



VARIANCE SUBMITTAL REQUIREMENTS

Revised 2/15/2022

**LARIMER COUNTY COMMUNITY DEVELOPMENT
PLANNING DEPARTMENT**

CONTACT INFO:

LARIMER.ORG/PLANNING
200 W. OAK ST., 3RD FLOOR
(970) 498-7683

VARIANCE



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.

Purpose of a Variance:

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.

1. Application Submittal & Processing (pre-application conference required)
2. Staff & Referral Agency Review- minimum 14-day referral period
4. Review & Decision by the Board of Adjustment
5. Post-Decision Actions

THINGS TO CONSIDER



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 resubmittal 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 see the attached “Road Map to Process Time” for more information.

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.

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 pre-submittal 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*

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.

THINGS TO CONSIDER



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.

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.

Expiration of Pre-Application Meeting Packet:

Pre-applications expire six months from the date of the meeting. If you have not submitted an application within six months of the pre-application meeting, check with the planner to see if a new meeting will be required.

O&E Expiration:

An Ownership and Encumbrance Report (O&E) is valid for six months.

Land Use Code:

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

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Separate Electronic PDFs of ALL Submittal Materials
(must be in PDF format and named as listed below)

Item	Description:	Required	Staff Sign-Off
1.	Application Form – must be signed by all property owners and the applicant		
2.	Application Fee- Current fee at time of submission		
3.	Project Description – detailed description of the proposed project, include review criteria from Article 6.7.3.D of the Land Use Code. Please see following pages for Project Description requirements		
4.	Legal Description - legal description of the property		
5.	Scaled Drawing - 8.5" x 11" (see following pages for more information)		
6.	Vicinity Map - illustrate roads and significant natural features near the project site. County and local roads must be labeled so that the site can be easily found		
7.	Ownership & Encumbrance* - contact a Title Company for this information.		
8.	Photos - illustrating the necessity of the variance		
9.	Submittal Checklist		
10.	Pre-application Form - found on last page of packet		
11.	Other – information as deemed necessary by the project planner		
THE FOLLOWING ITEMS ARE REQUIRED FOR THE FOLLOWING REQUESTS:			
Height Variance - Topographic lines shown on the drawing - Elevation drawings of the proposed structure			
Setback Variance - Sight triangle at intersection of two roads (if applicable) - Setback and proposed setback - shown and labeled as such			

It is strongly recommended to obtain a survey created by an Certified Surveyor prior to application. If inaccurate measurments are provided, the process must be repeated at full cost.

*Ownership and Encumbrance: A report that identifies the last recorded owner, legal description and recorded deeds of trust or mortgages of a particular real property address available from public records. Contact a title company. Cannot be deeds or title research. See attached example.

Please email the complete set of final submittal documents to our Community Information Resources Team (CIRT) at planningCIRT@larimer.org.

ADDITIONAL INFORMATION

Building Permits - Building permits will NOT be accepted on the property while the 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.

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.

Hearings - Hearings are held with the Board of Adjustment on the 4th Tuesday of each month. Hearing dates and approval are not guaranteed.

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. Findings and Resolutions are signed at the following meeting. **No building permits will be granted until the resolution is signed by the board.** A risk waiver may be signed to obtain permits sooner.

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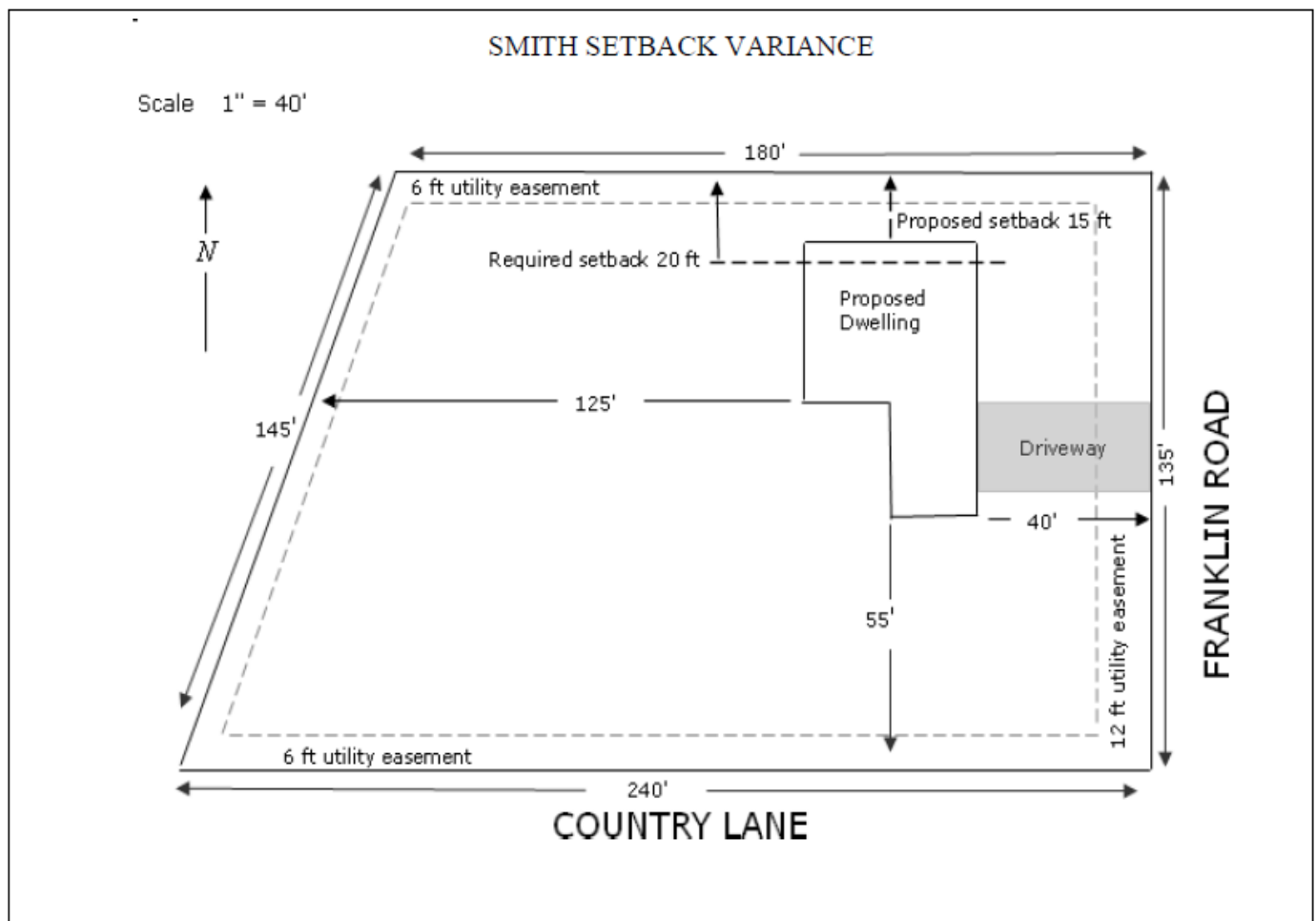
Item# 3 & 4 Project Description & Scaled Drawing

