



## **Variances**

### **Application Guide & Checklist**

Economic & Community Development Department  
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#### **OVERVIEW**

A variance is limited relief from a particular requirement of the Municipal Code. The decision to approve or deny a variance is a discretionary decision made by the Planning and Zoning Commission at a public meeting. The Commission's decision to grant a variance depends on whether the application meets seven criteria. The criteria relate to whether there is some unusual aspect of a property which results in a hardship to the property owner not caused by their own actions, and whether granting the variance will harm the public's interest. Examples of variances include:

- A property is so unusually narrow that the owner cannot build a home on it without encroaching into required setbacks;
- The geologic hazards on a property are so extreme that it is necessary to construct a wall exceeding the maximum 6-foot height limit to protect existing structures on the property from possible debris flows hazards; or
- The structural aspects of an existing commercial building make it infeasible to comply with a certain design requirement during an exterior remodel of the building.

#### **VARIANCE CRITERIA**

In reviewing a variance application, the Planning and Zoning Commission must determine that all of the following exist:

1. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district;
2. The strict application of the Code standards for which a variance is sought would produce undue hardship;
3. The applicant did not create the hardship by his/her own actions;
4. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought;
5. The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden;
6. The variance request will not violate building or fire code requirements; **and**
7. The variance is the minimum variance that will afford relief of the subject standards of the Code.

### **IS A VARIANCE NECESSARY?**

Variances are intended as relief from a Municipal Code requirement in the unusual situation where compliance with the Code causes undue hardship. The hardship must relate to some unusual aspect of the property and may not be financial in nature.

We suggest that you review the applicable variance criteria to make sure that they apply to your situation prior to pursuing a variance application. You may also consider whether there are any creative design solutions that would meet your needs as well as the Municipal Code requirements. In many cases, a creative design modification will meet the Code requirement, your desires, and eliminate the need to go through the variance process. This may be a preferable alternative, depending on the details of your project. In other situations, your property conditions may be so unusual and result in such great hardship that compliance with the Code simply is not infeasible and a variance application your only relief.

### **REVIEW PROCESS**

All variances require an application and public hearing before the Planning and Zoning Commission following the process outlined below.

- 1. Pre-application Conference.** Contact one of the planners in the Community Development Department prior to submitting your variance application. We will discuss the review procedures, application requirements, application deadlines, and the City's goals, policies, and development standards as they relate to your proposed project.

At least 10 days prior to your scheduled conference, please submit one electronic copy of the following items:

- a. A completed Planning Application. The application is available [here](#), or on the City's website at [www.cogs.us](http://www.cogs.us). It is in "Forms, Permits & Applications" on the Community Development Department page.
- b. A written description of the proposed project & need for a variance.
- c. Conceptual drawings showing the location, layout, and primary elements of the proposal.
- d. Proposed uses, location of uses, and densities.

If your project involves more than one development action for the same property, your applications can be reviewed concurrently. For example, if your proposed project involves variances and Site/Architectural Plan Review or a special use permit, you could have them processed and decided concurrently. Community Development Department planners will discuss the concurrent review process and application requirements with you during your pre-application conference.

- 2. Prepare Your Application.** During the pre-application conference you will receive a checklist of information that we will need to process your request. This information