

# **BOARD OF ADJUSTMENT APPLICATION**



**ARVADA COMMUNITY DEVELOPMENT  
8101 RALSTON ROAD  
ARVADA, COLORADO 80002**

**February, 2011**

## INFORMATION REGARDING THE VARIANCE PROCESS

### GENERAL INFORMATION

The Board of Adjustment (BOA) determines whether a variance request may be granted based on the following criteria:

1. That there are specific physical attributes (e.g., lot slope, topography, lot shape) about your property which creates a practical difficulty.
2. That the practical difficulty, which exists, was not created by you.
3. That the physical attribute, which is causing the practical difficulty, is not found throughout the neighborhood.
4. That the variance, if granted, is the minimum variance that will make use of the land, structure, or building.
5. That the variance, if granted, would not be of substantial detriment to the public interest, the property, or adjoining property.

**NOTE: Financial difficulty and aesthetics are not factors that the BOA may consider.**

### INFORMATION PROVIDED BY THE APPLICANT

The application must be completed, signed, and the fee paid. Your application must include an improvement location certificate (ILC) or a site plan – see the following page for more details. At the time of submittal, you will be given written notice of the date of the meeting and when you need to pickup your public hearing sign. Upon submittal of the application, staff will process your application.

### INFORMATION PROVIDED BY THE CITY

Staff will prepare the public hearing notice to be published in the newspaper. Staff will also provide the public hearing sign that needs to be posted on your property 15 days prior to the meeting. You will notified by phone when the sign is available for pickup, so it is important that you provide us with a usable phone number. At that time, staff will explain the requirements for the posting of the sign, the posting log that must be maintained by the applicant, and the requirements for mailing adjacent property owners letters of notification. If at any time the sign is removed from the property or damaged in any way, you can contact the Planning Department at 720-898-7435 for a replacement sign.

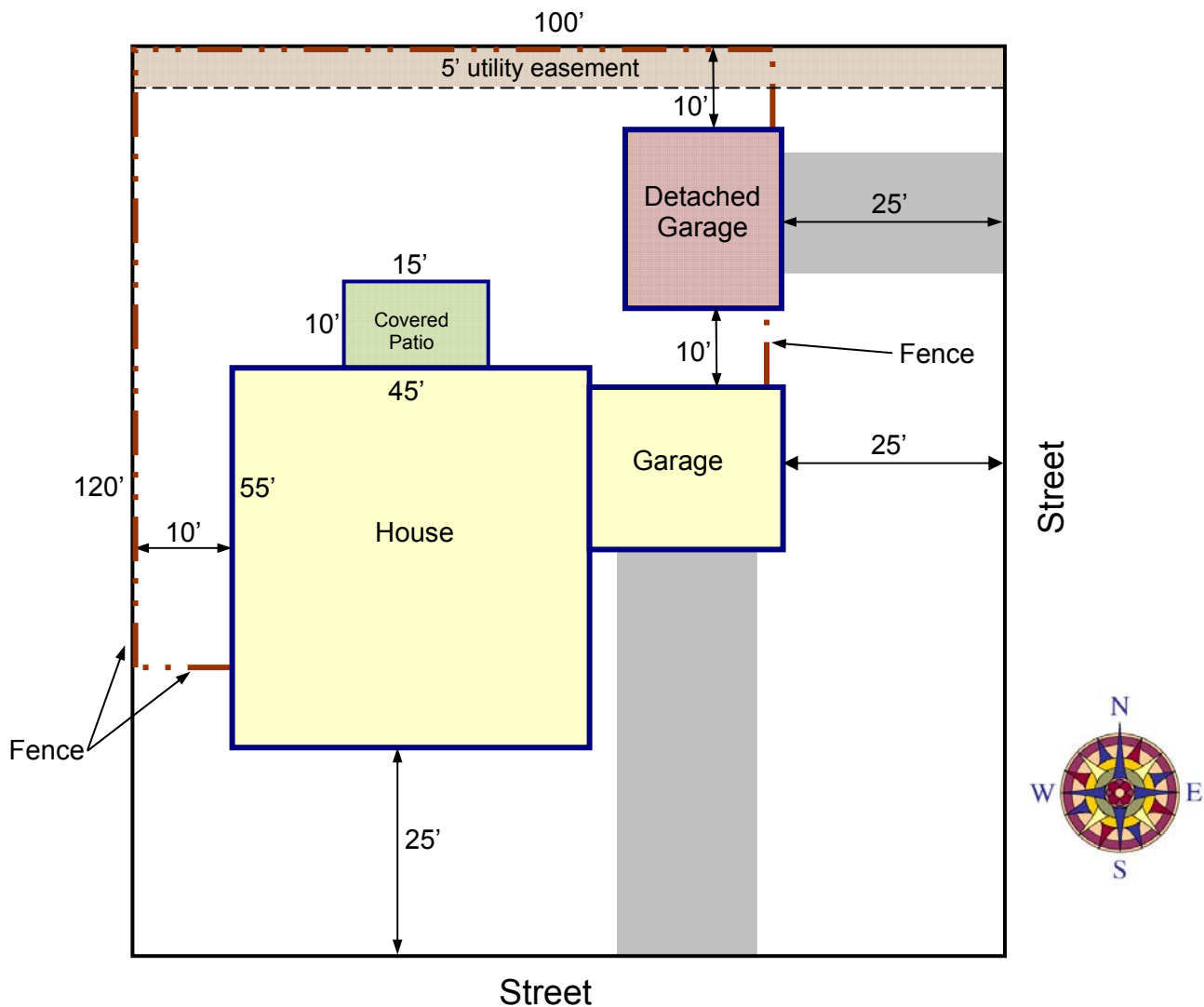
Prior to the meeting, staff will prepare a staff report that is sent to the Board members. The staff report contains information pertaining to the case along with a copy of the completed application and any attachments. Staff will notify the applicant when the staff report is available along with an agenda of the meeting. The applicant has the option of picking up the staff report from the Planning Department, or may download the information from the City's website.

