

Zoning Variance Guidelines

The Zoning Board of Appeals and Planning, Development & Transportation (PDT) Director have been granted the authority to approve variances from the requirements of the Land Use Code Articles 3 and 4. 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 Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

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/applicant of the property, 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;
3. the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

EACH VARIANCE REQUEST WILL BE ADDRESSED IN ONE OF TWO WAYS:

1. The **PDT Director** may review variance requests that meet the following criteria:
 - a. A setback encroachment of up to 10%
 - b. A fence height increase of up to 1 foot.
 - c. In the N-C-L, N-C-M, and N-C-B zone districts, the allowable floor area in the rear half of the lot increase of up to 10%, provided the increase does not exceed the allowable floor area for the entire lot.
 - d. A building height increase of up to 1 foot.
2. The **Zoning Board of Appeals** will hear all other variances that do not fall within the above criteria.
 - **Hearing Deadline:** 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 month of 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.
 - **Hearing Location:** The Zoning Board of Appeals meets on the second Thursday of each month beginning at 8:30 a.m. at City Hall in the City Council Chambers at 300 LaPorte Avenue.
The petitioner or his/her representative must appear at the meeting.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted. However, for good cause shown, the PDT Director may consider a one-time 6-month extension to any approved variance if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

SUBMITTAL REQUIREMENTS

The application for a variance must contain the following:

- A. **Application form and filing fee** (\$25.00) plus \$.75 (75 cents) for each address included in section D below. The required information must be submitted to Zoning Staff prior to the application deadline. The applicant must sign the application form for the request to be placed on the Zoning Board of Appeals agenda. The Zoning Office is located on the first floor at 281 N. College Avenue.
- B. **A digital copy of the application materials** must be submitted via flash drive. Please include:
 1. Written statement explaining reason for requesting variance
 2. Site or plot plan of the property, drawn to scale, showing setbacks.
 3. Landscape plan
 4. Project or Sign drawings
 5. Architectural elevations
 6. Other relevant documentation
- C. **Notification letters will be mailed to neighboring owners.** Staff will generate the list of names and mailing addresses of all owners of record of adjacent property within 150 feet of all the subject property for most applications. However, the N-C-L and N-C-M zones require a list of names and mailing addresses within 500 feet of the subject property when planned construction of in a 2 story house if the house on the abutting lot is 1 story; or if construction of a new house is greater than 2,500 square feet; or if an addition results in a total square footage of more than 3,000 square feet. Staff will mail notification letters with a description of the variance request to these owners before the Zoning Board of Appeals meeting.

Procedure to appeal the Board's decision

- A. Any decision made by the Zoning Board of Appeals may be appealed to the City Council, but no new information can be presented.
- 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. The submittal form can be found on the City Clerk's website at www.fcgov.com/cityclerk/appeals.php

WHAT TO EXPECT AT THE ZONING BOARD OF APPEALS MEETING

- **Roll Call**
- **Approval of Minutes from previous meeting**
- **Staff Presentation**
- **Applicant Presentation**
- **Audience Participation:** Any interested parties may speak in favor or in opposition of petitioner's variance request.
- **Board Discussion:** The Board will discuss the variance request, ask additional questions, and reach a decision or table the item.
- **Vote:** The Board will vote to approve, approve with conditions, deny, or table the variance request. Any decision made by the Zoning Board of Appeals may be appealed to the City Council.

FOR ADDITIONAL INFORMATION REGARDING THE ZONING VARIANCE PROCESS, PLEASE CONTACT OR VISIT THE CITY OF FORT COLLINS ZONING DEPARTMENT AT 281 N. COLLEGE AVENUE; 970-416-2745; OR EMAIL Zoning@fcgov.com



Application Request for Variance from the Land Use Code

The Zoning Board of Appeals has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. 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 Board may grant variances where it finds that the modification of the standard **would not be detrimental to the public good**. Additionally, the variance request must meet at least one of the following justification reasons:

- (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/applicant of the property, provided that such difficulties or **hardship** are not caused by an act or omission of the occupant/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;
- (3) the proposal will not diverge from the Land Use Code standards except in a **nominal, inconsequential way** when considered in the context of the neighborhood.

This application is only for a variance to the Land Use Code. Building Code requirements will be determined and reviewed by the Building Department separately. When a building or sign permit is required for any work for which a variance has been granted, the permit must be obtained within 6 months of the date that the variance was granted.

However, for good cause shown by the applicant, the Zoning Board of Appeals may consider a one-time 6 month extension if reasonable and necessary under the facts and circumstances of the case. An extension request must be submitted before 6 months from the date that the variance was granted has lapsed.

Petitioner or Petitioner’s Representative must be present at the meeting

Location: 300 LaPorte Ave, Council Chambers, Fort Collins, CO 80524

Date: Second Thursday of the month **Time:** 8:30 a.m.

Variance Address		Petitioner’s Name, if not the Owner	
City	Fort Collins, CO	Petitioner’s Relationship to the Owner is	
Zip Code		Petitioner’s Address	
Owner’s Name		Petitioner’s Phone #	
Code Section(s)		Petitioner’s Email	
Zoning District		Additional Representative’s Name	
Justification(s)		Representative’s Address	
Justification(s)		Representative’s Phone #	
Justification(s)		Representative’s Email	
Reasoning If not enough room, additional written information may be submitted			

Date _____

Signature _____