

**Requirements:** Please apply online through the Citizen Access portal:

<https://services.billingsmt.gov/citizenaccess/>. 1) Create a login in 2) Create a Personal Account 3) Apply for CITY VARIANCE 4) Select CITY VARIANCE for the Project type. 5) Complete Application. 6) Select PAY FEES - Call (406) 657-8247 if you need assistance.

NO forms are included in this packet of procedural information. Application forms are available as separate documents on line here: <https://www.billingsmt.gov/802/Zoning-Permits-and-Applications>

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# City Variance

## 2026



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These application packets have been updated. Please read carefully. Applications not completed appropriately may be deemed an incomplete application causing delay or rejection.

**APPLICATION DEADLINE DAY – FIRST WEEKDAY OF THE MONTH**

# VARIANCE APPLICATION

## Process Review Packet

### CITY OF BILLINGS

Planning & Community Services Department

P.O. Box 1178

Billings, MT 59103

Phone: (406) 657-8247 – (406) 247-8610

Website <https://www.billingsmt.gov/755/Zoning-Information>  
[plnonline@billingsmt.gov](mailto:plnonline@billingsmt.gov) – Applications and forms

**Variances** involve a request to the Board of Adjustment (BOA) to change or modify a numeric or location requirement in the zone district where the property or project is located. The process for review, notices and decision making is in [Section 27-1627](#) of the Billings, MT City Code (BMCC). The BOA is 7-member board appointed by the Mayor and City Council to hear and decide variances. Variances in general are to accommodate a special condition or conditions of the property that is not applicable to other land in the area. Land features such as steep slopes, oddly shaped lots, water ways, ditches, utilities or similar physical constraints can cause a **hardship** with the land that prevents the strict conformance with the code. A hardship is not a financial hardship for zoning variance purposes. The applicant will need to demonstrate that compliance with the numeric or location regulation is not physically possible, or compliance with the code would be too difficult. The finding of a hardship is normally required before a variance may be granted. This is a primary criteria but not the only one the BOA may consider. Surrounding owners within 150 feet of the property will be notified of the variance request and may submit comments or concerns to the Board of Adjustment. The BOA may impose conditions of approval.

All variances must be reviewed using the criteria in Section 27-1627.D:

1. That special conditions and circumstances exist which are peculiar to the land, the lot or **something inherent in the land which causes the hardship**, and which are not applicable to other lands in the same district;
2. That a literal interpretation of the provisions of this zoning code would **deprive the applicant of rights commonly enjoyed by other tracts** in the same district;
3. That granting the variance requested **will not confer on the applicant any special privilege** that is denied by this zoning code to other land in the same district;
4. That the granting of the variance will be **in harmony with the general purpose and intent of this zoning code and with the growth policies**;

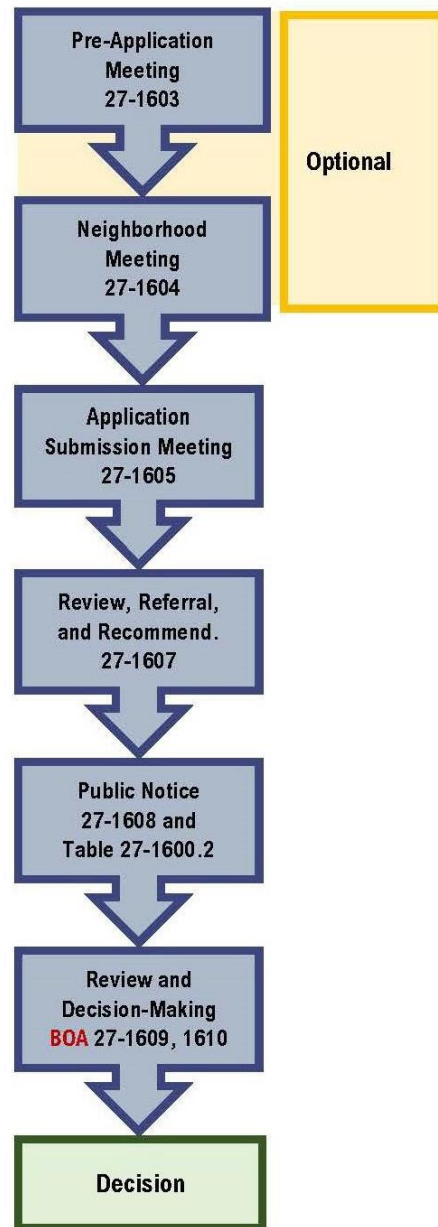
In addition, the BOA must also consider the following in Section 27-1627.E:

1. Whenever the city board of adjustment grants an application for a variance, the minutes shall specifically **state the criteria upon which the variance is granted**.
2. In granting any variance, the BOA **may prescribe appropriate conditions and safeguards** in conformity with this zoning code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this zoning code.

