



VARIANCE

COMMUNITY DEVELOPMENT | PLANNING

Variance Purpose:

The purpose of a zoning variance is to grant a landowner relief from certain standards in this Code where, due to exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of the property, the strict application of the standards would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the property owner.

Process Overview:

1. Pre-application video: <https://www.youtube.com/watch?v=IWOQnrBKIHU>

2. Electronic Application Submittal:

Please email all submittal materials to planningCIRT@co.larimer.co.us in individual PDF format. Following your complete submittal, CIRT will contact you for application fee payment options. See page 4 for application submittal requirements.

3. Staff and Referral Agency Review:

Once your case is assigned to a planner, they will review it and send it out for referral agency comments. There is a minimum 30-day referral period for Variances.

4. Review and Decision by the Board of Adjustment:

Once all comments have been received and adequately addressed, your assigned planner will work with you to get scheduled for a Board of Adjustment Hearing. Hearings are held with the Board of Adjustment on the 4th Tuesday of each month.

Community Development Mission:

We provide quality service to our customers and the community - residents and visitors of Larimer County. Using public and private partnerships we protect health, safety and welfare, enhance quality of life, maintain property values, find creative development solutions, and plan for the future.

Contact Information:

- Assessors Office - 970.498.7050
- Building Division - 970.498.7660
- Clerk and Recorder - 970.498.7860
- Division of Water Resources (Wells) - 970.352.8712
- Engineering Dept. - eng-devrev@larimer.org
- Flood - eng-floodplain@larimer.org
- Health Dept. (Septic) - 970.498.6775
- On Call Planner - planning@larimer.org



THINGS TO CONSIDER

COMMUNITY DEVELOPMENT | PLANNING

Customer Responsibilities:

The submittal requirements listed in this packet are intended to collect all of the information required for Larimer County staff and review agencies to fully evaluate the proposal. Additional information may be requested from the applicant during the review process if necessary to address specific issues that arise. For certain application types, a re-submittal fee may apply. In the event you are unfamiliar with any submittal requirements and need assistance, please seek the help of a third party consultant.

Please Note:

All surrounding property owners within a minimum of 500 feet of the property boundary lines will be notified of this request. Once submitted to the County, all application materials become a matter of public record.

Water Verification:

It is the applicant's responsibility to verify an adequate water source is available. If water is to be obtained from a public water supply, contact the appropriate water district. A cistern is not an adequate water source. Refer to the Land Use Code for specific requirements to this proposal.

Sanitary Sewer or Septic Verification:

It is the applicant's responsibility to verify an adequate sewage disposal is available. If an on-lot septic system is to be used, contact the Larimer County Department of Health and Environment. If a public sewage system is to be used, contact the appropriate sanitation district. Refer to the Land Use Code for specific requirements to this proposal.

Floodplain:

If the property is within or partially within a FEMA and/or locally designated floodplain, additional standards and restrictions may apply. Contact the floodplain administrator for more information.

Land Use Code:

Please view the Land Use Code here: <https://www.larimer.org/planning/regulations>

Mineral Interest Notification:

Only applicable to Rezoning, Zoning, Special Review, Minor Land Division, Preliminary Plat, Administrative Subdivision Thirty (30) days prior to the Board of County Commissioner hearing, notification must be provided to Mineral Interest Owners and Lessees as required by State Statute 24-65.5 notifying them of the proposed development. Furthermore, a signed certification must be received by the Larimer County Planning Department prior to the hearing that such notification was provided (see attached notification form). Failure to receive this certification will result in the hearing being rescheduled to a later date.

Pre-Submittal Meeting:

Depending on the complexity of the case and the application type, a pre-submittal meeting may be required prior to submitting an application. Submitting an application without a presubmittal meeting may result in substantial delays in application processing or application rejection. Application types that may require a pre-submittal meeting are: Special Review, 1041, L&E, Rezoning, Variance, Site Plan Review, Preliminary Plat, Final Plat

Use Specific Standards:

In addition to review criteria, refer to the Land Use Code for use-specific standards applicable to the proposed use. Use specific standards may be found in Article 3.0 or Article 13 for the Estes Valley.

Building Permits:

Building permits will NOT be accepted on the property while the variance application is pending.

Public Notice:

Colorado Statutes require that the Planning Department publish notice of the hearing once in a newspaper serving the area of the request at least 10 days prior to the hearing date. Larimer County will mail postcard notification to surrounding property owners 14 days prior to the hearing.



THINGS TO CONSIDER

COMMUNITY DEVELOPMENT | PLANNING

Sign Posting:

A sign (given to applicant when application is submitted) should be posted on the site 14 days prior to the hearing. Please see instruction sheet given with the sign for more details.

Board of Adjustment Hearings:

Hearings are held with the Board of Adjustment on the 4th Tuesday of each month. Hearing dates and approval are not guaranteed. Your assigned planner will work with you to get scheduled for the Board of Adjustment Hearing following the staff and referral agency review period.

Key Considerations :

- The Board of Adjustment may impose conditions on a zoning variance that are necessary to accomplish the purpose and intent of the Land Use Code and Comprehensive Plan and to prevent or minimize adverse impacts on health, safety and welfare of property owners and area residents.
- All approved zoning variances run with the land, unless conditions of approval imposed by the Board of Adjustment specify otherwise.
- All approved zoning variances automatically expire within one year of the date of approval, unless the applicant takes affirmative action consistent with the approval. "Affirmation action" is generally an application for a building permit.
- The Board of Adjustment may require, as a condition of approval, that the applicant sign a Development Agreement to ensure completion of any public improvements related to the approved zoning variance

Setback Certification:

Required if variance is approved, to be completed after an application for a building permit. Certification, in the form of a letter or drawing, must be signed by and include the seal of a surveyor licensed to practice in the State of Colorado. The letter should include the building permit number for the property or project in question.

****This certification will be a condition on the building permit****

Decisions of the Board of Adjustment are final – All board of adjustment decisions with regard to zoning variances are final. Decisions can be appealed to the District Court within 30 days. **No building permits will be granted until the resolution is signed by the board.**



VARIANCE

COMMUNITY DEVELOPMENT | PLANNING

SUBMITTAL REQUIREMENTS

Please submit each item as a separate PDF to planningCIRT@co.larimer.co.us.
All PDFs should be named as listed below and attached to the same email.

Item:	Description:	Required:
1.	Application Form – https://www.larimer.gov/sites/default/files/land_use_application_form.pdf	YES
2.	Application Fee - current fee at time of submission	\$1,478.34
3.	Project Description – detailed description of the variance request, please include criteria from Article 6.7.3.D of the Land Use Code (see following pages for requirements)	YES
4.	Scaled Drawing - See following pages for requirements	YES
5.	Site Photos - illustrating the necessity of the variance	YES
6.	Waiver of Setback Certification Recommendation* - https://www.larimer.gov/sites/default/files/waiver_of_setback_certification_recommendation.pdf	If applicable
7.	Submittal Checklist – one copy of this page	YES
THE FOLLOWING ITEMS ARE REQUIRED FOR THE FOLLOWING REQUESTS		
Setback Variance - Sight triangle at intersection of two roads (if applicable) - Setback and proposed setback - shown and labeled as such		
Height Variance - Topographic lines shown on the drawing - Elevation drawings of the proposed structure		

Please Note:

- *It is strongly recommended to obtain a survey created by an Certified Surveyor prior to application. If inaccurate measurements are provided, the process must be repeated at full cost. Please submit a copy of the Waiver of Setback Certification Recommendation if you choose to not obtain a setback certification by a licensed Colorado Surveyor before submitting this application.

