



## **Variances**

### **Application Guide & Checklist**

Economic & Community Development Department  
101 W. 8<sup>th</sup> Street  
Glenwood Springs, CO 81601  
(970) 384-6411

#### **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

constitutes your application and may include any, or all the information found on page 7 of this guide.

Please be aware that city staff and the Planning and Zoning Commission will evaluate your application based on how well it demonstrates compliance with the Municipal Code, and the City's goals, policies, and plans, as well as the Engineering Standards. You may review the Municipal Code on the City's website at [www.cogs.us](http://www.cogs.us). The Engineering Standards are located [here](#), or on the Engineering home page. Other approved plans also can be found on the City's website under the individual department pages. Community Development staff will help guide you to plans and policies that may be applicable to your project.

- 3. Submit Your Application.** Submit an electronic copy of your completed application to the Community Development Department at least 8 weeks prior to the date that you want your item heard before the Planning and Zoning Commission. Within 5 business days of your submission, Community Development Department staff will review your application to determine whether it is complete. If it is incomplete, we will contact you with a list of the information needed to complete your application. You are encouraged to submit your application well in advance of the deadline to allow you time to supply any missing information. Submissions of missing information after the deadline will result in your application being delayed to a future Planning and Zoning Commission agenda.
- 4. Provide Additional Copies.** After Community Development Department staff deems your application complete, you may be asked to supply paper copies for distribution to the City's reviewing departments and outside agencies. The number of copies can vary depending upon the scope of your application but usually we will ask for one complete electronic set of your materials and one or two paper sets. The paper format of your submission may vary. If your application includes any full-sized plan sheets, we may request submission on 11" x 17" or 24" x 36" size paper.
- 5. Complete Public Notices.** Your application requires that you formally notify the public of the time, date, and purpose of your hearing before the Planning and Zoning Commission. You are required to post your property with a placard, submit a legal notice for publication in the local newspaper, and mail your notice to property owners within 300 feet of the outside boundary of your proposed development parcel. Staff will review these requirements and will provide you with a packet of information that includes the deadlines for completing each form of public notice. This is a time-sensitive process. Deficient public noticing may delay your hearing.
- 6. Agency Referral and Review.** During the 8-week period between your application submittal and your hearing, Staff will distribute copies of your application to our "reviewing agencies" which consists of various City departments, City boards and commissions, and outside agencies such as the Colorado Department of Transportation, and gas and telephone companies. Community Development Department staff relies on these agencies to review your application and comment on any issues or concerns that they may have relating to your project. You will receive copies of agency comments and will have an opportunity to

respond, if need be. In some instances, agency comments may cause you to redesign your project. Staff will include these comments in the packet of information that is distributed to the Planning and Zoning Commission and to City Council.

- 7. City Department/Applicant Development Review Committee Meeting.** Generally, three weeks prior to your public hearing you will meet with City Departments, and planning staff to review and discuss their preliminary comments about your project. Following this meeting, you may be required to revise your plans to respond to specific requests or suggestions made by staff. If significant, substantive changes are necessary you will be required to submit a new application in which case your hearing will be postponed
- 8. Staff Review & Report.** Toward the end of the 8-week review of your application, Community Development Department staff will prepare a report for the Planning and Zoning Commission meeting that analyzes how your project meets the Municipal Code, the City's goals, policies, plans, standards and any other pertinent information. The report will include a staff recommendation of approval, denial, or continuance of your application. If staff recommends approval, there also may be a list of recommended conditions. Staff will complete the report no later than the Friday afternoon prior to the hearing. You will receive a copy, usually via email. Make sure that you read the report and review the listed conditions, if there are any. Staff also will distribute the report, a complete copy of your application, and agency comments to the Planning and Zoning Commission for its review.
- 9. Requesting a Continuance.** If, after reading the staff report, you wish to continue your application to the next month's Planning and Zoning Commission meeting to correct deficiencies or clear up issues in the application, you will need to submit a letter to Community Development Department staff requesting continuance of your hearing. If you do this, you will not need to appear at the meeting or redo your public noticing, and no comments will be made by the City or public regarding your application at the hearing.
- 10. Planning and Zoning Commission Hearing.** Staff will provide you with a copy of the meeting agenda no later than the Friday before your hearing. Applications are scheduled on the agenda based on the order in which they are received. You or your representative are required to attend your public hearing.
- 11. Post-approval.** Following your hearing you will receive a Notice of Decision summarizing the Commission's action on your variance application. If the Commission approved your variance, the Notice will list the conditions of approval. Some conditions may need to be addressed before you begin your project or upon completion.

