

Administrative Variance Process Guide

Clear Creek County Planning Department
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Administrative Variance Process Guide

Overview

Applications for variance requests are processed through the County Planning Department as they pertain to specific zoning regulations of *Clear Creek County*. Variance requests identified in this process guide are decided by the Planning Manager who has the authority to approve or deny certain variance requests.

Purpose of Variances

The purpose of a zoning variance is to grant a landowner relief from certain standards in the Clear Creek County Zoning Regulations where, due to exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the property owner.

The Planning Manager has the authority to grant or deny the following variance requests:

- **Acknowledgement of an existing setback encroachment at least 5 years old**
 - *This can be done for structures constructed with a building permit. If no permit had been issued, this variance will require a Board of Adjustment review.*
- **Request an increase in footprint density on commercially zoned parcels**
 - *The planning manager can authorize the footprint of commercial structures which will cover between 20% and 25% of the parcel.*
 - *This applies to only the following zoning designations: Commercial – Retail/Office (C-RO); Commercial – Tourism/Recreation (-TR); Commercial – Outdoor/Recreation (C-RO); Commercial – Light Manufacturing (C-LM); Commercial – Light Use (C-1)*
- **Request an increase in height for fences and walls**
 - *This will require a written statement from the Colorado Parks & Wildlife Agency stating that the variance will create no significant, unmitigated adverse impacts to wildlife.*
- **Request to vary from the parking requirements**
- **Unique proposal for parking**
 - *This can be applied for in the following instances:*
 - *Unique Development: when the Parking Index does not include the type of use proposed*
 - *Shared Parking*
 - *Satellite Parking: if the number of off-street parking spaces required by the Parking Index cannot reasonably be met on the same parcel as the principle use associated with said Parking requirements.*
 - *Applications for unique parking proposals shall include the following additional materials:*
 - 1) *Detailed explanation and supporting data demonstrating that the Parking Index requirement is inappropriate for the needs of the development.*
 - 2) *A traffic and off-street parking plan, prepared by a transportation engineer/planner who is a member of the Institute of Transportation Engineers.*

Granting a Variance

The Planning Manager will examine the following criteria in relation to the parcel(s) when determining whether or not to grant a variance:

- Is there:
 - Exceptional narrowness, shallowness, or shape to the property which creates an exceptional practical difficulty or exceptional and undue hardship upon the owner (e.g. – odd-shaped corner lots which limits feasible building sites); or
 - Exceptional topographical conditions of the property which creates an exceptional practical difficulty or exceptional and undue hardship upon the owner (e.g. – the parcel contains large rock outcroppings or steep slopes); or
 - Other extraordinary and exceptional situations or conditions of the property which create an exceptional practical difficulty or exceptional an undue hardship upon owner (e.g. – dedicated right-of-way or easement reduces size the size of property considerably)

Only one of the above needs to be met.

- Can the variance be granted without detriment to the public good?
- Can the variance be granted without substantially impairing the intent & purpose of the zoning regulations?
- Can it be determined that the owner/applicant did not create this hardship and that it is not self-imposed? (A variance cannot be granted for a self-imposed hardship.)
- Is the variance being requested for personal convenience, profit, or special privilege? (e.g. – requesting a use that would not otherwise be allowed by the zoning regulations.)
- Is the variance being requested for reasons other than the economic hardship of complying with the zoning regulations?
- Does the parcel comply with all other zoning regulations?

Process

1. **Pre-application Conference:** prior to submittal of any variance application, the applicant(s) shall meet with the Planning Department to determine whether the request meets the criteria for a variance and to explain the procedure and submittal requirements.
2. **Application Submittal:** The applicant shall provide the Planning Department with a complete application that meets the submittal requirements.
3. **Staff Review:** The application shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any missing or incomplete documentation. An incomplete application will not be processed.
4. **Public Notice:** The applicant shall pick up public notice signs from the Planning Department. The applicant shall post and maintain signs on the parcel(s) under consideration a minimum of fifteen (15) calendar days prior to the Planning Manager's decision. The signs shall be placed within ten (10) feet of the property line and visible from the right-of-way, and shall be maintained until the Planning Manager makes a decision.
5. **Site Visit:** The Planning Department shall conduct a site visit to determine any additional submittal requirements needed and will notify the applicant. The applicant is strongly encouraged to be present during the site visit.
6. **Adjacent Property Owners & Referral Agencies:** The Planning Department will notify property owners whose boundaries are within 100 feet of the subject parcel and any referral agencies that may be affected by the proposed variance. The applicable agencies shall be determined per case and based upon the property development considerations.
7. **Comment Period:** Adjacent property owners and referral agencies shall be given ten (10) calendar days prior to the Planning Manager's decision to comment.
8. **Final Decision:** Upon tentative approval of an administrative variance by the Planning Manager, the Planning Department will notify the applicant of any modifications or requirements needed to finalize the approval. If there are none, or upon satisfying those conditions, the Planning Manager will issue a written decision, and the fully executed decision and attachments, if applicable, shall be filed with the County Clerk and Recorder's Office. The final decision shall clearly identify findings of fact in support of the variance and confirming that all applicable criteria have been met.
9. **Appeals:** Appeals of the Planning Manager's decision may be filed by any affected party and must be submitted in writing to the Planning Department within thirty (30) calendar days following the Planning Manager's final decision. Appeals shall be heard by the BOA as original cases, as if they had not been considered in the administrative process, in accordance with the standards and procedures set forth in this Section 13. Regular variance fees shall apply.
10. **SVF/BEC:** All building permit applications are required to complete a Surveyor Setback Verification Form and / or a Building Envelope Compliance Form, prepared by a licensed Colorado surveyor, which shows that all structures are in conformance with the variance that was granted by the BOA, and / or that shows structures are located within the existing building envelope. **Note: For existing setback encroachments, the SVF/BEC will be required to be submitted before staff can consider the application complete.**