3. The BOA shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

4. Under no circumstances shall the BOA grant a variance to allow a use not permissible under the terms of this chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

The local regulations and state law provide the process for notification, review, study and decision making on variance requests. Here is the flow chart summary of the process:



## NOTICE TO APPLICANT/AGENT

In an effort to ensure all new **zoning applications** are complete and can be successfully processed by the Planning staff, advisory boards and decision making bodies, an **application review appointment** is now required (per [Section 27-1605](#)) at the time of submittal. The application review can be done over the phone, in an on-line platform (MS Teams, ZOOM etc.) or in person. Please contact one of the phone numbers on page two of this packet or send a request to [plnonline@billingsmt.gov](mailto:plnonline@billingsmt.gov) when you have completed your on-line application to arrange an application review. Agents may act on a property owner's behalf to review the application at the required meeting.

This appointment will ensure:

- All required forms, documents, cover letters, mailing labels, fees, site plans and other information is included
- All information on the land record and subject property is accurate and the site plan submitted is properly scaled
- Any deficient, missing or incorrect information can be noted for a follow-up submission
- All requests for uses, zoning districts or specific variances are correctly described and noticed

Applications with deficient, missing or inaccurate information will not be processed. Please read the application packet closely to ensure all required information is included in your submittal prior to scheduling an application review appointment.

In general, an application review appointment **will take approximately ½ hour**.

## Radius Map Certification Instructions

- ❑ Obtain FROM THE Planning Division a radius map and a list of property owner names showing all parcels which lie within 150 feet of the exterior boundaries of the subject property submitting for a variance. These will be emailed to you.
- ❑ Obtain a certified list of names and addresses of the owners of all property shown within the radius on the map by forwarding the email you receive from the Planner processing your application, which includes the radius map and list of surrounding property owners, to Dawn Ostermiller [dostermiller@mt.gov](mailto:dostermiller@mt.gov) and request a certified list of addresses. Make sure to include all of your contact information so you can be notified when the list is complete. Ms. Ostermiller can be reached at (406) 896-4000 if you have additional questions.
- ❑ Once the list of names has been certified, the Yellowstone County Clerk & Recorder will notify you directly. You can expect a 2-3 day processing time. There will be a certification charge, payable to the Yellowstone County Clerk & Recorder, of \$0.50 per certified name. The Clerk and Recorder's office can be reached at (406) 256-2785.
- ❑ Place the list of names and mailing addresses on the provided AVERY 5160 label template. Save as a digital document. The names must be typed or neatly printed. If an owner name and mailing address appears more than once on the certified list, please make only one label.
- ❑ Upload a scanned copy of the certified list, the radius map & list, along with the completed label template with your on-line application.

## PROCESS REVIEW AND INSTRUCTIONS FOR FILLING IN APPLICATION FORMS

All applications shall be submitted to the Planning & Community Services Department, through its [Citizen Access Portal](https://services.billingsmt.gov/citizenaccess/) (<https://services.billingsmt.gov/citizenaccess/>) Instructions and fillable forms are available here: [Zoning Forms](https://www.ci.billings.mt.us/802/Zoning-Permits-and-Applications). (<https://www.ci.billings.mt.us/802/Zoning-Permits-and-Applications>) The filing fee must accompany the application in order for it to be accepted.

All questions must be answered fully. Please type or print. You may attach further pages if additional space is needed. All plans and other exhibits submitted with this application will be retained as a part of the permanent record. The full administrative process for a Zoning Variance can be found at [Section 27-1627](#).

1. Complete the City Variance application form – save as a digital document. Digital signatures are accepted.
2. Request a radius map and a surrounding owners list from the Planning Division. This will be sent to you via email.
3. Submit the map and list via email to the MT Department of Revenue to obtain a certified list of the property owner names and mailing addresses. (See **page -5-** for instructions)
4. Prepare a mailing label template digital document (AVERY 5160 – 30 labels per sheet) from the certified list of surrounding owners by neatly printing or typing the names and mailing addresses. One label per distinct owner/ mailing address regardless of how many times the name/address appears on the certified list. This label template will be submitted with the on-line application, along with a scanned copy of the certified list and map.
5. Prepare a written statement to the Board of Adjustment and include the following information:
  - A. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements?
  - B. Why is there a need for the intended use of the property at this location?
  - C. Explain any demolition, construction, or reconstruction intended for all structures.Save this as a digital document and upload with the on-line application
7. Prepare a dimensioned site plan as follows and upload to the on-line application:
  - A. One site plan no less than 8.5" X 11" or greater than 11"x17".
  - B. Scale of the site plan shall not be less than 1" = 40'.

