



## **Variations**

### **Application Guide & Checklist**

Economic & Community Development Department  
101 W. 8<sup>th</sup> Street  
Glenwood Springs, CO 81601  
(970) 384-6411

#### **OVERVIEW**

A variance is limited relief from a particular requirement of the Municipal Code. The decision to approve or deny a variance is a discretionary decision made by the Planning and Zoning Commission at a public meeting. The Commission's decision to grant a variance depends on whether the application meets seven criteria. The criteria relate to whether there is some unusual aspect of a property which results in a hardship to the property owner not caused by their own actions, and whether granting the variance will harm the public's interest. Examples of variances include:

- A property is so unusually narrow that the owner cannot build a home on it without encroaching into required setbacks;
- The geologic hazards on a property are so extreme that it is necessary to construct a wall exceeding the maximum 6-foot height limit to protect existing structures on the property from possible debris flows hazards; or
- The structural aspects of an existing commercial building make it infeasible to comply with a certain design requirement during an exterior remodel of the building.

#### **VARIANCE CRITERIA**

In reviewing a variance application, the Planning and Zoning Commission must determine that all of the following exist:

1. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district;
2. The strict application of the Code standards for which a variance is sought would produce undue hardship;
3. The applicant did not create the hardship by his/her own actions;
4. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought;
5. The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden;
6. The variance request will not violate building or fire code requirements; **and**
7. The variance is the minimum variance that will afford relief of the subject standards of the Code.

## **IS A VARIANCE NECESSARY?**

Variances are intended as relief from a Municipal Code requirement in the unusual situation where compliance with the Code causes undue hardship. The hardship must relate to some unusual aspect of the property and may not be financial in nature.

We suggest that you review the applicable variance criteria to make sure that they apply to your situation prior to pursuing a variance application. You may also consider whether there are any creative design solutions that would meet your needs as well as the Municipal Code requirements. In many cases, a creative design modification will meet the Code requirement, your desires, and eliminate the need to go through the variance process. This may be a preferable alternative, depending on the details of your project. In other situations, your property conditions may be so unusual and result in such great hardship that compliance with the Code simply is not infeasible and a variance application your only relief.

## **REVIEW PROCESS**

All variances require an application and public hearing before the Planning and Zoning Commission following the process outlined below.

- 1. Pre-application Conference.** Contact one of the planners in the Community Development Department prior to submitting your variance application. We will discuss the review procedures, application requirements, application deadlines, and the City's goals, policies, and development standards as they relate to your proposed project.

At least 10 days prior to your scheduled conference, please submit one electronic copy of the following items:

- a. A completed Planning Application. The application is available [here](#), or on the City's website at [www.cogs.us](http://www.cogs.us). It is in "Forms, Permits & Applications" on the Community Development Department page.
- b. A written description of the proposed project & need for a variance.
- c. Conceptual drawings showing the location, layout, and primary elements of the proposal.
- d. Proposed uses, location of uses, and densities.

If your project involves more than one development action for the same property, your applications can be reviewed concurrently. For example, if your proposed project involves a Minor Site/Architectural Plan Review, variances, and special use permit, you could have them processed and decided concurrently. Community Development Department planners will discuss the concurrent review process and application requirements with you during your pre-application conference.

- 2. Prepare Your Application.** During the pre-application conference you will receive a checklist of information that we will need to process your request. This information

constitutes your application and may include any, or all the information found on page 7 of this guide.

Please be aware that city staff and the Planning and Zoning Commission will evaluate your application based on how well it demonstrates compliance with the Municipal Code, and the City's goals, policies, and plans, as well as the Engineering Standards. You may review the Municipal Code on the City's website at [www.cogs.us](http://www.cogs.us). The Engineering Standards are located [here](#), or on the Engineering home page. Other approved plans also can be found on the City's website under the individual department pages. Community Development staff will help guide you to plans and policies that may be applicable to your project.

