



Variance Development Guide

General procedure for development is included in the Community Development Application packet. This guide is intended to supplement the general application with items specific to a variance.

A variance is a process to provide relief from a strict interpretation of the zoning and development standards of the Evans Municipal Code, which when applied to a particular property and in a specific context would create practical difficulties or unnecessary hardship on all reasonable use of the property. Variance precedent shall not be established via past determinations of variance requests. Variances may be major, which require review and approval by the Zoning Board of Appeals or minor, which require review and approval by the Community Development Department, as detailed below. Applicants are advised that this packet is not a complete summary of the City's Municipal Code. See the following Code Sections for more information:

- 18.02.030. Dimensional limitations.
- 18.03.020. General procedure.
- 18.03.110. Variance.

VARIANCE ELIGIBILITY

Applications for variances shall be limited to the following dimensional requirements of the Evans Municipal Code:

1. Minimum area of lot;	5. Minimum side yard setback;
2. Minimum width of lot;	6. Minimum rear yard setback;
3. Maximum height of structures and fences;	7. Minimum off-street parking requirements;
4. Minimum front yard setback;	8. Sign setbacks, height or placement on a lot or building.

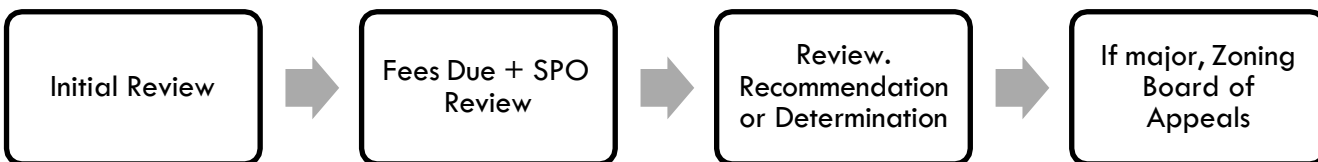
VARIANCE OPTIONS

Minor: The Director may approve minor variances subject to the following:

1. Minor variances shall be limited to the following circumstances:
 - a. Variance to a setback, building location, or building height requirement by up to ten percent (10%) of the requirement. Where this would be less than one (1) foot, the Director may approve a variance up to one (1) foot.
 - b. Variance to a lot dimension requirement of up to five percent (5%) of the requirement.
 - c. Variance to a building coverage requirement by up to ten percent (10%) of the requirement.

Major: All other eligible variance requests.

VARIANCE PROCESS



Variance expected process duration is approximately 1-2 months from a complete submission.

Pre-Application Meeting Required. A variance requires a complimentary pre-application meeting. See the Planning Division contact information below to request a meeting.

Effect of Decision. Upon approval of a variance, a Certificate of Variance Approval shall be recorded for the subject property by the City Clerk with the Weld County Clerk and Recorder. Upon filing, the applicant may proceed with any necessary approvals or permits authorized in the variance.

REVIEW CRITERIA

A variance shall be reviewed and approved only on the finding by the Zoning Board of Appeals that all of the following conditions are met:

Review, recommendations and decisions for a proposed rezoning shall be based on the following criteria:

1. Granting the variance will not adversely affect public health, safety, or general welfare.
2. The requested variance is the minimum necessary to relieve the difficulty or hardship and permit reasonable use of the property.
3. The strict application of this Code would result in practical difficulties or unnecessary hardships that limit the reasonable use of the property without granting the variance.
4. The difficulty or hardship is caused by conditions on the property that are unusual or atypical, are not the result of general conditions in the area, and were not created by the applicant.
5. Granting the variance will not adversely affect the rights of adjacent property owners or residents.
6. Granting the variance is consistent with the Master Plan and area or neighborhood plans, or may achieve greater consistency with these plans than if the codes were strictly applied.

Variance Submittal Checklist

✓	Item (label electronic submittal documents with the number prefix as shown) All documents shall be submitted in “.pdf” format, unless otherwise stated.
	01 COMMUNITY DEVELOPMENT APPLICATION FORM
	02 OWNERSHIP INFORMATION - Provide the property deed along with any applicable incorporation or organizational documentation of approved signatories. Note, a “deed of trust” is not a property deed.
	03 LEGAL DESCRIPTION - Provide the legal description of the property in “.docx” format.
	04 PROJECT NARRATIVE - The narrative shall address the following: <ol style="list-style-type: none"> 1. Describe existing and proposed use of the property. 2. Address all Review Criteria [page 2]. 3. Describe the specific variance request and the code section requested for variance consideration. 4. Indicate whether the variance request is major or minor with rationale thereof.
	05 CONCEPTUAL SITE PLAN – In order to review performance criteria for the particular uses when applied to the site or building. This map will not be recorded.
	06 IMPROVEMENT LOCATION SURVEY – if required by the Community Development Department, in order to review conformance with the standards of the Code and the variance criteria, relative to the variance.
	07 UTILITY PROVIDERS SUMMARY – indicating that no utility providers object to the variance request.
	08 UTILITY LOCATE REPORT – prepared within the last six (6) months.
	APPLICATION FEE: \$1000 for major; \$250 for minor