



City of Bismarck  
 Community Development Department  
 Planning Division  
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## WRITTEN STATEMENT OF HARDSHIP (VARIANCE REQUEST)

**NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION**

| <b>PROPERTY INFORMATION</b>  |   |
|--|---|
| Property Address or Legal Description:<br><small>(Lot, Block, Addition/Subdivision)</small>  |   |
| Location of Property:  | <input type="checkbox"/> City of Bismarck <span style="margin-left: 150px;"><input type="checkbox"/> ETA</span> |
| Type of Variance Requested:  |   |
| Applicable Zoning Ordinance:<br><small>(Chapter/Section)</small>   |   |
| Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.) |   |
|  |   |
| Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.   |   |
|  |   |
| Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.   |   |
|  |   |

## EXCERPTS FROM BISMARCK ZONING ORDINANCE RELATING TO VARIANCES

**14-02-03. Definitions.** The following definitions represent the meanings of terms as they are used in these regulations:

*Variance:* A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to increase the financial return.

**14-06-02. Powers and Duties.**

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2. Variances. On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this article in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the article would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.

No adjustment in the strict application of any provisions of this article shall be granted by the board of adjustment unless it finds:

- a. That there are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this article, whether in violation of the provisions of the article, or not.
- b. That, for reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of said land or building, and the granting of the variances is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant.
- c. That the grant of the variance will be in harmony with the general purposes and intent of this article, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- d. A variance granted under this chapter must be put into use within 24 months of the granting of the variance or it shall lapse and the landowner must re-apply.