



CITY OF ARVADA
 COMMUNITY DEVELOPMENT DEPARTMENT
 8101 RALSTON ROAD
 ARVADA, CO 80002

APPLICATION FOR A REQUEST FOR A VARIANCE FROM THE LAND DEVELOPMENT CODE

All parts of the application must be completed and submitted to the Community Development Department no later than the dates stated in the procedures. Incomplete or inaccurate applications will not be considered for action by the Board of Adjustment and are void.
(Please print or type all material)

GENERAL INFORMATION

DATE _____

NAME OF APPLICANT _____

ADDRESS OF APPLICANT _____
Street City Zip

PHONE NUMBER _____
Home Office

LEGAL DESCRIPTION

STREET ADDRESS OF REQUEST (if different than above) _____
Street

SUBDIVISION NAME (Required) _____

BLOCK NUMBER/LOT NUMBER (Required) _____

ZONING DISTRICT (Required) _____ IN FLOOD PLAIN? _____

<p>OFFICIAL USE ONLY:</p> <p>Case Number: _____</p> <p>Date of Meeting: _____</p> <p>Date of Expiration: _____</p> <p>Board Action: _____</p> <p>Chairperson: _____</p>
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<p>FEE PAID</p>

NOTIFICATION OF NON-COMPLIANCE

Check here if you have received Notification of Non Compliance from the Code Enforcement Division. If so, please attach a copy of the letter you received.

TYPE OF VARIANCE REQUESTED (Check All That Apply)

- SIGN (SIZE/LOCATION)
 - SETBACK
 - LOT COVERAGE
 - SIZE OF STRUCTURE
 - NUMBER OF STRUCTURES
- OTHER (EXPLAIN) _____

PROPOSED ACTION (Check One)

- To leave as constructed...
- To construct...

What?: _____

LOT SIZE _____ sq. ft. **LIVABLE SQUARE FOOTAGE** _____

LOT COVERAGE BEFORE _____ sq. ft.

LOT COVERAGE AFTER (if applicable) _____ sq. ft.

EXACT LOCATION AND/OR SIZE OF PROPOSED ACTION (i.e., exact distance(s) from all applicable property lines, exact square footage, etc.)

LAND DEVELOPMENT CODE REFERENCE (Please ask Staff for assistance)

Section Number: _____

Description: _____

SITE PLAN (Required)

Please attach an Improvement Location Certificate (ILC) or other approved to scale and dimension site plan showing your proposed variance request that includes all existing and proposed setback dimensions. Also include the distance from your proposed structure (if applicable) to any existing building or structure on the adjacent property.

REASONS FOR YOUR VARIANCE REQUEST

The Land Development Code states that a variance application may be approved only if:

“Special circumstances or conditions exist (e.g., exceptional topographic conditions, narrowness, shallowness, or shape of property) that are not common to other areas or buildings similarly situated and practical difficulty may result from strict compliance with the Code’s standards, provided that the requested variance will not have the effect of nullifying or impairing the intent and purpose of either the specific standards, LDC, or the Comprehensive Plan (Section 3.20.8.A).”

In determining a “practical difficulty” the Board of Adjustment shall consider the following, Section 3.20.8.B of the Land Development Code:

1. Whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial in relation to the requirement or standard;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of public services such as water and sewer;
5. Whether the variance would adversely affect the risk of property damage or personal injury from flood, fire, or other natural disaster; and
6. Whether the Applicant purchased the property with knowledge of the requirement; and
7. Whether the Applicant’s predicament can be mitigated through some other method other than a variance.

IN REFERENCE TO THE ABOVE POINTS OF CONSIDERATION, ANSWER ALL OF THE FOLLOWING QUESTIONS:

A. In keeping with the above, please explain what special circumstances or condition exist on your lot.

B. Why is granting a variance your only option to a beneficial use of your property?

C. Is your request the minimum possible variance needed compared to the requirement or standard in the LDC? **YES** _____ **NO (Please Explain)** _____

D. Please explain why the granting of the variance will be good rather than bad for the surrounding neighborhood.

E. Would the granting of a variance have an adverse affect on the City's water and sewer system? **YES** _____ **NO** _____

F. Would the granting of a variance risk property damage or personal injury from flood, fire, or other natural disaster? **NO** _____ **YES** _____ **(Please Explain)** _____

G. Did you purchase the property knowing that you needed the requested variance(s)? **YES** _____ **NO** _____

H. Is there anything (other than your proposal) that you can do that will make your request for a variance unnecessary?

ADDITIONAL INFORMATION

Please provide any additional information you feel may help the Board of Adjustment in understanding your request.

