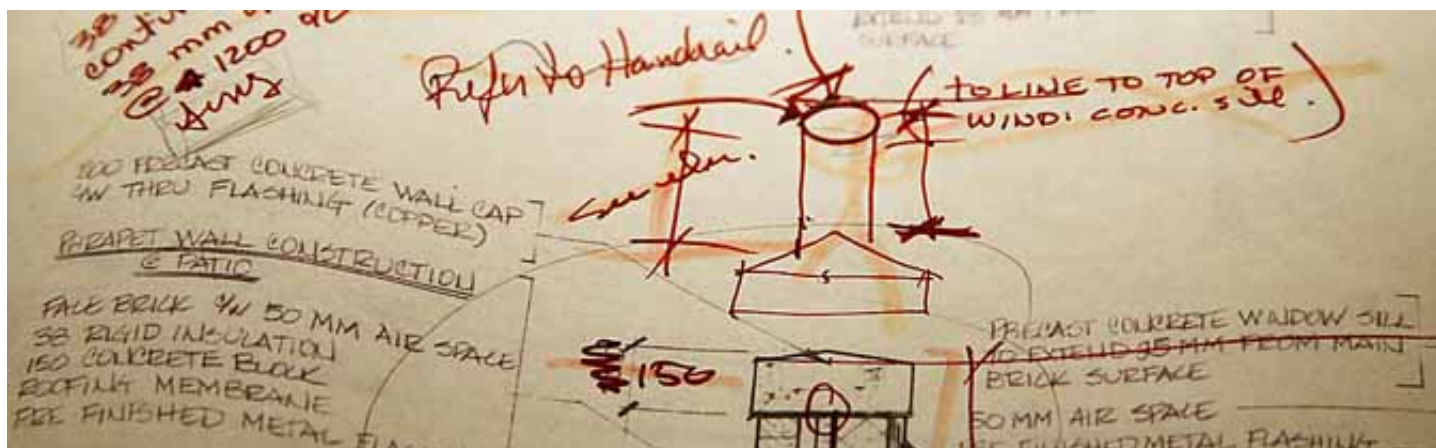


## Variances



## General Description of the Variance Process

A Variance is a form of relief or an exception from the specific requirements in the Development Code. Typical variance requests include relief from setback requirements, parking or landscaping requirements, over height fences, maximum sign area, or extension of non-conforming structures and uses. An application for a Variance can only be approved by a decision-making body such as the Board of Adjustment or the Planning and Zoning Commission. Generally, home renovation projects, signs, and any other project that is not tied to another development application (such as Site Plan Review, Conditional Use, etc.) are reviewed by the Board of Adjustment. All other projects that require some other form of discretionary application (such as new commercial development), or any application requesting a height variance, are reviewed by the Planning and Zoning Commission.

### Board of Adjustment and Appeals Variances

If your project does not involve another development application and would go through Building Department review if not for the variance, the process is as follows:

**STEP 1.** [File an application for Board of Adjustment Variance.](#) The fee is \$100 for a single-family dwelling, or \$250 for signs and non-conforming structures and uses.

Because this is a public hearing process, all property owners within a 300-foot radius must be notified. You are required to submit, with your application, a list of property owners within a 300-foot radius. The list can be obtained from the Boulder County Assessor's Office at 1325 Pearl Street, 2nd Floor, Boulder, or by phone at: (303) 441-3530. You must provide a mailing label for each property owner, affixed to a pre-stamped (not metered) envelope.

### Variance Application Submittal Requirements:

- A completed application form, signed by the property owner(s), and fees
- An Improvement Location Certificate (ILC) or survey, prepared by a licensed surveyor or civil engineer. The document must show the location of all property lines and setbacks from all structures to the property line.
- One set of stamped, addressed envelopes for all property owners within a 300-foot radius, and a list of all the persons listed on the envelopes.
- Cover letter and written narrative of the proposal

- Seven copies of the site plan and architectural elevations (building elevations must have roof midpoint height from grade noted, or scale drawings must be provided)

**STEP 2.** Board of Adjustment meetings are held once a month at 7 pm in the City Council Chambers at 350 Kimbark St. Applications received four weeks prior to a scheduled meeting will be heard at the following meeting. The City will notify each applicant when their project will be scheduled.

At the public hearing, any member of the public may speak and/or comment about the proposed variance request. When making a decision on whether to approve the Variance, the Board of Adjustment must find that it meets the following criteria:

1. The subject property has exceptional topographic conditions, such as being exceptionally narrow, shallow, or of an irregular shape which precludes meeting code for a proposed development.
2. The strict application of the zoning regulation would result in a peculiar, exceptional, and undue hardship upon the owner of the property.
3. The requested variance would not create a substantial detriment to the public good, would not substantially impair the intent and purpose of the zoning ordinance or Comprehensive Plan for the City, nor result in significant adverse impacts to the natural environment.
4. There are exceptional circumstances that apply to this specific piece of property, which do not generally apply to other properties in the same zoning area or neighborhood.

## Sign Variances

If the variance application involves signs, the following review criteria must be met:

1. Strict application of the sign regulations would result in peculiar, exceptional and undue hardship on the property owner which is not self-imposed
2. The proposed sign variance would not result in significant adverse impacts to surrounding properties or neighborhoods, or the natural environment, nor impair the intent and purposes of the zoning ordinance, nor the comprehensive plans of the city
3. The proposed sign variance would not create a safety hazard
4. The proposed sign variance is based on the finding the sign(s) is/are consistent with the purposes of the sign code and will not adversely impact adjacent properties or neighborhoods, the colors, materials and architectural style and size of the sign(s) is/are compatible with the principal building(s) on the site, the proposed sign(s) will not negatively affect the visual character of the area, cause future variance requests or contribute to the degradation of the visual environment through sign proliferation
5. The proposed sign variance requested is the least deviation from the code to achieve relief

**STEP 3.** If your variance request is approved, you may apply for Building Permits.

## Planning and Zoning Commission Variances

Projects that request relief from maximum height requirements, or projects that require other development review applications, such as Site Plan Review, Conditional Use, etc., and are requesting a Variance, must have their application reviewed by the Planning and Zoning Commission.

In order to approve a Variance request, the Planning and Zoning Commission must find that the application meets the following criteria:

1. The requested variance is generally consistent with the Longmont Area Comprehensive Plan and with the stated purposes of the Development Code.
2. The proposed variance presents an alternative site or development design that: 1.) meets the purpose and intent of the standard being modified, and ii.) represents an improvement in quality over what could have been accomplished through strict application of the standard, and iii.) does not result in, or substantially mitigates, any detriment to surrounding properties or neighborhoods, the natural environment or to the City's ability to provide services and maintain public facilities.
3. The requested variance will not result in significant adverse impacts to surrounding properties or neighborhoods, or the natural environment.
4. The proposed variance does not create a safety hazard.
5. The decision-making body shall not grant a variance reducing the size of lots contained in an existing or proposed subdivision if it will result in the subdivision exceeding the density limit of the applicable zoning district.
6. The requested variance shall be the least deviation from the regulations that will afford relief.