



Variance Procedure

Chapter 18 of the City of Greeley’s Municipal Code sets out the development standards for physical construction of property. Chapter 18 is commonly known as the “Development Code.” Specifically, the Development Code sets certain minimum standards for the location, size and height of structures on a property. Where exceptional circumstances exist, a *variance* or deviation from these standards may be granted. Minor variances can be granted by staff; standard variances must be considered by the Zoning Board of Appeals (ZBA), which is a seven-member board, appointed by the City Council. (See also Chapter 18.22 of the Development code for additional information.)

FEES:

\$150 (Minor Variance)
\$300 (Major Variance)

TIMELINE:

2-3 weeks per review cycle*

*Typical development review process takes 3-4 months

A variance request may be considered for the following development standards:

1. Except as may relate to oil and gas operations, modification of the following dimensional standards for individual properties:
 - a. distance between structures;
 - b. lot area;
 - c. lot coverage;
 - d. setbacks;
 - e. building or structure height;
 - f. size of accessory buildings
2. Signage variances as described in Chapter 18.54 (Signs) of the Development Code
3. Flood plain variances, upon appeal

Section 18.22.040 of the Development Code states the following with regard to *standard variances*:

F. In taking action on a variance request, the Zoning Board of Appeals shall consider any comments received from the public and the applicant and the staff recommendation. Every piece of land is unique, so evidence that a variance was previously granted under similar circumstances shall not be considered binding grounds for granting a variance. The Board shall also consider if the proposed variance meets the following criteria in taking action to approve, approve with conditions, deny, or table the application for future consideration:

1. Any variance granted shall be the minimum needed to accommodate or alleviate the difficulty or hardship involved.
2. A variance is necessary to accommodate an unusual or atypical lot configuration which makes a reasonable use of the property unreasonable without a variance.
3. Any difficulty or hardship constituting the basis for a variance shall not be created by the party seeking the variance, nor shall it be due to or a result of the general conditions in the area.
4. Granting the variance is necessary so that the building or structure can align with the prevailing location of other similar buildings or structures on the same block face.
5. Granting the variance is consistent with the Comprehensive Plan and area or neighborhood plans, or may achieve a better result in meeting the intent of the plan objectives than if the codes were strictly applied.

G. In every instance where the Board grants a variance, there shall be a finding that:

1. The granting of such variance will not be of substantial detriment to the public interest or to adjacent property or improvements in such district in which the variance is sought, and will observe the spirit of the Code; **AND**
2. The strict application of the provisions of the Code would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Code; **OR**
3. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district.

Section 18.22.050 of the Development Code states the following with regard to *Minor Variances*:

Using the same criteria as listed under “F (1-5) and G (1-3)” as outlined above, the Community Development Director may grant minor variances from the requirements of this Code, provided that the amount of variation to the required standards shall be limited as noted for the following items:

1. Distance between structures – One foot **or** 10% reduction in any one direction, whichever is less.
2. Lot area – Maximum of 5% reduction in total maximum lot area required. For example, a minimum required lot area of 6,000 square feet may be reduced by a maximum of 5%, making the lot area 5,700 square feet.

3. Lot coverage – Maximum of 10% increase in total maximum area of coverage. For example, if a lot has a maximum coverage limit of 80%, the increase by 10% in coverage would result in a maximum permitted coverage of 88% for the lot.
4. Setbacks – One foot **or** 10% reduction in distance for any one (1) required setback, whichever is less.
5. Building height – One foot **or** 10% increase in height, whichever is less.
6. Flood plain variances, if mitigation measures are met.
7. Variances to correct or clear title to real estate, where the condition which would necessitate a variance has existed prior to the adoption of this Code and which condition was legally established.

The Community Development Department, Division of Planning, is responsible for processing variance requests. The Building Inspection Division staff will also be consulted to evaluate if other site design options are available to avoid the need for a variance. Assistance and consultation are available from the following offices:

City of Greeley
Building Inspection Division
1100 10th Street, Suite 102
Greeley, CO 80631
970.350.9830

City of Greeley
Planning Division
1100 10th Street, Suite 202
Greeley, CO 80631
970.350.9780

City of Greeley
Public Works Department
1001 9th Avenue
Greeley, CO 80631
970.350.9794

City of Greeley
Water & Sewer Department
1100 10th Street, 3rd Floor
Greeley, CO 80631
970.350.9810

Xcel Energy
1500 6th Avenue
Greeley, CO 80631
970.395.1207

CenturyLink
12680 Weld County Road 58
Greeley, CO 80634
970.350.2941

Atmos Energy
1200 11th Avenue
Greeley, CO 80631
970.304.2075

Comcast Cable
3737 W. 10th Street
Greeley, CO 80631

The ZBA meets the 2nd and 4th Tuesday of each month at 1:15 p.m. immediately following the Planning Commission meeting, in the City Council Chambers, 919 7th Street.

