

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 County Variance 4) Select COUNTY 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. Forms are separate documents on line at <https://www.billingsmt.gov/759/Variances>

County Variance

2026-2027



YELLOWSTONE COUNTY

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

NEW APPLICATION DEADLINE DAY - FIRST WEEKDAY OF THE MONTH

VARIANCE APPLICATION Process Review Packet YELLOWSTONE COUNTY

Planning & Community Services Department
P.O. Box 1178
Billings, MT 59103
Phone: (406) 657-8247
Email: plnonline@billingsmt.gov
Website: <https://www.billingsmt.gov/755/Zoning-Information>

Variances involve a request to the **Consolidated Yellowstone County Zoning Commission** (CYCZC) 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 27-1626 of the [Yellowstone County Zoning Regulations](#). The CYCZC is 5-member board appointed by the County Commissioners 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 CYCZC 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 Consolidated Yellowstone County Zoning Commission. The CYCZC may impose conditions of approval.

All variances must be reviewed using the criteria in Section 27-1626.D:

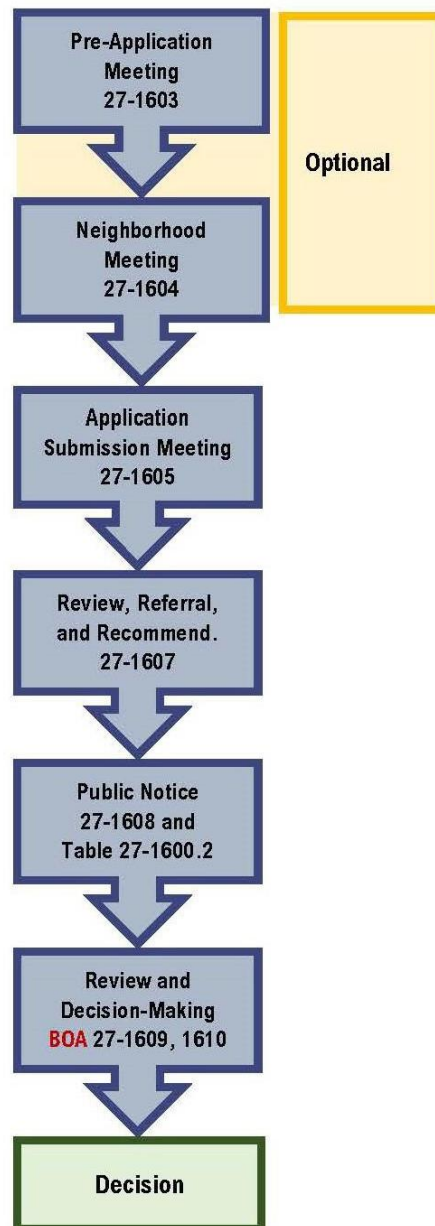
1. That special conditions and circumstances exist which are peculiar to the land, the lot or **something inherent in the land which causes the hardship**, and which are not applicable to other lands in the same district;
2. That a literal interpretation of the provisions of this zoning code would **deprive 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 CYCZC must also consider the following in Section 27-1626.E:

1. Whenever the city Consolidated Yellowstone County Zoning Commission 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 CYCZC **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 CYCZC 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 CYCZC 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 CYCZCrds 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 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 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 of 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 27-1626](#).

1. Complete the County 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 Consolidated Yellowstone County Zoning Commission and include the following information:
 - A. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements and growth policies?
 - 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: \$531.00
 COMMERCIAL: \$653.00
 POSTAGE: .40 cents 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 CYCZCrd.

You may request to delay your application hearing in front of the CYCZC. You may also request withdrawal of the application at any time before the CYCZC closes the public hearing. Any variance application that is denied by the CYCZC 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 CYCZC at a public meeting.

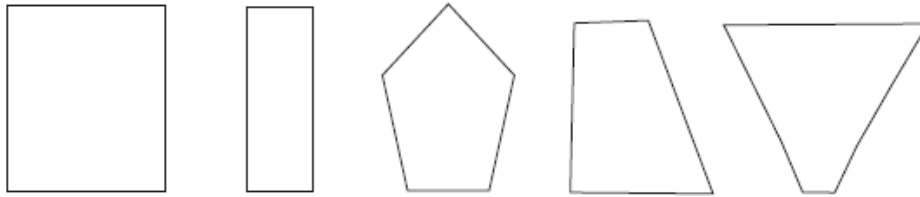
Table 27-1600.1: Summary of Application Steps

| 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 | County Comm. | District Court (DC) or CYCZCrd of Appeals |
| | | Key: O Optional, R Required, -- Not Applicable | | | | | | | Key: R Review, RR Review and Recommend, D Decision, A Appeal, -- Not Applicable | | | |
| Project Application Type | | | | | | | | | | | | |
| Variance | 27-1626 | O | O | R | R | R | R | R | RR | | CYCZ C | DC |