**If applicable**, the site plan must include but not be limited to the following:

  - North arrow.
  - The locations and dimensions of all vehicular points of ingress and egress, drives, alleys, and off street parking spaces.
  - Illustrate lot size showing lot line dimensions.
  - The locations and dimensions of all existing and proposed buildings, structures, and improvements including those which will be removed. Please label all information.
  - Show setbacks from all property lines for existing and proposed buildings.
  - Show the centerline of major and minor arterial streets.
  - Illustrate the square footage of existing and proposed buildings and structures.

- Names and locations of adjacent streets, alleys, properties, etc.
- Illustrate the height of any proposed structures.
- Other pertinent features.

\*\* An example of a dimensioned site plan is attached as part of this application packet.

8. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property. All photos should be saved as digital files and uploaded.
9. A filing fee must accompany all applications for variances. No application will be accepted until the filing fee is paid in full. Checks shall be made payable to the *City of Billings*.

**THIS APPLICATION FEE IS NON-REFUNDABLE AND IS NO GUARANTEE THE VARIANCE WILL BE GRANTED.**

RESIDENTIAL: \$678.00

COMMERCIAL: \$966.00

POSTAGE: Current USPS rate for postcards per mailing label (all applications)

**IMPORTANT NOTICE TO PETITIONER:** You will be notified by mail approximately 1-week in advance as to the time, date and place of the public hearing on your petition. Attendance at the public hearing is not required, but is strongly recommended, so that you may present your case to the Board.

You may request to delay your application hearing in front of the BOA. You may also request withdrawal of the application at any time before the BOA closes the public hearing. Any variance application that is denied by the BOA must wait 12 months before submitting a new variance for the same property. A variance application that is withdrawn does not have waiting period for a re-submittal. Delays or withdrawals must be accepted by the BOA at a public meeting.

	Section	Application Process							Review and Determination			
		Pre-Application Meeting	Neighbor. Meeting	Application Submission Meeting	Referral Review	Staff Review	Public Notice Required	Public Hearing Required	Staff	Zoning Comm.	City Council	District Court (DC) or Board of Adj (BOA)
		Key: O Optional, R Required, — Not Applicable							Key: R Review, RR Review and Recommend, D Decision, A Appeal, — Not Applicable			
Project Application Type												
Variance	27-1627	O	O	R	R	R	R	R	RR	—	BOA	DC

Table 27-1600.1. Summary of Application Steps.



## 2016 BILLINGS GROWTH POLICY STATEMENT AND GUIDELINES

**Statement:** In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

### Growth Guidelines:

#### Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital.
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community
- A cost/benefit study is important to make cost effective land use decisions

#### Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community

- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Locally grown foods help sustain agriculture, provide healthy options, and support local businesses
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

#### **Community Fabric (attractive, aesthetically pleasing, uniquely Billings)**

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

#### **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)**

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

#### **Home Base (healthy, safe and diverse housing options)**

- A mix of housing types that meet the needs of a diverse population is important

- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory dwellings units provide an important type of affordable housing options if compatible
- Energy efficient housing can reduce energy consumption

#### **Mobility and Access (transportation choices in places where goods and services are accessible to all)**

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

#### **Prosperity (promoting equal opportunity and economic advancement)**

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

**APPLICATION DEADLINES**  
**2026**

**CITY BOARD OF ADJUSTMENT**

Applications for a **variance** must be submitted on-line to the Planning & Community Services Department by 5:00 p.m. on the dates as set forth below. These deadlines cannot be altered due to state laws concerning public notice. All parties involved will be sent a notice of the time, date, and place of the public hearing.