If your application was denied, you may appeal to City Council. You must do so within 7 days of your Planning and Zoning Commission hearing. If you are interested in filing an appeal, review the requirements in Municipal Code section 070.060.070(c) and contact planning staff.

**12. Post-approval Plan Modifications.** Please make sure that your plans reflect how you intend to develop your property. After your application has been approved, if you want to make significant changes you may be required to formally amend your application which involves additional hearings before the Planning & Zoning Commission and City Council (if applicable), and additional fees.

**13. Site/Architectural & Construction Plan Review.** If your project involves construction activity you may be required to submit conceptual and detailed site, civil and architectural plans for review. The review process varies depending upon the type and size of your project. Community Development Department staff will review these procedures during the pre-application conference.

**14. Pre- and Post-construction.** You will be required to obtain the proper permits before you begin any grading, excavation, or construction activities. After construction and before the Building Department can issue your Certificate of Occupancy or Certificate of Completion, Community Development, Public Works, Engineering, Fire and other City departments as needed, will inspect your development to insure consistency with your project approvals. If applicable to your project, you may also be required to provide a set of “as-built” plans and profiles of all water mains, sanitary sewers and storm sewers, and a survey map of all utility easements. Community Development Department staff will provide you with additional information about all permitting requirements and post construction procedures.

#### **PUBLIC MEETING PROCEDURES**

The public hearing format is as follows:

1. Staff Presentation. Staff will provide the Commission with a summary of your project and an analysis of how it meets or differs from the Municipal Code and other city plans and standards.
2. Questions of staff by the Planning and Zoning Commission.
3. Applicant Presentation. This is your opportunity to present any additional information about your project to the Commission. You can mention points where you disagree with staff, present anything important that you felt that planning staff left out, present any new information that you have, or present any other information directly pertinent to the application. Out of respect for the Commission and other applicants, please keep presentations very brief. If you have no additional important information to add to staff's presentation, you may state this.
4. Questions of the applicant by the Commission.
5. Public Comment. The Commission Chair will open the meeting to public comment.
6. Applicant response to public comment. After hearing from all members of the public, the Chair will close the public portion of the meeting and allow you the opportunity to refute or address any statements provided. At this time, the Commission may also ask Staff for clarification of any points of fact.

7. Motion for action on the application, discussion among the Commissioners, and a decision.

**Display of documents at the meeting.** You may use the Council Chambers computer to display any documents or to provide the Commission with a prepared presentation. We recommend that you bring your materials on a flash drive.



## VARIANCE APPLICATION CHECKLIST

*For office use:*

Pre-application Meeting Date: \_\_\_\_\_ Planning File #: \_\_\_\_\_

Applicant: \_\_\_\_\_ Lead Planner: \_\_\_\_\_

During or shortly following your pre-application meeting, you will receive this checklist noting all of the materials that the City will need to process your variance application. This information constitutes your application. Failure to provide the required materials on or before the application deadline will delay your application.

<b>Materials to be Provided by Applicant</b>								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
1	<b>Planning Application</b> – completed in full and signed by applicant and all property owners of record				√			
2	<b>Ownership</b> - provide proof of ownership such as Deed of Trust, Warranty Deed or Quit Claim Deed. Title commitment will not suffice				√			
3	<b>Public Noticing</b> – signed and notarized affidavit proof of public notice including mineral estate owner notification, as required					Refer to Public Noticing Packet		
5	<b>Project Description</b> – narrative describing the project and addressing how the application meets the variance approval criteria in 070.060.070(a)- see page 9 of this guide.				√			
6	<b>Site Improvement Survey</b>				√			

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
7	<b>Complete Plan Set including:</b>				√			
	Cover Sheet							
	Site Plan							
	Preliminary Grading Plan							
	Preliminary Utility Plan							
	Conceptual Architectural Plans							
	Preliminary Landscape Plan							
	Sample materials board Lighting Plan							
8	<b>Engineering Reports including:</b>				√			
	Preliminary Traffic Impact Analysis or Letter – the level of documentation required depends on the location of the property and the type of development proposed							
	Preliminary Soils & Geotechnical Report							
	Drainage Letter or Study – level of information required depends on the project location, size and type of development. Refer to Engineering Standards							
9	<b>Fee</b>	\$ _____				Cash, check or credit card. Check payable to the City of Glenwood Springs		
10	<b>Other Materials</b> (list other materials that will be required)							



## Variance Criteria

### Instructions

1. Complete this questionnaire after you have had your pre-application conference. Once completed, submit this questionnaire along with the other items on the checklist. Complete one questionnaire for each variance you are requesting. Use a separate sheet if necessary.
2. It is important to remember that the decision to approve or deny a variance is a discretionary action based on how well you meet all the variance criteria. This is your opportunity to describe in detail the reason why you need to deviate from the Municipal Code. If you are unable to provide justification of how your application meets each of the criteria below, you may want to consider whether a variance is truly warranted.

### Variance type

**Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.**

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### Variance Criteria

1. **Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.** \_\_\_\_\_

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2. **Explain how the strict application of the Code standards for the variance you are seeking produces undue hardship.** \_\_\_\_\_

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3. Explain how you did not create the hardship by your own actions. \_\_\_\_\_

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4. Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question. \_\_\_\_\_

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5. Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden. \_\_\_\_\_

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6. Explain how the variance request will not violate building or fire code requirements.

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7. Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code. \_\_\_\_\_

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**Complete Plan Set: Cover Sheet**

The cover sheet must include the information listed below to be considered complete. During the Pre-application Meeting, City Staff may request additional items.

<b>General Plan Items (to be included on all sheets)</b>				
Applicant			City Staff	
Yes	N/A		Yes	N/A
		<b><u>Formatting Requirements:</u></b>		
		All drawings shall be submitted in both hard copy and electronic (PDF) formats.		
		Sheet sizes shall be a minimum of 11" x 17" and a maximum of 24" x 36" with a ½" border in landscape orientation.		
		Symbols and line types shall comply with industry drafting standards and shall graphically distinguish between existing and proposed items.		
		Text shall be no less than 0.1 inch in height.		
		Property boundary lines of the subject property shall be depicted with a bold "phantom" linetype.		
		Utilize match lines to connect information from drawings.		
		<b><u>General Information to be included on all civil sheets:</u></b>		
		Name of subdivision or address; section, township, range; city, county and state.		
		Page number (i.e. 1 of x, 2 of x, etc.)		
		Title block.		
		North arrow and indication of standardized scale, both fractional and bar (i.e. 1" = 20' or 1" = 40')		
		Date of preparation.		
		Contact information for professional preparing plans including email address.		
		Name, address, email, and telephone number of owner and applicant.		

<b>Cover Sheet</b>				
Applicant			City Staff	
Yes	N/A		Yes	N/A
		Vicinity map.		
		Basis of bearings & benchmarks.		
		FEMA floodplain statement including community map number and date. Indicate whether the site is located within a designated floodplain.		
		Geologic hazards disclosure. "This property is subject to geologic hazards per the adopted mapping by the City of Glenwood Springs. Hazards to note are _____. A final Geologic Hazard Report will be submitted upon application of a building permit.		
		If property is located within an airport overlay zone, the following note must be included		

	on the cover sheet: “The avigation easement dedicated herein for public avigation purposes, shall be considered a public easement subject to those terms and conditions specified on the instrument recorded at _____ of the records of Garfield County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.”		
	Index for all sheets included in submittal set.		
	<b>Public Facilities</b> – A note shall be placed on the site plan that makes reference to the public facility requirements for the installation and construction and/or contributions.		
	<b>Project Summary Table</b> – Use the table format below to provide data about the proposed project. Make sure to complete all applicable cells.		