- 3. Submit Your Application.** Submit an electronic copy of your completed application to the Community Development Department at least 6 weeks prior to the date that you want your item heard before the Planning and Zoning Commission. Within 5 business days of your submission, Community Development Department staff will review your application to determine whether it is complete. If it is incomplete, we will contact you with a list of the information needed to complete your application. You are encouraged to submit your application well in advance of the deadline to allow you time to supply any missing information. Submissions of missing information after the deadline will result in your application being delayed to a future Planning and Zoning Commission agenda.
- 4. Provide Additional Copies.** After Community Development Department staff deems your application complete, you may be asked to supply paper copies for distribution to the City's reviewing departments and outside agencies. The number of copies can vary depending upon the scope of your application but usually we will ask for one complete electronic set of your materials and one or two paper sets. The paper format of your submission may vary. If your application includes any full-sized plan sheets, we may request submission on 11" x 17" or 24" x 36" size paper.
- 5. Complete Public Notices.** Your application requires that you formally notify the public of the time, date and purpose of your hearing before the Planning and Zoning Commission. You are required to post your property with a placard, submit a legal notice for publication in the local newspaper, and mail your notice to property owners within 300 feet of the outside boundary of your proposed development parcel. Staff will review these requirements and will provide you with a packet of information that includes the deadlines for completing each form of public notice. This is a time-sensitive process. Deficient public noticing may delay your hearing.
- 6. Agency Referral and Review.** During the 6-week period between your application submittal and your hearing, Staff will distribute copies of your application to our "reviewing agencies" which consists of various City departments, City boards and commissions, and outside agencies such as the Colorado Department of Transportation, and gas and telephone companies. Community Development Department staff relies on these agencies to review your application and comment on any issues or concerns that they may have relating to your project. You will receive copies of agency comments and will have an opportunity to

respond, if need be. In some instances, agency comments may cause you to redesign your project. Staff will include these comments in the packet of information that is distributed to the Planning and Zoning Commission and to City Council.

- 7. City Department/Applicant Development Review Committee Meeting.** Generally, three weeks prior to your public hearing you will meet with City Departments, and planning staff to review and discuss their preliminary comments about your project. Following this meeting, you may be required to revise your plans to respond to specific requests or suggestions made by staff. If significant, substantive changes are necessary you will be required to submit a new application in which case your hearing will be postponed
- 8. Staff Review & Report.** Toward the end of the 6-week review of your application, Community Development Department staff will prepare a report for the Planning and Zoning Commission meeting that analyzes how your project meets the Municipal Code, the City's goals, policies, plans, standards and any other pertinent information. The report will include a staff recommendation of approval, denial, or continuance of your application. If staff recommends approval, there also may be a list of recommended conditions. Staff will complete the report no later than the Friday afternoon prior to the hearing. You will receive a copy, usually via email. Make sure that you read the report and review the listed conditions, if there are any. Staff also will distribute the report, a complete copy of your application, and agency comments to the Planning and Zoning Commission for its review.
- 9. Requesting a Continuance.** If, after reading the staff report, you wish to continue your application to the next month's Planning and Zoning Commission meeting to correct deficiencies or clear up issues in the application, you will need to submit a letter to Community Development Department staff requesting continuance of your hearing. If you do this, you will not need to appear at the meeting or redo your public noticing, and no comments will be made by the City or public regarding your application at the hearing.
- 10. Planning and Zoning Commission Hearing.** Staff will provide you with a copy of the meeting agenda no later than the Friday before your hearing. Applications are scheduled on the agenda based on the order in which they are received. You or your representative are required to attend your public hearing.
- 11. Post-approval.** Following your hearing you will receive a Notice of Decision summarizing the Commission's action on your variance application. If the Commission approved your variance, the Notice will list the conditions of approval. Some conditions may need to be addressed before you begin your project or upon completion.

If your application was denied, you may appeal to City Council. You must do so within 7 days of your Planning and Zoning Commission hearing. If you are interested in filing an appeal, review the requirements in Municipal Code section 070.060.070(c) and contact planning staff.

**12. Post-approval Plan Modifications.** Please make sure that your plans reflect how you intend to develop your property. After your application has been approved, if you want to make significant changes you may be required to formally amend your application which involves additional hearings before the Planning & Zoning Commission and City Council (if applicable), and additional fees.

**13. Post-construction.** Before the Building Department can issue your Certificate of Occupancy or Certificate of Completion, Community Development, Public Works, Engineering, Fire and other City departments as needed, will inspect your development to insure consistency with your project approvals. If applicable to your project, you may also be required to provide a set of “as-built” plans and profiles of all water mains, sanitary sewers and storm sewers, and a survey map of all utility easements. Community Development Department staff will provide you with additional information about the format of these as-built plans.

