



Town of Red Cliff How to Guide for all VARIANCE APPLICATIONS

When do I need to apply for a Variance?

Variance applications are required when the literal interpretation and enforcement of a regulation within the Town Code, Chapter 16-4-10 through 16-4-70 will result in a physical hardship or practical difficulty for the owner of a property. If there is even a question as to whether or not an application is required, please contact the Town Planner or their staff. The Review Criteria for a Variance are outlined with the attached application form.

Variations *MAY* be granted for the following hardships:

- Topographic or Physical Conditions on the Site or in the Vicinity
- Physical Limitations including size, shape, or dimensions of a Lot
- The Location of Existing Structures on a Lot
- Parking or other Zoning Requirements

Variations *WILL NOT* be granted for the following reasons:

- Cost or Convenience to the applicant of a strict or literal compliance with a regulation
- Classification of Use of Property

It is required that you schedule a pre-application meeting with the Town Planner or staff to review your proposal and the evaluation criteria before applying.

How does the Process work?

REVIEW: Once you submit the completed Variance Application and the required fee for review, staff reviews the application for completeness and will inform you what items (if any) are still needed for review. The application will then be forwarded to the Planner for remarks. There will be an additional charge from the Planner for the review. The Planner invoice is charged at the current hourly rate. The rate for 2015 is \$76.50/hour.

POSTING OF PUBLIC NOTICES FOR PUBLIC HEARING: After the application is accepted as complete, a Public Hearing Date will be set. The Town Clerk will help you create the Public Notices and they must be posted 10 DAYS PRIOR to a Public Hearing. You must submit the required names and addresses to neighboring property owners in the form of stamped, addressed envelopes so that notices may be mailed out at the same time of posting, 10 DAYS PRIOR to the hearing.

PUBLIC HEARING PROCEDURE: Once you are scheduled for a hearing, the Town Planner or their staff provides the Board of Trustees with a recommendation (staff report) on your Variance request. The meeting will be a Public Hearing, allowing the public input either in writing or in person. You as the applicant and anyone commenting in the hearing will both be

requested to address comments directly to the Board, not to each other. The Board of Trustees will take these comments from the public, comments from the Board members and the recommendation of the Town Planner (staff report) and consider them all equally to make a decision.

The Board of Trustees must make the following findings before granting a Variance:

1. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same district.
2. That the granting of the Variance will not be detrimental to the public health or materially injurious to properties or improvements in the vicinity
3. That the Variance is warranted for one or more of the following reasons:
 - a) The strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objective of the code
 - b) There are exceptional or extraordinary circumstances or conditions applicable to the site of the Variance that do not apply generally to other properties in the same zoning area
 - c) The strict or literal interpretation or enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning area.

The Board Decision is final, unless within ten days of the hearing an appeal is filed with the Board.

What is required for a Variance Application?

The Review Criteria Public Notice Instructions are included and attached with the application. The Public Notice is a requirement and **MAY NOT BE WAIVED**. The Town Clerk will assist you with postings, which include:

- One Typed Notice to be posted on the Town of Red Cliff Bulletin Board at the Post Office
- One Typed Notice to be posted at the Town of Red Cliff Town Hall
- One Typed Notice to be posted at the Town of Red Cliff Town Office

A copy of the guidelines and the most recent fee schedule or amendments are always available from the Town of Red Cliff offices and may be emailed to you via PDF format. You are ultimately responsible to read, review, and understand these guidelines for the exact requirements. In every case, staff welcomes input and questions on your application to ensure that when you submit the application that it is as complete and thorough as possible.

For More Information Contact:

Town of Red Cliff, Office Phone (970) 827-5303 Office Fax (970) 827-530
Email: manager@townofredcliff.org P.O. Box 40; Pine Street; Red Cliff, Co8164



VARIANCE

Fee: \$500 +

Planner fees @ \$76.50/hour

APPLICANTS CONTACT INFORMATION

NAME: _____
Last *First*

ADDRESS: _____
Street *City* *State* *Zip*

TELEPHONE: _____ FAX: _____

CELL PHONE: _____ EMAIL: _____

OWNERS CONTACT INFORMATION

NAME: _____
Last *First*

ADDRESS: _____
Street *City* *State* *Zip*

TELEPHONE: _____ FAX: _____

CELL PHONE: _____ EMAIL: _____

PROJECT INFORMATION

Lot: _____ Block: _____ Street Address: _____

Current Zoning: _____

Description of Requested Variance:

Acknowledgement

I (we) represent that all information provided to the "Town of Red Cliff" in connection with this application is true and correct, and that I (we) understand the "Town of Red Cliff" regulations applicable to this project, and understand that incomplete submittals will delay application review. Owner designates "Applicant" as indicated to act as owner's representative in all application submittals related to this project.

Applicant _____

Owner _____

Print Name _____

Print Name _____

Date _____

Date _____

VARIANCE REVIEW CRITERIA FOR APPLICATION

1. Describe the relationship of the requested variance to other existing or potential uses and structures in the vicinity

2. Describe the degree to which relief from the strict or literal interpretation and enforcement of a specific regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or attain the objectives of _____ without a grant of special privilege

3. Describe the effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities and public safety.

4. Any such other factors and criteria as the Planning Commission may deem applicable to the proposed Variance.

Reviewed By: _____

Complete: _____ Incomplete: _____ Date: _____

Acknowledgement

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Applicant _____

Owner _____

Print Name _____

Print Name _____

Date _____

Date _____



PUBLIC NOTICE INSTRUCTIONS

Submittal Requirements:

1. One completed "Notice of Public Hearing" addressed to "Whom It May Concern" and with all applicable sections completed specifically for your project. Please leave blank all sections referencing specific meeting/hearing dates as the Town Clerk will complete this information. Attached to this application is a sample "Notice of Public Hearing" posting and letter to help you in creation of your notice.
2. List of property owners, provided by a title company, or the Town of Red Cliff, within 300 feet of the property, including addresses and legal descriptions.
3. Envelopes of each property owner to be notified with the following:
 - a. Mailing address
 - b. Postage
 - c. Return address filled in: Town of Red Cliff, P.O. Box 40, Red Cliff, CO 81649

Please be aware that the Town of Red Cliff reserves the right to adjust, edit, or otherwise rewrite your Public Notice, in order to accurately describe the specific content of the application.

General Information:

Return all of the above items to the Town of Red Cliff with your complete application. If you need further information, please contact the Town of Red Cliff at

Email: manager@townofredcliff.org

Mail: P.O. Box 40, Red Cliff, CO 81649, stop by the Town office, or call 970-827-5303.



NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You are hereby notified pursuant to section 16-5-20 of the Red Cliff Municipal Code, that a public hearing for zoning variances will be held and considered at the meeting of the Planning & Zoning Commission and Board of Trustees for the Town of Red Cliff on the

_____ Day of _____, 20_____

at _____ pm in the Town Hall at 400 Pine Street, Red Cliff, Colorado at which time and place you are hereby invited to be present.

PROPERTY OWNER: _____

STREET ADDRESS: _____

LEGAL DESCRIPTION OF THE PROPERTY: LOT(S): _____ BLOCK: _____

REASON FOR APPLICATION: _____

DEADLINE: If you wish to be heard on this matter, you may appear personally or by designated agent at the public hearing above or you may file a written statement with the Town Clerk in the Town office or by mail to: PO Box 40, Red Cliff, CO 81649 in order to be heard by the P&Z Commission. Written notice must be received no later than 3pm on:

_____, 20_____.

Town Clerk for the Town of Red Cliff