### Project Summary Table

Project Description					
<b>Lot Size Information</b>	Acres	Square feet	<b>Lot Coverage</b>	Existing (Sq Ft & %)	Proposed (Sq. Ft. & %)
<b>Limits of Disturbance</b>	Existing (Sq & %)	Proposed (Sq. Ft. & %)	<b>Average Slope within Limits of Disturbance</b>	Percentage %	
<b>Off-street Parking Spaces</b>	Existing # Vehicle Spaces	Proposed # Vehicle Spaces	<b>Bicycle Parking</b>	Existing # Spaces	Proposed # Spaces
<b>Residential Units</b>	# Existing Units	# Proposed Units	<b>Non-residential Uses</b>	Type of Use(s)	Gross Floor Area (Sq. Ft.)
<b>Open Space</b>	Existing (Sq ft & %)	Proposed (Sq Ft & %)	<b>Total Landscaped area</b>	Existing (Sq Ft & %)	Proposed (Sq Ft & %)
<b>Building Height</b>	Existing	Proposed	<b>Total Impervious Area</b>	Existing (Sq Ft & %)	Proposed (Sq Ft & %)
<b>Snow Storage</b>	Required (sq ft)	Proposed (sq ft)	<b>Other</b>		



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### Complete Plan Set: Site Plan

The Site Plan must include the information listed below to be considered complete. During the Pre-application Meeting, City Staff may request additional items.

<b>Site Plan</b>				
Applicant			City Staff	
Yes	N/A		Yes	N/A
		Depict existing and proposed improvements including, without limitation, all of the following: grading; circulation systems (sidewalks, trails, roadways); parking areas & driveway locations; floodways and floodplains; street lights; curbs & gutters; traffic signal poles and controllers; fire hydrant locations; pavement edges; open space; and landscaping.		
		Depict existing and proposed utilities (gas, electric, cable, fiber optics, raw water, water, sewer) and include sizing. Note: Depending on the amount of detail on the site plan, the utilities may be shown on a separate plan sheet.		
		Depict existing and proposed buildings and structures. Label uses and square footages.		
		Depict existing and proposed circulation systems (sidewalks, trails, roadways, driveways, curb cuts, parking areas). Include widths and surface material information. Provide parking count, space dimensions, and identify all ADA parking spaces. Include curb return radii; ADA ramp locations; horizontal curve data; full width of right of way; intersecting roadways; street cross sections; and other relevant features along all roadways abutting the proposed development. Show bicycle parking location and quantity. Indicate all loading and vehicular stacking areas, as applicable.		
		Depict existing and proposed drainage facilities including inlets, manholes, and stormwater outfalls. Include directional drainage flow arrows.		
		Label all existing and proposed easements. Provide width and purpose of easement (utility, access, etc.)		
		Indicate required setbacks.		
		Indicate high water setback for developments bordering the Roaring Fork or Colorado rivers.		
		Depict sight triangles for all access points.		
		Depict type, material, height for all fences and retaining walls. Label top and bottom of all retaining walls.		
		Depict trash enclosure locations. Provide enclosure material and height details.		
		Label accessible route from the public right of way or primary access to the proposed building public entrance. Label distance from closest property line to the building.		
		Label snow storage areas.		



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**Complete Plan Set: Grading Plan**

The Grading Plan must include the information listed below to be considered complete. Refer to the Engineering Standards for additional requirements. During the Pre-application Meeting, City Staff may request additional items.

<b>Grading Plan</b>				
Applicant			City Staff	
Yes	N/A		Yes	N/A
		Depict existing and proposed contours.		
		Include limits of disturbance.		
		Provide flow directions with arrows.		
		Include cut and fill slopes. Cut and fill slopes shall not exceed 2:1 unless otherwise specified by the geotechnical report.		
		Depict top and bottom of wall information for all retaining walls.		
		Provide finished floor elevations.		
		Provide and label all drainage easements for public storm drainage facilities located on private property.		



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**Complete Plan Set: Preliminary Architectural Plans**

The Preliminary Architectural Plan must include the information listed below to be considered complete. During the Pre-application Meeting, City Staff may request additional items.

