

CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
406.455.8431 • WWW.GREATFALLSMT.NET

APPEAL APPLICATION

Date:

Application Number:

Fee: \$1,250

Paid (Official Use ONLY): ☐

CONDITION FOR APPEAL

Appeal means a process initiated by an aggrieved party to review where it is alleged that an administrative official responsible for administering the Land Development Code or the housing or building regulations: (1) failed to act as required; (2) made an error in issuing a permit or in denying an application; (3) made an error in enforcement; or (4) made an error in an interpretation or any other determination.

Owner / Representative Name:

Mailing Address:

Phone:

Email:

Appeal Request:

Basis for Request:

PROPERTY DESCRIPTION LOCATION:

Mark/Lot:

Section:

Township/Block:

Range/Addition:

Street Address:

ZONING:

LAND USE:

Current:

Current:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge. NOTE: If the applicant is not the owner of record, the signature of the owner of record must also be obtained.

Property Owner's Signature:

Date:

Representative's Signature:

Date:

Appeal Application Checklist

A complete Appeal Application shall include but is not limited to the requirements listed in Table 1 below. Additional information may be required prior to a Appeal Application being deemed complete.

Table 1: Application Requirements		Staff	App.
Appeal Application	Complete basic applicant and project information included on page 1.	<input type="checkbox"/>	<input type="checkbox"/>
Application Fee	Non-refundable Appeal Application Fee - \$1,250	<input type="checkbox"/>	<input type="checkbox"/>
Appeal Description	Written basis for the request	<input type="checkbox"/>	<input type="checkbox"/>
Complete Site Plan	2 Copies	<input type="checkbox"/>	<input type="checkbox"/>

Appeal Site Plan Requirements

Table 2, below, contains the requirements for a complete Appeal application site plan. The requirement must be submitted unless waived by a planner at a pre-submittal meeting. City Staff will place an X in the box for all required submittal items. Applicant will complete the checklist by placing an X in the App. box of each item to indicate that it has been submitted.

Table 2: Site Plan Requirements		Staff	App.
Project Information	(a) Project name (b) Developer and landowner name (c) Preparation date (d) Name of preparer	<input type="checkbox"/>	<input type="checkbox"/>
Survey Information	(a) North arrow (b) Graphic scale (c) Legal description (d) Property boundaries (bearings, lengths, curve data) (e) Acreage of subject property	<input type="checkbox"/>	<input type="checkbox"/>
Project Development Information	(a) Easements/rights-of-ways (location, width, purpose, ownership) (b) No build/alteration zones, if any (c) No ingress/egress zones, if any	<input type="checkbox"/>	<input type="checkbox"/>
Setting	(a) Property boundaries within 150' of subject parcel (b) Names of property owners within 150' of subject parcel (c) Adjacent land uses within 150' of subject parcel (d) Municipal boundaries, if applicable	<input type="checkbox"/>	<input type="checkbox"/>
Site Features (Existing and Proposed)	(a) Wetlands (b) Woodlands (c) Wildlife habitat, including critical wildlife habitat (d) Environmentally sensitive features (e) Water resources (rivers, ponds, etc.) (f) Floodplains (g) Irrigation canals including diversion point(s), etc. (h) Other hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, high-pressure natural gas lines, and others as appropriate.	<input type="checkbox"/>	<input type="checkbox"/>
Transportation Facilities (existing and proposed)	(a) Roads (names, ownership, etc) (b) Driveways and road access onto public and private roads	<input type="checkbox"/>	<input type="checkbox"/>
Buildings/ structures (footprint, use, etc.)	(a) Existing and proposed within project	<input type="checkbox"/>	<input type="checkbox"/>

The Board of Adjustment

The Board of Adjustment and its Authority

Montana State Law grants the Board its authority. The Board consists of five voting members appointed by the City Commission for three year terms. These Board members are lay citizens not City Staff, selected from various walks of life.

Processing the Application

The Board of Adjustment meets on an as needed basis. Hearings are typically conducted at 3:00 p.m. in the City Commission Chambers, however the time may be changed to accommodate scheduling. All concerned are notified of applicable times and dates.

All property owners within 150' of the subject appeal are notified by letter of the request and the date and time of the hearing. They may address any comments, questions or concerns at the hearing or send written material to the Planning & Community Development Department.

All information and supporting documents become the property of the City and cannot be returned to you. They will be filed with your property file.

Appealing a Board of Adjustment Decision

Under Montana Stat Law, you have the option of appealing any ruling made by the Board of Adjustment. The applicant an/or aggrieved person may appeal a final decision, made by the Board of Adjustment, by filing an appeal with a court of competent jurisdiction within 30 days of the final decision. (See: 76-2-327(1), MCA)

The powers of the Board of Adjustment

City ordinance provides that the Board of Adjustment has the power to interpret ambiguous zoning codes and to hear request for variances that are dimensional in nature.

Interpretation

Where the wording of the zoning ordinance is ambiguous, the board has the power to make the interpretation it deems necessary so long as it does so within the spirit and purpose of the ordinance. Matters of interpretation may come before the board in 3 ways. (1) An applicant for a building or occupancy permit may disagree with staff administration or interpretation of a certain provision; (2) staff may request an interpretation; or (3) the board may make an interpretation upon its own motions. Applications for interpretations are not as frequent, nor usually as complex as appeals for variances.