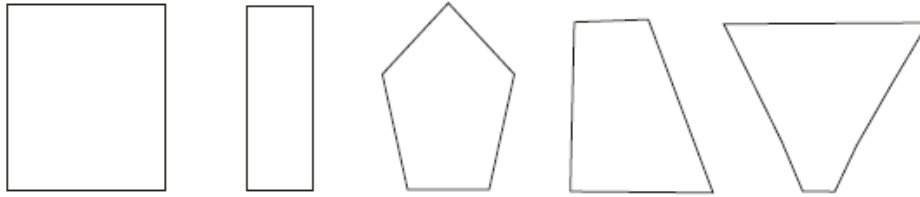
**DEADLINE**  
**1<sup>ST</sup> WORKDAY OF THE MONTH**

**BOARD OF ADJUSTMENT HEARING**  
**1<sup>ST</sup> WEDNESDAY OF THE FOLLOWING**  
**MONTH 4:30 PM**

January 2, 2026	February 4, 2026
February 2, 2026	March 4, 2026
March 2, 2026	April 1, 2026
April 1, 2026	May 6, 2026
May 4, 2026	June 3, 2026

# Residential Sample Site Plan

**Step 1:** Draw the basic shape of your property (the lot your house is on):



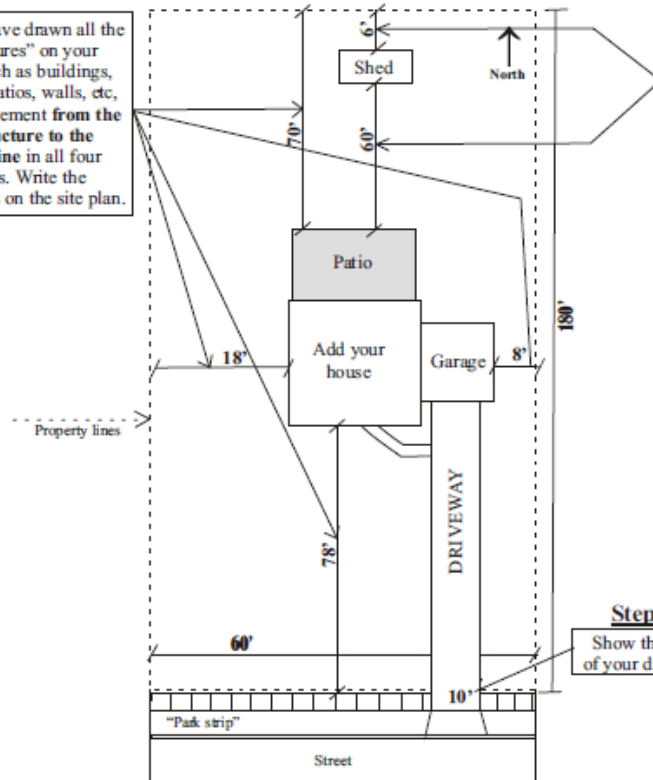
**Step 2:** Draw all the permanent structures.....

**Step 3:**

After you have drawn all the "hard features" on your property, such as buildings, driveways, patios, walls, etc., take a measurement from the main structure to the property line in all four directions. Write the measurements on the site plan.

**Step 4:**

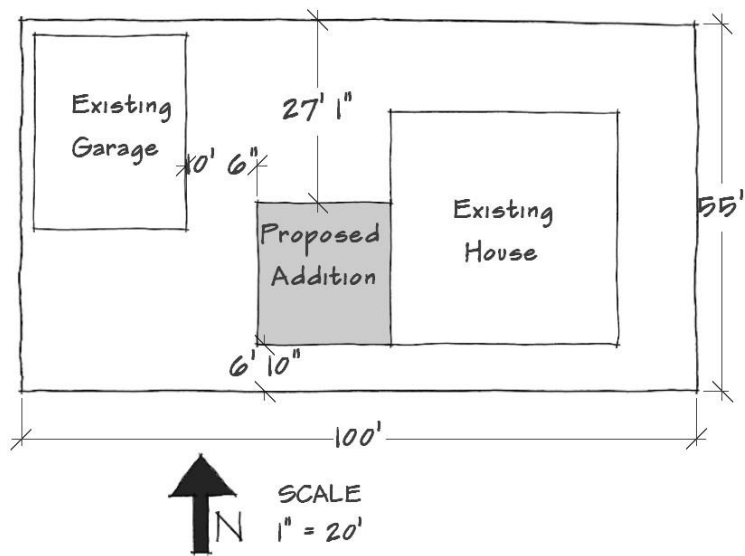
Take measurements from the main structure to any outbuildings, and from those outbuildings to the property line. Write these on the site plan.



**Step 5:**

Show the width of your driveway

**Note\*** This is a sample of an imaginary property. You cannot use it for *your* property. Use it only as a *guide* to draw your own. Your drawing does not need to be done on a computer...it can be drawn with pencil and paper.



Sample Residential Elevation Drawing



Sample Commercial Site Plan