[Yellowstone County Growth Policy](#)

Site Plan Tutorial

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



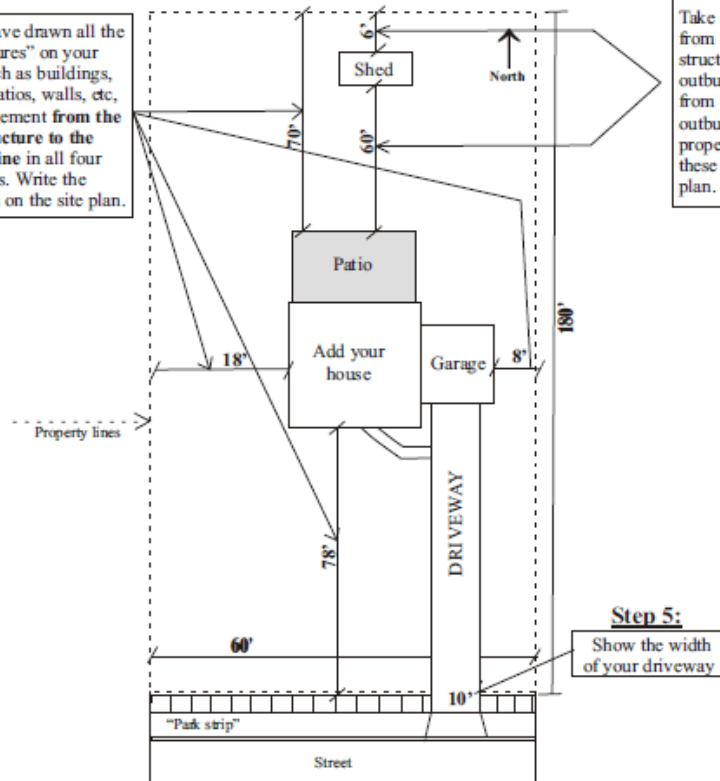
Step 2: Draw all the permanent structures.....

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:

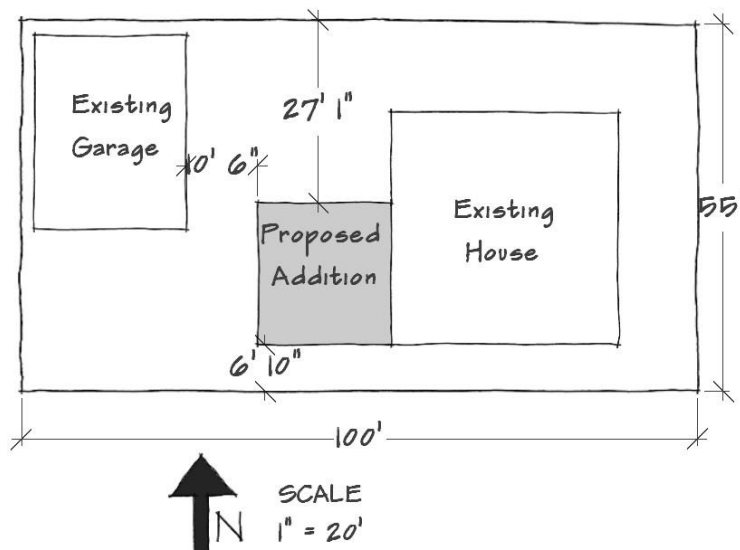
Take measurements from the main structure to any outbuildings, and from those outbuildings to the property line. Write these on the site plan.



Step 5:

Show the width of your driveway

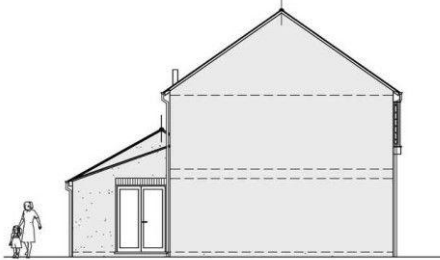
Note* This is a sample of an imaginary property. You cannot use it for *your* property. Use it only as a *guide* to draw your own. Your drawing does not need to be done on a computer...it can be drawn with pencil and paper.



