



# Zoning LAND USE REVIEW COMMISSION (Variance) Guidelines

## **The Land Use Review Commission has been granted the authority to approve**

**variances** from the requirements of the Land Use Code Articles 3 and 4. The Land Use Review Commission shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district.

The Commission 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.

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**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 Land Use Review Commission 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.

**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.

**Location:** The Land Use Review Commission meets on the second Thursday of each month beginning at 8:30 a.m. currently only via Zoom. An email will be sent with the Zoom invitation and instructions to the applicant (whichever email is listed on application) the Friday or Monday prior to the hearing

**The petitioner or his/her representative must appear at the meeting.**

### **Procedure to appeal the Commission’s decision**

- A. Any decision made by the Land Use Review Commission may be appealed to the City Council, but no new information can be presented.
- B. Any party who wishes to appeal a decision must submit a written protest to the City Clerk within fourteen (14) days of the date of the Land Use Review Commission decision.

## SUBMITTAL REQUIREMENTS

The application for a variance must contain the following:

- A. **Application form and filing fee** \$300.00 The required information must be submitted to Zoning Staff prior to the application deadline. The applicant must sign the application form in order for the request to be placed on the Land Use Review Commission agenda (electronic signature is acceptable).
- B. **A digital copy of the application materials** must be submitted via email to [zoning@fcgov.com](mailto:zoning@fcgov.com) . Please submit only the items applicable to your project (unless noted mandatory):
  1. Application ***mandatory***
  2. Written statement (on a separate document from the application) explaining the reason for requesting the variance(s) ***mandatory***
  3. Site or plot plan of the property, drawn to scale, showing setback dimensions. ***mandatory***
  4. Landscape plan
  5. Project or Sign drawings
  6. Architectural elevations
  7. Other relevant documentation
- C. 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 Land Use Review Commission meeting.

## WHAT TO EXPECT AT THE LAND USE REVIEW COMMISSION 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.
- **Commission Discussion:** The Commission will discuss the variance request, ask additional questions, and reach a decision or table the item.
- **Vote:** The Commission will vote to approve, approve with conditions, deny, or table the variance request. Any decision made by the Land Use Review Commission 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](mailto:zoning@fcgov.com)**



## Application Request for Variance from the Land Use Code

The Land Use Review Commission has been granted the authority to approve variances from the requirements of Articles 3 and 4 of the Land Use Code. The Land Use Review Commission shall not authorize any use in a zoning district other than those uses which are specifically permitted in the zoning district. The Commission 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 Land Use Review Commission 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: VIRTUAL ONLY** via Zoom

(instructions will be emailed to the applicant the Friday or Monday prior to the hearing)

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

<b>Variance Address</b>		<b>Petitioner’s Name, if not the Owner</b>	
<b>City</b>	Fort Collins, CO	<b>Petitioner’s Relationship to the Owner is</b>	
<b>Zip Code</b>		<b>Petitioner’s Address</b>	
<b>Owner’s Name</b>		<b>Petitioner’s Phone #</b>	
<b>Code Section(s)</b>		<b>Petitioner’s Email</b>	
<b>Zoning District</b>		<b>Additional Representative’s Name</b>	
<b>Justification(s)</b>		<b>Representative’s Address</b>	
<b>Justification(s)</b>		<b>Representative’s Phone #</b>	
<b>Justification(s)</b>		<b>Representative’s Email</b>	
<b>Reasoning</b>	WRITTEN STATEMENT EXPLAINING THE REASON FOR THE VARIANCE REQUEST REQUIRED VIA SEPARATE DOCUMENT.		

**Date** \_\_\_\_\_

**Signature** \_\_\_\_\_