Submittal Requirements

1. Prior to accepting a completed application, the Planning Department shall require written approval from the following agencies, if applicable:
 - Environmental Health Department: to ensure that the request will comply with all current On-Site Wastewater Treatment System (OWTS) regulations. This is only required if there is an OWTS system on site or if one could be installed on the property in the future.
 - Road & Bridge: to determine if the request will have an adverse impact on County roads and if any mitigation will be required. This is only required if the requested variance will impact setbacks from a County road.
2. Application form as provided by the Planning Department.
3. A narrative, possibly including supplemental materials, which explains in detail how all of the criteria listed above - in the ***Granting a Variance*** section - are met.
4. The appropriate fee, as established by the BOCC.
5. Deeds or other proof of ownership for the subject property(s). A Deed of Trust is not proof of ownership.
6. A notarized letter of authority from the landowner permitting a representative to process the application, if the applicant is other than the owner(s) of record. The original shall be submitted.
7. Scaled Site Plan – the drawing shall, at a minimum, depict the following:
 - (i) Scale and north arrow designated at true north.
 - (ii) All existing structures, roads, driveways, easements, rights-of-way, streams, utilities, wells, leach field, and other features.
 - (iii) All proposed structures, roads, driveways, and other features.
 - (iv) Boundaries of the property on which the variance is proposed.
 - (v) Delineate all applicable setbacks. For any setback affected by an approved variance, a surveyor setback verification form will be required for existing structures. For proposed structures, a surveyor setback verification form may be required as part of the building permit process.

An application will not be accepted unless all of the above materials have been submitted.

WARNING!

The following pages are form fill pages.
Not all browsers submit the following pages properly.
DO NOT USE GOOGLE CHROME
At this time, Google Chrome will not work with form fill.
Please choose another browser to complete your
application.
As always, save a copy for your files and call to verify
that your form submitted properly.

**DO NOT ASSUME THAT WE HAVE
RECEIVED YOUR APPLICATION.**

If you are attempting to make payment please wait for someone at Clear Creek
County to call you to collect payment. **DO NOT SUBMIT YOUR FORMS WITH
ANY CREDIT CARD INFORMATION.**

Checks made out to Clear Creek County can be sent to the following address:

Clear Creek County
Land Use Department
PO Box 2000
Georgetown, CO 80444
Phone: 303-679-2436 Fax: 303-569-1103
planning@co.clear-creek.co.us

Please call with any questions or to verify that your permit has submitted
successfully!

ADMINISTRATIVE VARIANCE APPLICATION

CLEAR CREEK COUNTY PLANNING DEPARTMENT

P.O. Box 2000
Georgetown, CO 80444
303-679-2436

Application Fee: \$200.00

APPLICANT(S) _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

HOME PHONE _____ WORK PHONE _____

EMAIL ADDRESS _____

PROPERTY OWNER (if other than applicant) _____

PARCEL #: _____ PHYSICAL ADDRESS: _____

CURRENT ZONING: _____ PARCEL SIZE: _____

WATER SUPPLY SOURCE: _____ SEWAGE TREATMENT METHOD: _____

PLEASE INDICATE THE VARIANCE(S) YOU ARE APPLYING FOR:

- Request for acknowledgement of existing setback encroachment (SVF needed at submittal)
- Request to increase in footprint density on commercially zoned parcels
- Request to exceed height restriction for fence(s) and/or wall(s)
- Request to vary from the Parking Requirements
- Unique proposal for parking

I (we) do hereby certify that the information contained in or presented in connection with this application is true and accurate to the best of my (our) knowledge and belief. I (we) do hereby further agree to abide by the agreements, conditions and stipulations that are a part of this request. I (we) are aware that the applicant remains bound by all county regulations and state laws not specifically waived by this variance, if successful. I (we) am further aware that any false statement of fact made by the applicant in connection with this application, intentional or not, may cause any variance granted hereunder to be declared null and void, by action of the Board of Adjustment.

I (we) understand that the Planning Department staff will need to go onto my (our) property in order to process this request.

APPLICANT(S) _____ DATE: _____

OWNER(S) _____ DATE: _____