

Variance Requirements

A Variance is a request to deviate from the current City of Bozeman zoning requirements. A Variance would allow the property owner to use the land in ways not typically permitted by the land development regulations. This waiver from the established requirements does not change laws but rather offers an exception to land use regulations.

Digital Submittals & Naming Protocol

MINIMIZE DELAYS WITH CORRECT FORMATTING. APPLICATION SUBMITTAL REQUIREMENTS ARE MANDATORY PER BMC 38.220

- 1) Create and submit a Planning application using the [ProjectDox portal](#);
 - a) After completing your Development Review Application, you will receive a Notification Letter ([example](#)) via email. Please download this document and obtain the owner's signature. Upload as a PDF to the "Documents" folder in ProjectDox.
 - b) The Drawings folder should include items such as site plans, civil plans, landscape plans, irrigation plans, photometric plans, elevations, etc. All drawing files must be drawn and formatted for a 24" x 36" sheet file or an 11" x 17" sheet file. Plan pages shall be properly oriented in landscape mode. Refer to our [Quick Guide](#) for additional information.
- 2) The digital copies must be separated into two categories: Documents and Drawings.
 - a) The Documents folder should include items such as application forms, narrative, response to City comments, supplemental documents, technical reports, easements, legal documents, etc.
 - b) The Drawings folder should include items such as site plans, civil plans, landscape plans, irrigation plans, photometric plans, elevations, etc. All drawing files must be drawn and formatted for a 24" x 36" sheet file or an 11" x 17" sheet file. Plan pages shall be properly oriented in landscape mode. Refer to our [Quick Guide](#) for additional information.
- 3) Naming protocol. All files should be numbered and named according to their order listed on your provided Submittal Checklist. File names should start with a numeric value followed by the document name. The numeric value at the beginning of the file name ensures the order in which they are displayed. Refer to our [Quick Guide](#) for additional information.

Zoning Variance Checklist

- 1) Create and submit a Planning application using the ProjectDox portal;
- 2) Project narrative identifying the specific element of code for which a variance is requested and the extent of the difference from the standard, reason for the variance request, a description of what other standards may be affected by the requested variance, identify the exceptional physical conditions and the peculiar and practical difficulties claimed as a basis for the variance, proposed mitigation of all identified impacts from the variance, and showing that the variance:
 - i) Is not detrimental to public health, safety, or general welfare; Is necessary due to conditions peculiar to the property, such as physical surroundings, shape, or topographical conditions;
 - ii) Strict application of the regulations to the property results in an unnecessary hardship to the owner as compared to others subject to the same regulations and that is not self-imposed. Hardship does not include difficulties arising from actions, or difficulties otherwise self-imposed, by the applicant or previous predecessors in interest, or potential for greater financial returns;

- iii) May not cause a substantial increase in public costs; and
- iv) May not place the property in nonconformance with any other regulations.
- v) In addition to the criteria specified above, in the case of a variance relating to the flood hazard provisions of article 6:

- (1) Variances may not be issued for areas within a floodway if any additional increase in flood elevations or velocities after allowable encroachments into the floodway fringe would result;
- (2) Variances may only be issued upon:
 - (a) A determination that the granting of a variance will not result in increased flood hazards, present additional threats to public safety, be an extraordinary public expense, create nuisances, cause fraud, victimize the public, or conflict with existing state and local laws;
 - (b) A determination that the proposed use would be adequately floodproofed as specified in of this chapter;
 - (c) A determination that a reasonable alternate location outside the floodplain is not available;
 - (d) A determination that the variance requested is the minimum necessary to afford relief, considering the flood hazard; and
 - (e) Approval of the state department of natural resources and conservation, upon request from the city, prior to formally approving any permit application that is in variance to these regulations.

4) An application for a variance must be accompanied by a development plan showing such information as the community development director may reasonably require for purposes of this chapter. The plans must contain sufficient information for the review authority to make a proper decision on the matter. Information listed below may be incorporated with other application materials if the variance is submitted in conjunction with another type of development application. The request must state the exceptional physical conditions and the peculiar and practical difficulties claimed as a basis for a variance. In all cases, the application must include, and will not be deemed filed until all of the following is submitted:

- a. Name and address of the applicant;
- b. The legal description of the property involved in the request for variance, including the street address, if any, of the property;
- c. The names and addresses of the owners of the property and any other persons having a legal interest therein;
- d. Location/vicinity map, including area within one-half mile of the site.

- e. Site plan with north arrow showing property dimensions, location of buildings, parking, driveways, off-street loading, landscaping, location of utilities, access, pedestrian facilities, and variance location. Suggested scale of 1 inch to 20 feet, but not less than 1 inch to 100 feet.
- f. Floor plans showing floor layout, including square footage and proposed use for each room and area within the building, if applicable. Suggested scale of ¼ to 1 foot.
- g. Wetlands, watercourses, or other prominent natural features on the site.
- h. Noticing materials required by BMC 38.730;
- i. Evidence satisfactory to the review authority of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six months after issuance of permit; and
- j. Required filing fee.

Noticing

When applying for a Zoning Variance, a public notice period is required.

- 1) Completed and signed property adjoiners certificate form NMP.

Other Required Forms

Depending on the scope of the project, supplemental checklist information may be required.

- NMP
- SP (if concurrent with variance)
- PP (if concurrent with variance)

Application Fee(s)

For the current application fee, see the current [Fee Schedule for Planning Review](#)

Contact Us

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