PLANNING STAFF FILL OUT THIS SECTION

ADDITIONAL FEES

FIRE DISTRICT REVIEW FEES*:

POUDRE FIRE AUTHORITY - \$250

LOVELAND FIRE - \$100

BERTHOUD FIRE - \$250

NO ADDITIONAL FEES

*Fire district fees must be a separate check made out to the applicable Fire District

INITIALS:

PROJECT DESCRIPTION REQUIREMENTS

The project description should be a written narrative describing how the proposal meets the development standards (outlined below), any existing conditions, and explains any unusual or unique circumstances about the property or proposal. **PLEASE INCLUDE WHO YOUR WATER AND SEWER PROVIDERS ARE IN THE PROJECT DESCRIPTION.**

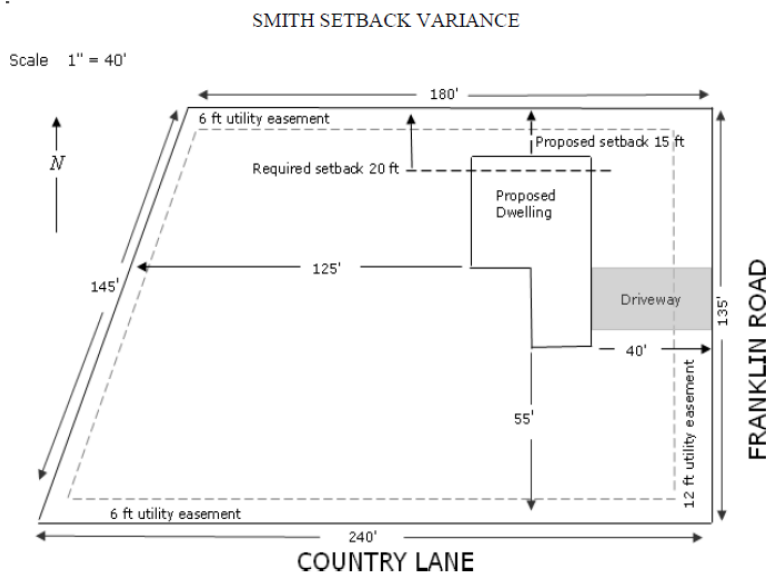
Review Criteria (Article 6.7.3.D):

To approve a zoning variance application, the Board of Adjustment must find that paragraph 1, 2, or 3 has been met and that paragraphs 4, 5, and 6 have each been met:

1. Strict compliance with the standard sought to be varied will cause either:
 - a. A peculiar and exceptional practical difficulty; or
 - b. An exceptional and undue hardship on the owner by reason of an exceptional physical condition of the property such as narrowness, shallowness, topography, or location of the property, or other extraordinary and exceptional situation unique to the property provided the difficulty or hardship is not caused by the act or omission of the applicant.
- OR**
2. The requested variance will promote or maintain the general purpose of the standard for which the variance is sought and will be equal to or better than the standard;
- OR**
3. The requested variance will diverge from the standard only in a nominal, inconsequential way when considered in the context of property in the vicinity of the subject land or structure.
- AND**
4. Granting the variance will not result in a substantial adverse impact on other properties in the vicinity of the subject land or structure or be a detriment to the public good; and
5. Granting the variance will not substantially impair the intent and purpose of the Code and Comprehensive Plan; and
6. The recommendations of referral agencies have been considered.

SCALED DRAWING REQUIREMENTS

Example:



Please include all applicable items:

- Property lines with dimensions labeled
- Existing structures (labeled as "existing")
- Proposed structures (labeled as "proposed")
- Distances between proposed structures and property lines labeled, including edge of right-of-way, edge of traveled way, and centerline of road
- Any structures to be removed or replaced
- Distances between proposed structures and property lines labeled
- Distances between proposed and existing structures labeled
- Road rights-of-way
- Easements (access, drainage, utility, etc.)
- Septic, well and utility locations (if applicable)
- Streams, lakes, drainages, ditches and other natural or man-made features
- Title of the request (Example: Smith Setback Variance)
- North arrow and scale used for drawing (1"=100', 1"= ½ ", etc.)