PLEASE NOTE THE FOLLOWING:

1. No variance shall be granted if the submitted conditions or circumstances result from the actions or prior actions of the Applicant.
2. No variance shall be granted reducing the size of lots contained in an existing or proposed subdivision if it will result in an increase in the number of lots beyond the number otherwise permitted for the total subdivision, pursuant to the applicable zoning district regulations.
3. If authorized, a variance shall represent the least deviation from the regulations that will afford relief.
4. The existence of nonconforming uses of neighboring lands, structures, or buildings in the same zoning district, or permitted or nonconforming use of lands, structures, or buildings in other zoning districts, shall not be considered grounds for the issuance of a variance.
5. In the granting of a variance, the Board of Adjustment may require such conditions as will, in its independent judgment, secure substantially the objectives of the standard so varied or modified.
6. A variance shall lapse and have no further effect two (2) years after its effective date or at such alternative time specified in the approval unless:
 - A. A building Permit has been issued and construction diligently pursued;
 - B. A Certificate of Occupancy has been issued; or
 - C. The structure is established.

A variance shall automatically lapse and have no further effect if the rights granted by it are discontinued for 180 consecutive days.

SIGNATURE PAGE

I, _____, hereby acknowledge that I have read this application and state that the above is correct. I agree to comply with all the city ordinances and state laws regulating building construction.

It is understood that only those points specifically mentioned are affected by action taken on this request.

Date _____

Property Owner _____
(Signature)

Property Owner _____
(Print name)

NOTICE: If the property owner wants an agent to represent him/her at the Board of Adjustment Public Hearing, the attached form "Appointment of Agent to Represent Owner," must be signed and notarized.

Project Reference: _____

AFFIDAVIT FOR LAWFUL PRESENCE VERIFICATION

Because of Colorado House Bill 06S-1023 (C.R.S. 24-76.5-103), this affidavit is MANDATORY and must be submitted along with a copy of one of the accepted forms of identification to prove lawful presence in the United States. Colorado law now requires that the City of Arvada verify all natural persons 18 years or older or sole proprietors who are applying for a public benefit are lawfully present in the United States prior to receiving the public benefit. A public benefit includes the application or a renewal of a grant, loan, contract, and professional or commercial licenses provided by an agency of the state or local government.

FOR CORPORATIONS/PARTNERSHIPS/COMPANIES ETC. ONLY

The applicant, for whom I am authorized to sign, is NOT a “natural person” or “sole proprietorship,” but a corporation, partnership, company or other similar entity. HB 06S-1023 is not applicable.

I understand this sworn statement is required because the applicant has applied for a “Public Benefit.” I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the laws of Colorado.

Printed Name and Title of
Applicant’s Representative

Signature of Applicant’s
Representative

Date

Name of Business

OR

FOR “NATURAL PERSONS” OR SOLE PROPRIETORS ONLY

I am a “natural person” or a “sole proprietorship,” NOT a corporation, partnership, company or other similar entity and MUST complete this affidavit and submit it with the required documentation.

1. I, _____ swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- I am a United States citizen; *or*
- I am a Permanent Resident of the United States; *or*
- I am lawfully present in the United States pursuant to Federal law.

2. I understand this sworn statement is required by law because I have applied for a “Public Benefit.”

3. I understand state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit.

4. I acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the laws of Colorado.

5. I have attached a copy of one of the acceptable documents provided by the State of Colorado and I presented it to the agency as proof of identification that I am at least 18 years of age and I am lawfully in the United States.

Applicant’s Printed Name:

Applicant’s Signature

Date

Name of Business (If applicable)

Revised 08/01/07

**ACCEPTED FORMS OF IDENTIFICATION TO
PROVE LAWFUL PRESENCE IN THE UNITED STATES:**

- (1) Valid Colorado Driver's License or valid Colorado Identification card; *or*
- (2) United States Military card or a Military Dependent's Identification card; *or*
- (3) United States Coast Guard Merchant Mariner Card; *or*
- (4) Native American Tribal Card; *or*

(5) In the case of a resident of another state, the driver's license or a state-issued identification card from the state of: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, West Virginia, or Wyoming; *or*

Alternative Identification

If you cannot produce one of the above forms of identification, but can prove that you are lawfully present in the United States, please request a copy of The City of Arvada's Pamphlet outlining the Colorado Department of Revenue's acceptable forms of identification to prove lawful presence.

Waiver Process

If you cannot produce any documentation necessary to prove lawful presence, you may request a waiver. (Form DR 4678). The waiver is available for individuals who:

- (a) Due to chronic health or medical condition, lack sufficient mobility to appear in person to apply for a Colorado driver's license or Colorado identification card; *or*
- (b) Due to lack of a permanent physical address in Colorado, do not qualify for a Colorado driver's license or Colorado identification card; *or*
- (c) May lack sufficient documentation to receive a Colorado driver's license or Colorado identification card.

The waiver and all supporting documentation must be presented by you or a representative at a participating Colorado driver's license office, not at the City Department where you are requesting the benefit. Arvada cannot approve the benefit until the waiver process has been completed.

APPOINTMENT OF AGENT TO REPRESENT OWNER

DATE _____

Board of Adjustment
City of Arvada
8101 Ralston Road
Arvada, CO 80002

Dear Chairperson:

This letter is to advise you that, for the purpose of the variance request presented to your

Board on behalf of my property, I appoint _____ as

(print name)

my agent. _____ has full authority to act on my behalf

(print name)

for purposes of this variance request before the Board of Adjustment.

Property Owner Signature

Print Name

STATE OF COLORADO

County of _____

Subscribed and sworn to before me this _____ day of _____,

by _____.
(name of property owner)

Notary Public

(SEAL)

My Commission Expires: _____

NOTIFICATION OF ADJACENT PROPERTY OWNERS

When applying for a variance, it is required by Section 3.3 of the Land Development Code that written notice be mailed to all owners of property that share a boundary with or is located across a street, alley or public right-of-way from the property on which the variance is requested.

The names and addresses of adjacent property owners must be obtained from the applicable County Assessor's Office (Adams or Jefferson). When an adjacent property is owned by a subdivision or condominium association, notification shall be to the Board of Directors of such association and in addition, to the owners of all units immediately adjacent to the subject property. Written notice shall also be mailed to any Homeowners Association and other Neighborhood Association with a known interest in the subject area, or to others who have filed a timely request to receive written notice. The Community Development Director shall have the sole discretion to expand or decrease the notification area based on the scope of the request.

The applicant will be responsible for preparing the written notice, and for the expense of mailing the notice. All written notice shall be mailed at least twelve (12) days prior to the public hearing on the request.

Written notice (see attached sample letter) shall contain the following:

1. The time and place of public hearing;
2. A description of the property involved; for example a legal description, general vicinity map, street address, size, and/or nearest cross street;
3. A description of the nature, scope, and purpose of the requested variance;
4. An indication that interested parties may appear at the public hearing and speak on the matter or file written comments with the Community Development Department; and
5. An indication of where additional information can be obtained.

SAMPLE LETTER

BOARD OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

The Board of Adjustment for the City of Arvada will hold a public hearing on _____,
_____, at 7:00 p.m. or soon thereafter, to consider a variance for
(date) *(day)*

located at _____.
(address)

The public hearing will be held in the City Council Chambers of the Arvada Municipal Building located at 8101 Ralston Road, Arvada, Colorado. All interested parties may appear at the public hearing for this request and speak on the matter or may file written comments with the Community Development Department no later than 8 days prior to the hearing. Written comments should be addressed to, and any additional information can be obtained from:

**Community Development Department
Arvada Municipal Building
P. O. Box 8101
8101 Ralston Road
Arvada, CO 80001-8101**

Telephone: 720-898-7450

The review process includes a public hearing before the Board of Adjustment and is designed to provide opportunities for citizen involvement and comment. Prior to the public hearing, landowners, immediately adjacent to the subject property are notified of the applicant's request by way of this notice. The Board of Adjustment is forwarded all written comments received by the specified deadline.

AFFIDAVIT OF MAILING

I, _____, certify that letters of notification were mailed in accordance with Section 3.3 of the Arvada Land Development Code for the public hearing to be held on _____. A copy of the letter and list of recipients is attached and made a part of this Affidavit.

Said mailing was made on _____.

Signature of Applicant / Representative

State of Colorado

County of _____

The above and foregoing Affidavit as subscribed before me this _____ day of _____, A.D., 20_____ personally by _____.
(name of applicant / representative)

(S E A L)

Notary Public

My Commission expires: _____