



NOTICE TO ZONING VARIANCE APPLICANTS (Please read carefully and completely)

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.

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 permitted in the zone district where the property is located;
2. That the variance will not alter the essential character of the neighborhood or district in which the property is located;
3. That the variance is the minimum that will afford relief.
4. That the variance will not adversely affect the public health, safety and welfare; and
5. That the allegations of hardship were not self-created.

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.

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 of \$25. 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.

The petition form begins on page 4. Please read the checklist prior to filling out the petition form completely and accurately.

CHECKLIST

After reading the Notice to Zoning Variance Applicants in full:

- The applicant shall submit a completed application and variance request form (see attached three-pages, 4-6) at least **5 weeks** prior to the regularly scheduled meeting of the Board. (**Administrative Minor Variances do not go before the board, therefore the 5 week deadline is not applicable.*)
- A pre-application meeting is requested with a Planner to go over the application.
- Board of Adjustment public hearings are held on the **third Thursday** of the month as needed.
- 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.
- With the application, submit a non-refundable filing fee of **one hundred dollars (\$100.00)**, cash, check or money orders only, no credit cards. **Make payable to the City of Littleton.** (**Exception: Administrative Minor Variances and Appeals*)
- Bring all of the above to the City of Littleton Community Development Department.
- City Code requires that the public be notified of variance requests through two means for **a minimum period of 15 days**: at City Buildings and via the sign posted on the property. As a service to the applicant, the Community Development office will place the notice at City Buildings (Littleton Center, Courthouse, and Bemis Library) and prepare the signs for the property. (**Not applicable to Administrative Minor Variances*)
- At least **15 days** before the Board of Adjustment hearing, the public notice sign(s) must be posted on the property (2 signs needed if corner property).
- Pick up the sign(s) at the Community Development Department. There will be a refundable \$100.00 charge **per sign**, plus a non-refundable \$25.00 charge **per sign** for the wording strips. After the public hearing and after the sign is returned to the City, the \$100.00 will be mailed to the applicant.
- The applicant will turn in the completed application and site plan only to Community Development and **keep pages 1, 2, 3, 7 and 8** for their use during the variance process prior to the Board of Adjustment public hearing.

VARIANCE REQUEST FORM

(This shaded area to be completed by City of Littleton staff)

Case Number: _____ Date received: _____

Variance Type: _____

PLEASE NOTE: The following questions must be answered completely. If additional space is needed, attach extra pages to the application. Contact the Littleton Community Development Department at (303) 795-3754 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 10-2-4 of the Littleton Municipal Code and amended to date.

DATA ON APPLICANT AND OWNER:

Name of Applicant/Owner (s): _____

Address of Applicant/Owner (s): _____

Home Telephone: _____ Business Telephone: _____

E-mail Address: _____

SUBJECT PROPERTY (Variance property)

Address: _____

Legal Description of Property: _____

(attach additional sheets if necessary)

The subject property is currently zoned: _____

PURPOSE OF THE VARIANCE (Be Specific): _____

**BEFORE COMPLETING THE FOLLOWING, READ THE NOTICE TO THE
ZONING VARIANCE APPLICANTS – PAGE 1-2.**

SITE CHARACTERISTICS:

1. Will the variance authorize the operation of a use other than those listed a primary permitted uses? No Yes

Explain: _____

2. What unique or exceptional characteristics of your property prevent it from being used for the uses permitted in your zone district?

- Shape Slope Soil Subsurface
 Elevation Too short Too narrow Too shallow
 Vegetation Buildings/Structure
 Other (Explain) _____

3. How do the above site conditions prevent reasonable use of your land under the term of the Zoning Ordinance/restrict effectiveness of the sign in question? *(If necessary, please attach additional sheets)*

4. Will the grant of a variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? *(Not applicable to sign variances)* No Yes

Explain: _____

OTHER LAND USE CONSIDERATIONS:

5. Is the request the least modification possible of the Zoning Ordinance provisions which are in question? No Yes Explain why the alternative solutions are not feasible:

6. Will the grant of a variance affect the public health, safety and general welfare?
 No Yes

Explain: _____

STATEMENT OF HARDSHIP:

7. Are the conditions of hardship for which you request a variance true only of your property? No Yes (*Not applicable to sign variances*)
Do you know how many other properties are similarly affected?

8. Were the conditions of hardship created by the owner, occupant, or agent of the property?
 No Yes

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



PROCESS FOR POSTING A VARIANCE SIGN ON PROPERTY

- 1. Complete the Posting Affidavit form on the next page and have it notarized.**
- 2. Each sign shall be erected in a conspicuous location along each public street abutting the subject property. The bottom of said sign(s) shall be at least four feet (4') above ground level. After the sign(s) are posted on the property, take two legible photographs of the sign(s), one showing the sign on the site and the other close up; and attach the photo to the completed Posting Affidavit form. (The photos must be printed out).**
- 3. Bring both the completed Posting Affidavit form and attached photos to the Community Development Department BEFORE the public hearing or TO the public hearing with the Board of Adjustment and turn in to the staff planner.**
- 4. Following the public hearing, please return your sign(s) to the Community Development Department to have your sign deposit processed and returned to you.**



SIGN POSTING AFFIDAVIT

I, _____ being first duly sworn, upon my oath, depose and say that for a period of not less than fifteen (15) days, there was posted upon the property located at:

Littleton, Colorado, also known as:

a notice that a public hearing would be held on the ____ day of _____, 20 ____, at the Littleton Center, Littleton, Colorado for a VARIANCE and that said notice was in due form of the Law. A photograph of the sign in place is attached hereto.

Signature of the applicant

STATE OF COLORADO

)ss

County of Arapahoe

Subscribed and sworn to before me this _____ day of _____, 20____.

Witness my hand official seal.

Notary Public

Address

My Commission Expires



VARIANCES FOR QUALIFIED INDIVIDUALS WITH DISABILITIES – SUPPLEMENT

ATTACH TO/SUBMIT WITH VARIANCE REQUEST – PAGES 4-6.

REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

1. Describe the nature of the applicant’s disability: _____

2. How does the requested variance reasonably relate to the applicant’s ability to use and enjoy a dwelling?

3. Is there an alternative which better or equally serves the needs of the individual which results in less of a variance to the ordinance provisions that are at issue?

4. Describe any negative impacts or hardships which would be placed on adjoining properties or property owners should the request be granted.

5. Describe any hardship which would be placed on the City or adverse impacts which would result on the legitimate goals of the Zoning Ordinance should the request be granted.

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