Staff will process variance requests as follows:

Application received: Completeness verified			
			
NO	YES		
Held until all information is submitted	Step One: ◦ Refers request to city staff (Administrative Review Team) for comment. ◦ Once application has been reviewed and all outstanding issues have been addressed, move to Step Two.		
	Step Two: ◦ Staff schedules request for ZBA. ◦ Staff sends notice to neighbors. ◦ Staff publishes notice in paper. ◦ Staff posts notice sign on property. ◦ Staff prepares packet for ZBA.		
	Step Three: ◦ Agendas mailed to ZBA & Applicant (1 week prior to meeting)		
	Step Four: ◦ ZBA conducts public hearing to consider request.		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; vertical-align: top;"> Denies Request Applicant may request hearing before City Council to appeal ZBA decision. </td> <td style="text-align: center; vertical-align: top;"> Approves Request Staff prepares a variance approval document. Applicant may proceed with construction. </td> </tr> </table>	Denies Request Applicant may request hearing before City Council to appeal ZBA decision.	Approves Request Staff prepares a variance approval document. Applicant may proceed with construction.
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Minor variances require a complete application to be submitted. The application is reviewed by relevant city departments and a decision is rendered typically within 14-28 days. An appeal of a staff decision proceeds to the ZBA as described above. See Chapter 18.24 of the Development Code for additional information.

City of Greeley

Development Code Variance Application

PART A TO BE COMPLETED BY APPLICANT (please print or type)

Property Address for Variance Request: _____

Legal Description (lot, block, subdivision): _____

Property Owner: _____

Address: _____

Phone: _____

Owner's Representative (if applicable): _____

Address: _____

Phone: _____

Zoning Designation of the Property (check one):

_____ R-L	_____ C-L	_____ I-L	_____ CD
_____ R-E	_____ C-H	_____ I-M	_____ HA
_____ R-M	_____ R-H	_____ R-MH	

Variance Request (check where applicable):

CODE AREA

DESCRIBE VARIANCE FROM STANDARD REQUESTED (e.g., wish to reduce front yard setback from 25' to 20') (Attach additional pages if necessary.)

_____ Distance between structures _____

_____ Lot area _____

_____ Lot coverage _____

_____ Setbacks _____

_____ Buildings or structure height _____

_____ Size of accessory buildings _____

_____ Signage _____

_____ Flood plain _____

PART B TO BE COMPLETED BY STAFF

<u>Date</u>	<u>Activity</u>	<u>Initial</u>
_____	Complete application received	_____
_____	Fee received	_____
_____	ART review	_____
_____	Hearing scheduled	_____
_____	Neighborhood notice sent	_____
_____	Notice published (Greeley Tribune)	_____
_____	Property posted	_____
_____	Hearing date	_____

ZBA Action

_____ Request approved
_____ Request denied
_____ Request approved as modified: _____

Staff Action

_____ Request approved
_____ Request denied
_____ Request approved as modified: _____

If denied, was denial appealed in accordance with Code provisions? _____

If appealed, action taken: _____

Other notes: _____

City Contact Information

Every project is assigned to a planner and an engineer, who will contact you after the project has been assigned. If you have general questions in the meantime, please contact the Administrative Assistant at 970-350-9780 who will connect you to the appropriate person.



Land Use Application

1

Please print or type all required information. This form is **NOT** the complete submittal. The application fee and all associated materials are to be provided with this form. Staff will review the submittal and advise you of its completeness for processing.

2

Project Name:

Land Use Request:

Address/Location:

	Existing		Proposed (if different)	
Zoning				
Site Use				
Site Area	Acres:	Sq. Ft.:	Acres:	Sq. Ft.:

3

Owner

Submittal Contact (if different)

Name			
Business			
Address			
Phone #			
Fax #			
E-Mail			

4

This application must be signed by ALL owner(s) of record or the authorized officer, if a corporation; current proof of ownership, such as a warranty deed, is to be submitted with this application. A letter of authorization should be submitted if the authorized representative will be acting on the owner's behalf.

I/We, the owner(s), depose and state under penalties of perjury that the application and support materials provided to the City of Greeley for the identified request(s) are true and accurate. I/We am/are fully aware of all requests being made to the City of Greeley and authorize individuals or firms to represent our interest in this/these request(s).

Name:	Name:
Signature:	Signature:
Date:	Date: