

Ft. Collins

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.

Golden

Acceptable “Hardship” Criteria

- Exceptional narrowness, shallowness, or shape of the lot
- Exceptional topographic or other conditions of the property
- Strict applications of certain regulations would result in peculiar and exceptional and undue hardship upon the owner

Relief may be granted only without substantial detriment to public good, without altering the essential character of the neighborhood, and without substantially impairing the intent and purpose of the zoning chapter or Growth Plan of the city.

Under certain conditions, relief from certain zoning regulations can be granted without demonstrating “hardship.” This process is described in [Section 18.12.030](#) (3), and mainly pertains to setback and height regulations that may be adjusted, provided that it would be without “substantial detriment to the public good.”

Ft. Morgan

Review Criteria. The applicant or proponent of any variance or appeal carries the burden of proving that the granting of the variance or appeal is justified by reasons which are substantial, serious and compelling, and must be prepared to satisfy the Board that, to the extent applicable, the following criteria are met:

- (1) Owing to exceptional circumstances, literal enforcement of the provisions of this Chapter would result in unnecessary hardship.
- (2) The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
- (3) The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
- (4) The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is requested.
- (5) The granting of the variance will not be detrimental to the public health, safety or welfare and will not alter the essential character of the neighborhood.
- (6) The applicant cannot derive a reasonable use of the property without a variance.
- (7) The variance will not be injurious to adjacent properties or improvements.