### **PUBLIC MEETING PROCEDURES**

The public hearing format is as follows:

1. Staff Presentation. Staff will provide the Commission with a summary of your project and an analysis of how it meets or differs from the Municipal Code and other city plans and standards.
2. Questions of staff by the Planning and Zoning Commission.
3. Applicant Presentation. This is your opportunity to present any additional information about your project to the Commission. You can mention points where you disagree with staff, present anything important that you felt that planning staff left out, present any new information that you have, or present any other information directly pertinent to the application. Out of respect for the Commission and other applicants, please keep presentations very brief. If you have no additional important information to add to staff’s presentation, you may state this.
4. Questions of the applicant by the Commission.
5. Public Comment. The Commission Chair will open the meeting to public comment.
6. Applicant response to public comment. After hearing from all members of the public, the Chair will close the public portion of the meeting and allow you the opportunity to refute or address any statements provided. At this time, the Commission may also ask Staff for clarification of any points of fact.
7. Motion for action on the application, discussion among the Commissioners, and a decision.

**Display of documents at the meeting.** You may use the Council Chambers computer to display any documents or to provide the Commission with a prepared presentation. We recommend that you bring your materials on a flash drive.

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## VARIANCE APPLICATION CHECKLIST

*For office use:*  
 Pre-application Meeting Date: \_\_\_\_\_ Planning File #: \_\_\_\_\_  
 Applicant: \_\_\_\_\_ Lead Planner: \_\_\_\_\_

During or shortly following your pre-application meeting, you will receive this checklist noting all of the materials that the City will need to process your variance application. This information constitutes your application. Failure to provide the required materials on or before the application deadline will delay your application.

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
1	<b>Planning Application</b> – completed in full and signed by applicant and all property owners of record	√			√			
2	<b>Ownership</b> - provide proof of ownership such as Deed of Trust, Warranty Deed or Quit Claim Deed. Title commitment will not suffice	√			√			
3	<b>Public Noticing</b> – signed and notarized affidavit proof of public notice including mineral estate owner notification	√						
5	<b>Project Description</b> – narrative describing the project and addressing how the application meets the variance approval criteria in 070.060.070(a)	√			√			
6	<b>Site Improvement Survey</b>	√		√	√			

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
7	<b>Utility Can &amp; Will Serve Letters</b> – provide letters submitted from public and/or private utility companies that will serve the proposed development	√			√			
8	<b>Complete Plan Set including:</b>	0	1	1	√			
	Cover Sheet							
	Site Plan							
	Preliminary Grading Plan							
	Conceptual Architectural Plans							
	Preliminary Landscape Plan							
	Sample materials board							
	Lighting Plan							
9	<b>Engineering Reports including:</b>	2	0	0	√			
	Preliminary Traffic Impact Analysis or Letter – the level of documentation required depends on the location of the property and the type of development proposed							
	Preliminary Soils & Geotechnical Report							
	Drainage Letter or Study – level of information required depends on the project location, size and type of development. Refer to Engineering Standards							
10	<b>Fee</b>	\$ _____				Cash, check or credit card. Check payable to the City of Glenwood Springs		

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
11	<b>Other Materials</b> (list other materials that will be required)							

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## Variance Criteria

### Instructions

1. Complete this questionnaire after you have had your pre-application conference. Once completed, submit this questionnaire along with the other items on the checklist. Complete one questionnaire for each variance you are requesting. Use a separate sheet if necessary.
2. It is important to remember that the decision to approve or deny a variance is a discretionary action based on how well you meet all the variance criteria. This is your opportunity to describe in detail the reason why you need to deviate from the Municipal Code. If you are unable to provide justification of how your application meets each of the criteria below, you may want to consider whether a variance is truly warranted.

### Variance type

**Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.**

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### Variance Criteria

1. **Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.** \_\_\_\_\_

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2. **Explain how the strict application of the Code standards for the variance you are seeking produces undue hardship.** \_\_\_\_\_

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3. Explain how you did not create the hardship by your own actions. \_\_\_\_\_

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4. Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question. \_\_\_\_\_

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5. Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden. \_\_\_\_\_

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6. Explain how the variance request will not violate building or fire code requirements.

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7. Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code. \_\_\_\_\_

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