

# **VARIANCE**

## **SUPPLEMENTAL APPLICATION**

Please mail or drop off the following form at the address below when completed:

City of Bowman  
101 1<sup>st</sup> Street NE  
Bowman, North Dakota  
58623-0012

If you have any questions regarding the submission of this application, please feel free to contact City Staff at 701-523-3309

## **Procedures:**

Once the application is submitted by the applicant or his/her agent and deemed to be complete, City staff will review the request and then prepare a report with a recommendation. In accordance with state law (North Dakota Century Code [NDCC], sections 40-47-01 and 40-47-04), the application will be reviewed by the Planning and Zoning Commission and upon appeal by an aggrieved party, the City Commission at their respective meetings during a public hearing. All hearings must be noticed by letter to each surrounding property owner that is within 150 feet of the subject property, and noticed by publication of the description of the proposed request in the City's official newspaper (The Bowman Pioneer). Noticing requirements for the Planning and Zoning Commission and City Commission take 3 weeks to complete and must occur chronologically and not concurrently, and therefore applicants are encouraged to plan accordingly.

The Planning and Zoning Commission will hear the item at an advertised public hearing and at the hearing's conclusion will approve, deny, or table the item pending more information or site inspection. During the hearing, the applicant and all other interested parties will be heard by either 1) speaking, or 2) writing and submitting their testimony (forms will be available). The Planning Commission's decision is final unless appealed by an aggrieved party. After a decision is made by the Commission, the Zoning Director will complete an Action Letter that will be forwarded to the City Auditor and the applicant.

Appeals of the decision made by the Planning and Zoning Commission must be submitted to the Zoning Director within 10 business calendar days of the Planning and Zoning Commission meeting. Any person aggrieved by the decision may file an appeal by submitting the appropriate form and fee to the Bowman City Hall Office. After the appeal period expires, the item will be scheduled for the next available City Commission meeting upon which a final decision will be made.

An applicant whose proposal is denied by the City Commission may not institute a new application on substantially the same project within a period less than 12 months from the date of action by the City Commission on the original application, unless the City Commission has first determined that its original decision was based on an error, lack of information, a misrepresentation of the facts, or that there has been a substantial change in the subject property.

## APPLICATION FOR A VARIANCE

**Not all questions will be applicable to your project. For assistance in determining applicability please make an appointment with the Zoning Director prior to filling out the application.**

The owner or duly authorized agent of the owner of the property herein described requests the Planning and Zoning Commission of the City of Bowman to approve a Variance for the manner described herein. In approving a Variance, the Planning and Zoning Commission must find that the following criteria are met:

- a. That the property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations;
  - b. That the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property;
  - c. That granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity; and
  - d. That the proposed variance is consistent with the intent and purpose of this title.
1. In granting variances, the decision-making body shall have no power to take action which has the effect of allowing a use of land in contravention of the applicable zoning district or which in any other way changes the applicable zoning district. Any action that has in effect changed the zoning district shall be deemed a violation of powers of this section and be of no force and effect.
  2. The fact that a building exists or was constructed or expanded in a manner which does not conform with this title prior to the consideration of a variance application may not be used as a basis for the granting of a variance.

STATE THE PROPOSED VARIANCE REQUEST (list section/s of code that you wish to vary or modify): \_\_\_\_\_  
\_\_\_\_\_

STATE THE REASON FOR REQUEST: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IDENTIFY THE IMPACTS OR EFFECTS OF THE PROPOSED VARIANCE ON ADJACENT PROPERTIES: \_\_\_\_\_  
\_\_\_\_\_

EXPLAIN HOW GRANTING THE VARIANCE WOULD MAINTAIN AND OBSERVE THE SPIRIT AND INTENT OF THE REGULATION: \_\_\_\_\_

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IDENTIFY THE SPECIAL CONDITIONS/CIRCUMSTANCES WHICH WOULD RENDER IT A HARDSHIP TO COMPLY WITH THE ZONING STANDARDS/REQUIREMENTS: \_\_\_\_\_

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DO THESE CONDITIONS/CIRCUMSTANCES APPLY GENERALLY TO OTHER PROPERTIES IN YOUR NEIGHBORHOOD OR IS IT UNIQUE TO YOUR PROPERTY? \_\_\_\_\_

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**The Zoning Director will determine if any of the following items must be included with this application:**

- Bowman Unified Development Application
- 24" X 36" Colored Display Map (site plan - 1 copy for original application)
- 24" X 36" Non-colored Display Map (site plan) with each copy
- 8 ½ X 11 Colored Building Elevations
- 24" X 36" Building Elevations (original to be in color)
- 24" X 36" Preliminary Grading and Drainage Plan\*
- 24" X 36" Preliminary Landscape Plan (if applicable)
- Proposed Sign Plans (if applicable)
- Exterior Lighting Plans
- Parking Plans
- 24" X 36" Preliminary Utility Plan\*
- Preliminary Hydrology Report\*

All drawings must be done with an engineer's scale at 1" = 20' or greater with all buildings and site features fully dimensioned. \*Drawings must be submitted and stamped by a licensed engineer in the state of North Dakota