



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

VARIANCE Application Guide

OVERVIEW

A variance represents a deviation from the standards of the city's Unified Development Ordinance (UDO) where strict application of a standard can be demonstrated to create a hardship due to circumstances particular to a lot. Section 11-6-7(a) of the UDO outlines the complete requirements for a variance request. A variance request is not intended to allow a use in a zoning district where it is not allowed by the UDO or to mitigate inconveniences or financial burdens that this UDO may impose on landowners. Variance requests are heard by the city's Board of Adjustment (BOA) following a public hearing.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$250.
- Project Description/Justification Letter** that summarizes the proposed development including existing and proposed land uses; including occupancy type (if known), what uses are to be performed in the space, and whether any hazardous materials are to be stored or used on site. You may also include any other specific issues you would like to discuss at the meeting.
- Site Plan or Plot Plan**, drawn to scale and dimensioned to show the location of the existing structure and other improvements on the property and the proposed variance.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed variance request.

PROCESS

- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, the Variance request will be scheduled for the next available BOA meeting date.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- BOA meetings are scheduled the first and third Tuesdays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive).
- The Planning and Development Department will notice the public hearing in accordance with code requirements, meaning that a sign will be posted on the property where the variance is being requested at least fifteen (15) days before the public hearing date. Additionally, staff will publish notice of the public hearing in the local newspaper and send mailed notices to all property owners within 300 feet of the variance request. Please note that the public hearing sign shall remain on the property until after the public hearing date. If a replacement sign is required, please contact the Planning and Development Department.



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- In order for the Board to grant approval of a variance, it must find the criteria outlined in Section 11-6-7(a)(3)(E)(ii) have been met (see below for the language from that section).
- If the property owner has not commenced development or obtained the necessary permits to carry out the approved variance within one (1) year from the date of approval, then the variance shall automatically expire.
- The decision made by the BOA may be appealed to the City Council.
- Within one (1) week of the Pre-Application Meeting, a member of the Planning and Development Department staff will provide you with a written summary of the items discussed at the meeting and any related information and applications pertinent to your proposal.

CODE REQUIREMENTS

The following outlines the approval criteria that the BOA must find in order to grant a variance. The Board must find that **all** of the criteria exist in order to grant a variance.

Section 11-6-7(a)(3)(E)(ii). Variance Approval Criteria

- a. In reviewing a variance application, the Board of Adjustment shall find that all of the following exist:
 1. The variance is necessary due to unique physical conditions such as size, irregularity, narrowness or shallowness of a lot, location, surroundings, topography, or other peculiar conditions on the subject property;
 2. The strict application of the UDO standards for which a variance is sought would produce undue hardship;
 3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 4. Such hardship was not created by the applicant or any previous owner of the property;
 5. The variance is the minimum variance that will afford relief of the subject standards of the UDO;
 6. The variance will not be of substantial detriment to adjacent property or the character of the district; and
 7. The variance is based on demonstrated exceptional hardship not related to purposes of convenience or financial burden.
- b. A variance may also be granted by the Board of Adjustment where strict application of the UDO would prevent achieving a public purpose. A public purpose may include protection of public safety; provision of public facilities including roadways, walkways, trails, water and sewer utilities, and storm drainage facilities; provision of public or private landscaping and open space; and accommodation of beneficial economic development projects. No such variance shall be authorized by the Board of Adjustment unless it finds that:
 1. The strict application of the UDO would prevent achieving a clearly defined public purpose;
 2. The authorization of such variance will not be of substantial detriment to adjacent property; and
 3. The character of the zoning district will not be changed by the granting of the variance.



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VARIANCE APPLICATION

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: _____

Description of Request: _____

Zoning District: _____ Lot area: _____

Attach a complete listing of the reason(s) why such a Variance should be granted with the attached or a separate letter.

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:



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VARIANCE APPLICATION

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REASON(S) FOR VARIANCE

1. _____

2. _____

3. _____

4. _____

5. _____