<b>Preliminary Architectural Plan</b>																						
Applicant			City Staff																			
Yes	N/A		Yes	N/A																		
		Provide conceptual site plan depicting location of building, parking areas, access/driveways, building entrances, easements, setbacks and all site improvements including but not exclusive of trash/dumpsters, bicycle parking facilities, landscaped areas, and retaining walls/fences. Site plan shall include contours with elevations noted. Show and label limits of site disturbance.																				
		Provide conceptual building elevations for all sides of the building(s), accessory structures such as but not exclusive of garages and trash enclosures. Note type of construction; label and note location and type of exterior finishes; depict and label windows and exterior doors; identify exterior lighting; depict and label rooftop mechanical units. Note building height as measured from existing grade to the midpoint of the roof. Grade shall be based on USGS elevations.																				
		For each elevation, provide a chart which describes the type of materials and percentage of total surface area in square feet. Example shown below: <table border="1" style="margin: 10px auto;"> <thead> <tr> <th colspan="3"><b>West Elevation</b></th> </tr> <tr> <th></th> <th><b>Surface Area</b></th> <th><b>Percentage of Net*</b></th> </tr> </thead> <tbody> <tr> <td>Gross of wall</td> <td>2,850 s.f.</td> <td>NA</td> </tr> <tr> <td>Net* EIFS</td> <td>1,500 s.f.</td> <td>53%</td> </tr> <tr> <td>Net*Concrete Masonry Unit</td> <td>1,065 s.f.</td> <td>37%</td> </tr> <tr> <td>Net* glazing</td> <td>285 s.f.</td> <td>10%</td> </tr> </tbody> </table> <p>*Net excludes roof forms, awnings and similar features. Includes glazed windows and doors.</p>	<b>West Elevation</b>				<b>Surface Area</b>	<b>Percentage of Net*</b>	Gross of wall	2,850 s.f.	NA	Net* EIFS	1,500 s.f.	53%	Net*Concrete Masonry Unit	1,065 s.f.	37%	Net* glazing	285 s.f.	10%		
<b>West Elevation</b>																						
	<b>Surface Area</b>	<b>Percentage of Net*</b>																				
Gross of wall	2,850 s.f.	NA																				
Net* EIFS	1,500 s.f.	53%																				
Net*Concrete Masonry Unit	1,065 s.f.	37%																				
Net* glazing	285 s.f.	10%																				
		If project will be completed in multiple phases, provide phasing plan.																				
		The following note shall be included on each sheet of the architectural elevations: "These elevations are conceptual in nature. Individual building elevations may vary but will be evaluated for compliance with design standards contained within Title 070 of the Glenwood Springs Municipal Code at the time of submitting a building permit application."																				



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**Complete Plan Set: Preliminary Landscaping Plan**

The Preliminary Landscaping Plan must include the information listed below to be considered complete. During the Pre-application Meeting, City Staff may request additional items.

<b>Preliminary Landscaping Plan</b>				
Applicant			City Staff	
Yes	N/A		Yes	N/A
		Depict existing and proposed topography, existing physical features including geological formations, watercourses and water bodies; existing streets, trails, sidewalks, parking areas, and other circulation areas; existing and proposed utility easements; electric transformers and mechanical units; existing and proposed buildings and structures; existing and proposed trash collection areas; existing and proposed light poles; and existing and proposed retaining walls and fencing noting top and bottom of wall/fence elevations.		
		Show and label all parking areas and parking spaces. Depict parking landscape areas. Note dimensions of landscape areas such as width of parking lot landscape islands, planting strips, landscaped setback areas.		
		Show and label limits of disturbance.		
		Identify all existing trees and shrubs intended for preservation. Provide caliper sizes for all existing trees to remain.		
		Provide locations for all proposed landscaping. Utilize different graphic symbols to represent the different general types of plantings: trees, shrubs, grasses, perennials.		
		Depict and label sight triangles at all street and driveway/street intersections.		
		Include a chart identifying the total amount of landscape and hardscape areas expressed in square feet and as a percentage of the total lot area. For parking areas, note square footage of landscaped area and as a percentage of the parking area; include total number of required and provided trees, shrubs, and perennials.		