Element	Include
Project Description	How the proposal meets the development standards, existing conditions, and to explain any unusual or unique circumstances about the property or proposal.
Review Criteria Article 6.7.3.D	<p>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:</p> <ol style="list-style-type: none"> 1. Strict compliance with the standard sought to be varied will cause either: <ol style="list-style-type: none"> 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. <p>OR</p> <ol style="list-style-type: none"> 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; <p>OR</p> <ol style="list-style-type: none"> 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. <p>AND</p> <ol style="list-style-type: none"> 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.
Existing Conditions	A written detailed description of the existing conditions, topographic constraints, floodplain, drainage or other natural or manmade features and impacts.
Scaled Drawing (also see attached example)	<p>The scaled drawing should show all pertinent information, including but not limited to the following:</p> <p>Required setback and proposed setback; labeled as such</p> <ul style="list-style-type: none"> • Property lines with dimensions labeled • Existing structures labeled as “existing” • Proposed structures labeled as “proposed” • 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 or any other easement) • 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.) • Any other information relevant to the variance request

Scaled Drawing Example

Please include the following information on your scaled drawing as well as any additional information needed for specific variance types:

- 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 or any other easement)
- 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.)





O&E REPORT

Property Information

Owner: NA

Address: NA

County: Larimer

Parcel: XXX

Effective Date: May 27, 2020

Legal Description

COMMENCING at the Northwest corner of said Southwest One-Quarter of Section....

County of Larimer, State of Colorado

Ownership

Document Type	Date	Sales Price	Reference Number
Quit Claim Deed	4/26/2010	\$X	
Warranty Deed	9/1/2017	\$X	

Encumbrances

Document Type	Date	Payable to	Amount	Reference Number
Deed of Trust	9/1/2017	Elevations Credit Union		

Please see attached documents

This information is deemed reliable, but not guaranteed. No insurance product is associated with this information and Unified Title Company does not certify the information contained in this report and assumes no liability as to loss, consequence or damage resulting from the use of this information.



LAND USE APPLICATION

Applicant Information

Applicant Name:

Applicant Company:

Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Property Owner Information

Property Owner Name:

Property Owner Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Property Owner Information

Property Owner Name:

Property Owner Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Engineer/Surveyor Information (please list which profession)

Name:

Company:

Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Assessor's Parcel Number(s): _____

SIGNATURES REQUIRED BY ALL PROPERTY OWNERS AND THE APPLICANT

I hereby certify that I am the lawful owner of the parcel(s) of land that this application concerns and consent to the action. I hereby permit county officials to enter upon the property for the purposes of inspection relating to the application. Building Permits will not be processed while this application is in process.

Property Owner(s) Printed Name

Date: _____

Property Owner(s) Signature

Date: _____

Property Owner(s) Printed Name

Date: _____

Property Owner(s) Signature

Date: _____

In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Larimer County Land Use Code (which can be viewed at larimer.org)

Applicant Signature

Date: _____

PRE-APPLICATION WORKSHEET

Project Case Number: _____

Project Address (if available): _____

Assessor's Parcel Numbers (list all parcels that pertain to the project): _____

Pre-Application Conference Date: _____ Planner: _____

Pre-Application Conference attended by: _____

Proposed Request: _____

Plan Area (if applicable): _____

Lot Size(s): _____

Related Files: _____

Current Zoning: _____

Setback Information:

Zoning Setbacks: _____

Highway or County Road Setback(s): _____

Streams, Creeks, or River Setback(s): _____

Building Envelope: _____ Flood: _____

Plat Notes: _____

Utilities: Water: _____ Sewer: _____ Fire: _____

Any Additional Information: _____

Development Review Process: _____ Application Review Phase: _____

Received By: _____	Date: _____	Sign Given: _____	Paid \$: _____	Check #: _____
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