



VARIANCE REQUESTS APPLICATION PROCESS AND REQUIREMENTS

Variance Types

A variance is a zoning adjustment which permits minor changes of zone district requirements where individual properties are burdened by the strict application of the law. The power to vary is restricted and the degree of variation is limited to the *minimum* change necessary to overcome the inequality inherent in the property. A variance to the uses permitted on the property is specifically prohibited. The word “variance” means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

Major Variances: The Littleton City Code grants the power to the Board of Adjustment to authorize variances from the terms of the Zoning Ordinance as will not be contrary to the public interest. The applicant must show that, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship. Every approval of the Board of Adjustment is subject to terms and conditions fixed by the Board.

- A. When a complete initial submittal has been accepted, postcards will be mailed notifying area neighbors of the project submittal. Postcards will be mailed to all owners, renters, and leasees w/in 700' of a project site.

For minor SDPs, sketch plans, and variances, and any other project within a downtown design standard subarea, notice will only be mailed to other owners, renters, and leasees on the same block and to abutting properties, including the block face across the street.

The cost for materials and postage will be paid by the applicant and city staff will prepare and mail the postcards. The notification will include the project number, project type, project planner's name, phone number, and email address. If notification must be sent to an apartment or multi-family building, a paper notice will be posted by city staff in a public area of said building where residents can easily read the notice.

- B. The Board of Adjustment **cannot** authorize a variance unless it finds that **ALL** the following conditions exist:
1. That the variance will not authorize the operation of a use other than those uses specifically listed as primary permitted uses for the zone district in which the affected property is located;
 2. That the variance will not alter the essential character of the neighborhood or zone district in which the property is located or substantially or permanently impair the allowed use or development of adjacent property;
 3. That the variance is the minimum that will afford relief and is the least possible modification to the provision in question;
 4. That the variance will not adversely affect the public health, safety and welfare;
 5. That the hardship, if any, under which the variance is sought, was not created by

the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this Code.

- C. Each variance authorized by the Board of Adjustment shall not be personal to the applicant but shall be transferable and shall run with the land.
- D. In addition, the Board of Adjustment can consider the granting of a variance to any person who establishes his or her status as a qualified individual with a disability and who requires a reasonable accommodation from the provisions of the Zoning Ordinance when such accommodation may be necessary to afford the individual equal opportunity to use and enjoy a dwelling.

Time Limit: Any decision of the Board which requires issuance of a building permit to become effective shall automatically expire twenty-four (24) months after the date such decision is made, or after final determination of any appeal, unless actual construction has started, or property rights have been vested.

Minor Variances: The planning division shall grant minor variances to certain lot requirements for legally platted lots which meet the five conditions above and the additional criteria stated below. Such variances shall not, however, exceed twenty percent (20%) of the minimum lot requirements, established in chapter 2 of this title. Minor variances can be done administratively with a shorter timeframe and a reduced fee (see fee sheet). No public hearing or notice signs are required.

- 1. Variances granted under this provision shall be restricted to:
 - a. Minimum lot area requirements for legally platted lots which do not meet the minimum lot area required by the zone district regulations governing the area in which the lot is located;
 - b. Minimum lot width at the front setback line;
 - c. Building setbacks for primary and accessory structures;
 - d. Distribution of unobstructed open space adjacent to rights of ways in commercial and industrial zone districts; and
 - e. Percentage of lots to be retained in unobstructed open space.

Pre-Application Meeting

A pre-application meeting is required for major variances. The pre-application meeting form and information is on the City of Littleton website (www.littletongov.org). The applicant will follow the instructions stated in the pre-application form and information and submit the required materials electronically. The purpose of the meeting is to discuss with the applicant the concepts, feasibility, regulations and application requirements applicable to the proposal.

Variance Application Submittal Requirements

Variance

**The actual number of copies of the application documents will be determined at the pre-application conference.*

- Official Development Application Form, completed and signed.
- Application Fee (*See Development Review Fee Sheet*)
- Supplemental Variance Request Form.
- Attach a site plan drawn to scale on 8 ½" x 11" plain white paper: (**Not applicable to Appeals*)
 - The site plan needs to show property dimensions, street name (s), size of proposed structures and all existing structures in relation to the property lines.
 - Include any other physical features which the applicant may feel are relevant to the cause under consideration.
 - Indicate north direction on the site plan.
 - Photographs of the site are also helpful.
- Setback variances should include an Improvement Location Certificate (ILC) if possible. In some cases with encroachments, an Improvement Survey Plat (ISP) may be required.

VARIANCE REQUEST FORM

PLEASE NOTE: The following questions must be answered completely. If additional space is needed, attach extra pages to the request form. Contact the Littleton Community Development Department at (303) 795-3748 for clarification of terms or for specific zone district requirements.

I, the undersigned, do hereby request a variance from the City of Littleton Municipal Code as set forth in Section 2-3-1 and Section 10-11-2 of the Littleton Municipal Code and amended to date.

Applicant/Owner Name:	
Applicant/Owner Address:	
Subject Property Address:	
Legal Description:	
Current zoning of subject property	

PURPOSE OF THE VARIANCE (Be Specific):

What unique or exceptional characteristics of your property create a hardship for the variance?

- | | | | |
|-------------------------------------|--|--|--------------------------------------|
| <input type="checkbox"/> Shape | <input type="checkbox"/> Slope | <input type="checkbox"/> Soil | <input type="checkbox"/> Subsurface |
| <input type="checkbox"/> Elevation | <input type="checkbox"/> Too short | <input type="checkbox"/> Too narrow | <input type="checkbox"/> Too shallow |
| <input type="checkbox"/> Vegetation | <input type="checkbox"/> Buildings/Structure | <input type="checkbox"/> Other (Explain) _____ | |

SITE CHARACTERISTICS:

1. What is the current use of the property? _____ Will the variance allow a different use for the property? Yes No

If YES, explain:

2a. Will the variance alter the essential character of the neighborhood or zone district in which the property is located? *Not applicable to sign variances* Yes No

Explain:

2b. Will the variance substantially or permanently impair the allowed use or development of adjacent property? Yes No

Explain:

3a. How is the requested variance the minimum that will afford relief from the hardship? Explain why alternative solutions are not feasible:

3b. How is the requested variance the least possible modification?
Explain:

4. Will the variance affect public health, safety, or welfare? Yes No Explain:

5a. Was the hardship created by the owner, occupant, or agent of the property owner? Yes No
Explain:

5b. Was the hardship suffered as a result of a violation of any provision of this Code? Yes No
Explain:

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge and belief.

Signature of Applicant(s)

Date of Request

For Minor Variances Only

Y

I have discussed the variance request with all adjacent property owners and any other property owner affected by this variance request.

Name:	Date:	Address:
Signature		
Comments: (Please indicate approval or no comment)		

Name:	Date:	Address:
Signature		
Comments: (Please indicate approval or no comment)		

Name:	Date:	Address:
Signature		
Comments: (Please indicate approval or no comment)		

Name:	Date:	Address:
Signature		
Comments: (Please indicate approval or no comment)		

Name:	Date:	Address:
Signature		
Comments: (Please indicate approval or no comment)		