



CITY OF EAST HELENA
306 EAST MAIN
PO BOX 1170
EAST HELENA, MT 59635
PHONE: (406) 227-5321

ZONING VARIANCE CHECKLIST

INTENT OF ZONING VARIANCES: Requests to modify dimensional or other numerical requirements of the East Helena Zoning Ordinance. The scope and extent of the variance(s) shall be limited to the minimum relief necessary to provide reasonable use of the property. In no case may the City Council grant variances to allow uses not already permitted pursuant to this title or alter administrative requirements of this title. The concurring vote of four members of the Council shall be necessary to effect any variance of this title.

ZONING VARIANCE REVIEW:

1. The Council shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title.
2. In acting on an application for a variance, the Council shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare, and shall issue written findings setting forth factual evidence that the variance:
 - Will not be contrary to and will serve the public interest;
 - Is necessary, owing to conditions unique to the property, to avoid an unnecessary hardship which would unavoidably result from the enforcement of the literal meaning of this title:
 - a. Hardship does not include difficulties arising from actions, or otherwise be self-imposed, by the applicant or previous predecessors in interest, or potential for greater financial returns; and
 - b. Conditions unique to the property may include, but are not limited to, slope, presence of watercourses, after the fact imposition of additional regulations on previously lawful lots, and governmental actions outside of the owners control;
 - Will observe the spirit of this title, including the adopted growth policy, and do substantial justice;
3. If a building permit or land use permit is not obtained for the subject property within six months from the date of the Council’s decision, the variance shall be automatically canceled and become null and void.
4. Any aggrieved person as set forth in Chapter 10 of the East Helena Zoning Ordinance may appeal the decision of the City Council.

VARIANCE CHECKLIST

3 SETS REQUIRED	Yes	No	N/A
1. Development Review Application form.			
2. Site Plan or Sketch Plan Checklist. The plans shall contain sufficient information for the Council to make a proper decision on the matter.			
3. A clear description of the variance requested and the reasons for the request.			
4. Justification, in writing, of the following:			
• Will not be contrary to and will serve the public interest;			
• Is necessary, owing to conditions unique to the property, to avoid an unnecessary hardship which would unavoidably result from the enforcement of the literal meaning of the East Helena Zoning Ordinance; and			
• Will observe the spirit of the East Helena Zoning Ordinance, including the adopted growth policy, and do substantial justice.			
5. Evidence satisfactory to the City Council 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.			

***Note: A completed Sketch Plan Checklist or Site Plan Checklist and a Development Review Application must be submitted with this Zoning Variance Checklist.**