds a public hearing at which it considers the staff report, applicant and public comments. The County Commission votes on whether to approve or deny the variance.
- The County Commission or Board of Adjustment may attach conditions to its approval. Violations of such conditions will be considered violations of the zoning regulation.

**State statutes (76-2-101 and 76-2-201 MCA) allow for two different types of zoning districts, each with different standards for the processing of variance requests.*



GALLATIN COUNTY Zoning Variance Application Form

1. Applicant

Name: _____
Address: _____
Phone: _____ Email: _____

2. Property Owner (If different than applicant.)

Name: _____
Address: _____
Phone: _____ Email: _____

3. Property

Address: _____
Section: _____ Township: _____ Range: _____
Subdivision/COS: _____ Block: _____ Lot: _____
Other legal description: _____

DOR#: 06 _____
(2) (4) (2) (1) (2) (2) (4)

Land area (acres or square feet): _____

4. General Location:

5. Zoning district: _____ **Zoning designation:** _____

6. Summarize variance request:

7. Is any conditional use permit being requested? No Yes
If yes, please explain: _____

8. Are there any covenants or deed restrictions on the property? No Yes
If yes, please attach a copy.

Proposal _____



GALLATIN COUNTY
Certification of Property Owners List

I, _____, applicant for the attached proposal, hereby certify that:

- To the best of my knowledge, the attached list shows all property owners and purchasers under contract for property:
 - According to the notice requirements of the applicable zoning regulation.
- The names on the list are from the Gallatin County Clerk and Recorder's most recent records.
- The addresses on the list are from Montana Departments of Revenue's most recent tax records, available on the internet at <http://svc.mt.gov/msl/mtcadastral>.
- I understand that an inaccurate list may delay review of the project.

Signature

Date

Property Owners

According to the notice requirements of the applicable zoning regulation.

	Legal Description of Property	Property Owner's Name	Mailing Address of Property Owner from Montana Dept. of Revenue
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

* If road is a state highway, also include Montana Department of Transportation in property owner list.

Page ____ of ____

(If additional pages of this form are needed, download the file entitled "Property Owners List".)