



# SANDERS COUNTY

## Board of Health

### REQUEST FOR VARIANCE

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Physical Address of Property: \_\_\_\_\_

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ COS or EQ#: \_\_\_\_\_

Describe PERMIT denial (if applicable):  
\_\_\_\_\_

A permit denial may be appealed to the Sanders County Board of Health as provided in the Administrative Rules of Montana 17.36.922 LOCAL VARIANCES. The appeal must be made in writing and submitted to the Sanders County Board of Health within thirty (30) days of the denial. The Board of Health shall act on the appeal within sixty (60) days. The applicant shall be notified, in writing, of the Board of Health's approval or denial of a variance. Board of Health's letter of decision will be sent by registered mail. If a request for variance is denied by the Board of Health, the appellant may seek variance from the State, according to the provisions in Administrative Rules of Montana 17.36.924 VARIANCE APPEALS TO THE DEPARTMENT.

**17.36.922 LOCAL VARIANCES** (1) As provided in this rule, a local board of health, as defined in 50-2-101, MCA, may grant variances from the requirements in this subchapter and in Department Circular DEQ-4, except for requirements established by statute.

(2) The local board of health may grant a variance from a requirement only if it finds that all the following criteria are met:

(a) granting the variance will not:

(i) contaminate any actual or potential drinking water supply;

(ii) cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;

(iii) cause a public health hazard by being accessible to persons or animals;

(iv) violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in this subchapter except for the rule that the variance is requested from;

(v) pollute or contaminate state waters, in violation of 75-5-605, MCA;

(vi) degrade state waters unless authorized pursuant to 75-5-303, MCA; or

(vii) cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration;

(b) compliance with the requirement from which the variance is requested would result in undue hardship to the applicant;

(c) the variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented;

(d) no alternatives that comply with the requirement are reasonably feasible; and

(e) the variance requested is not more than the minimum needed to address the extraordinary conditions.

(3) The local board of health's decision regarding a variance of a requirement in this subchapter or in Department Circular DEQ-4 may be appealed to the department pursuant to ARM 17.36.924.

Describe variance request, provide evidence supporting the variance, and include a statement addressing ARM 17.36.922 (2) (a-e):

Separately provide all necessary documentation supporting this request.

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Signature of Applicant

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Date

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Printed Name of Applicant

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Date

**Variance Review Fee: \$300.00 per request**

How Paid: \_\_\_\_\_ Date: \_\_\_\_\_ Received by(Initials) \_\_\_\_\_

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***BOARD OF HEALTH USE ONLY***

**Board of Health Decision**   Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Comments:

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Signature of Board Chair or designee

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Date