Sample Residential Elevation Drawing



North (Rear) Elevation - Existing



West (Side) Elevation - Existing

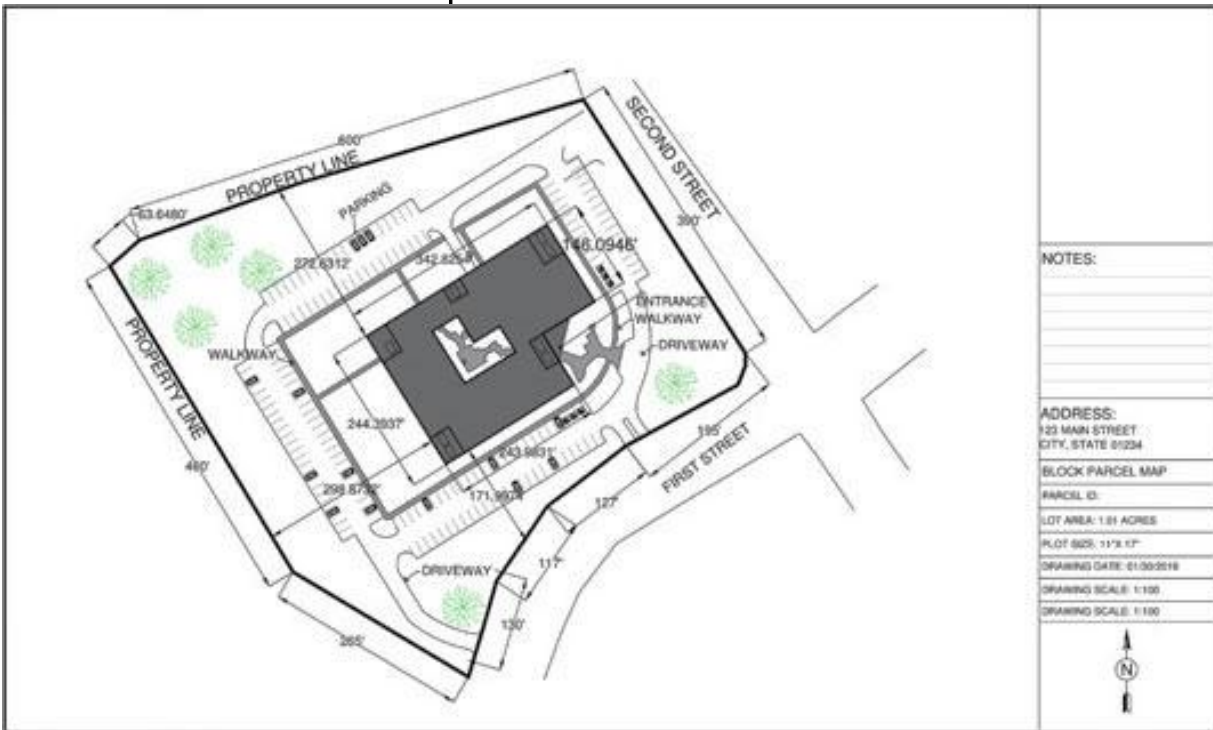


North (Rear) Elevation - Proposed



West (Side) Elevation - Proposed

Sample Commercial Site Plan



APPLICATION DEADLINES

2026-27

Consolidated Yellowstone County Zoning Commission

Applications for variances must be presented 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

Consolidated Yellowstone County Zoning Commission

_(1st Work Day/Month)

(2nd THURSDAY – 4:00 PM)

| | |
|-------------------|--------------------|
| January 2, 2026 | February 12, 2026 |
| February 2, 2026 | March 12, 2026 |
| March 2, 2026 | April 9, 2026 |
| April 1, 2026 | May 14, 2026 |
| May 4, 2026 | June 11, 2026 |
| June 1, 2026 | July 9, 2026 |
| July 1, 2026 | August 13, 2026 |
| August 3, 2026 | September 10, 2026 |
| September 1, 2026 | October 8, 2026 |
| October 1, 2026 | November 12, 2026 |
| November 2, 2026 | December 10, 2026 |
| December 1, 2026 | January 14, 2027 |
| January 4, 2027 | February 11, 2027 |
| February 1, 2027 | March 11, 2027 |
| March 1, 2027 | April 8, 2027 |