



# Zoning Variance Review

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of the Land Use Code. The Board may grant variances where it finds that: (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to the property, including, but not limited to physical conditions such as exceptional narrowness, shallowness, or topography, the strict application of the code requirements would result in unusual and exceptional practical difficulties or undue hardship upon the occupant of the property or upon the applicant, provided that such difficulties or hardship are not caused by an act or omission of the occupant or applicant (i.e. not self-imposed); (2) the proposal will promote the general purpose of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard for which the variance is requested; or (3) the proposal will not diverge from the standards of the Land Use Code except in a nominal, inconsequential way when considered in the context of the neighborhood.

No variance shall be granted which is determined to be a detriment to the public good or an impairment to the intent and purposes of the Code. Further, the Zoning Board of Appeals shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district.

The Zoning Board of Appeals meets on the second Thursday of each month beginning at 8:30 a.m. in the City Council Chambers at 300 W. Laporte Ave. The petitioner or his/her representative must appear at the meeting. The normal deadline for applying for a variance is no later than 3:00 p.m., the second Tuesday of the month prior to the meeting. However, two or three times per year the deadline for applying may differ, so it is a good idea to check with the Zoning Department to confirm the date.

At the hearing, the secretary to the Zoning Board of Appeals introduces each appeal by briefly presenting background information and then reading aloud any written responses regarding the appeal which the City has received from any adjacent property owners. The Zoning Administrator then presents the Board with the City staff's presentation, showing slides of the property in question and explaining the code requirements and the nature of the variance request. The petitioner or his/her representative is then asked to explain to the Board why the request is being made. The reasons why the requirements set forth in the Code cannot be met are explained, and 1) the hardships which would result from a strict application of the Code are identified, 2) an explanation is given for the reasons why the proposal will promote the general purpose of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard, or 3) an explanation is given as to how the proposal diverges from the standards in only a nominal, inconsequential way. Any interested parties who wish to speak in favor or in opposition of the petitioner's request are heard. The Board will discuss the matter, ask additional questions, and reach a decision. Any decisions made by the Zoning Board of Appeals may be appealed to the City Council.

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Any variance which applies to the issuance of a Building Permit shall expire six (6) months after the date that such variance was granted, unless all necessary permits have been obtained.

## SUBMITTAL REQUIREMENTS

The application for a variance shall contain the following:

- A. Application form and filing fee (\$25.00), plus \$.75 (75 cents) for each address included on the list of names and addresses required by section D below.  
The application form is filled out by the Zoning Administrator upon submission of the materials described in B through D below. The required information must be submitted to the Zoning Administrator prior to the application deadline. The applicant must sign the application form in order for the request to be placed on an agenda. The Zoning Office is located at 281 N. College Avenue, 970-416-2745.
- B. Eight (8) copies of a plot plan of the property in question, drawn to scale. Depending on the nature of the variance request, the applicant may also be required to submit 8 copies of a landscape plan, 8 copies of a drawing of a sign, 8 copies of the architectural elevations, and 8 copies of other relevant documentation. Where applicable, plans should show in detail those features being presented to the Board for consideration.  
**Submittal documents should be folded to approximately 8 ½ x 11 inches in size.**
- C. Eight (8) copies of a written statement explaining how the variance request satisfies one or more of the three criteria explained in the first paragraph of this document.
- D. A list of names and mailing addresses of all owners of record of real property within 150 feet of all of the property lines of the parcel of land for which the variance is proposed. (Only one copy of the list is needed). This information is available at the office of the Larimer County Support Central Department in the Larimer County office building at 200 W. Oak Street.

## APPEALS PROCEDURE

- A. Any decision made by the Zoning Board of Appeals may be appealed to the City Council.
- B. Any party who wishes to appeal a Zoning Board of Appeals decision must submit a written protest to the City Clerk within fourteen (14) days of the date of the Zoning Board of Appeals decision.

For additional information regarding the Zoning Variance process, please contact the Fort Collins Zoning Department at 970-416-2745, 281 N. College Avenue, Fort Collins, CO 80524.