## IMPROVEMENT LOCATION CERTIFICATE OR SITE PLAN

An improvement location certificate (ILC) or an approved site plan (to scale) is required. Any document being submitted larger than 11 x 17, you will need to provide 15 copies for distribution. Site plan must include the following:

- A. Dimensions of lot.
- B. Setbacks of structure(s) from all property lines.
- C. Dimensions and location of all structures, including decks, covered patios, porches, cantilevers, etc.
- D. Height of decks from final grade.
- E. Easements, ditches, right-of-ways, etc.
- F. Location of street and driveway and the type of driveway (concrete or asphalt).
- G. Location of landscaping such as large trees that will prevent construction in areas of the yard.
- H. Location and size of accessory structures (sheds, storage units, pools, hot tubs).

### EXAMPLE AS FOLLOWS:



## **PUBLIC HEARING MEETING PROCESS**

On the night of the meeting, it is the responsibility of the applicant to provide staff with the completed posting log, and the affidavit of mailing which includes a copy of the letter sent to adjacent property owners and the list of property owners that received the letter.

The public hearing will be opened, and the applicant will be called upon to explain the reason for the request. The Board members will then ask questions of the applicant, and possibly staff. A motion will be made, and the applicant will either be granted or denied the variance.

If the variance is granted, staff will submit all necessary information to the Building Division the next morning, and if a permit is required, the applicant can come to the Building Division to fill out the necessary paperwork for the permit.



FEE: \$100.00 – FENCE  
\$250.00 – ALL OTHERS

## VARIANCE APPLICATION

All parts of the application must be completed and submitted to the Community Development Department for scheduling at the next available meeting. Incomplete or inaccurate applications will not be considered for action by the Board of Adjustment and are void.

Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_  
First Last

Address of Applicant: \_\_\_\_\_  
Street City Zip

Phone Number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Home Work Cell

Street Address of Request: \_\_\_\_\_  
(If different than above) Street City Zip

TO BE COMPLETED BY STAFF	
Case Number: _____	FEE PAID:
Date of Meeting: _____	
Board Action: _____	
Chairperson: _____	

### 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)

**FENCE:**

- Setback
- Height

**STRUCTURE:**

- Size
- Setback
- Height
- Lot Coverage
- Number of structures

**SIGN:**

- Size
- Setback
- Height
- Number

**OTHER:** \_\_\_\_\_

**PROPOSED ACTION: (Check One) -**

- To leave as constructed, **OR**
- To construct

**DESCRIBE YOUR REQUEST:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SITE PLAN**

A site plan is required which shall include exact distances, structure square footage, height, location on property, and any other pertinent information necessary to illustrate your request (see example on page 2 of the application packet).

**IN CONSIDERATION OF YOUR REQUEST, PLEASE ANSWER THE FOLLOWING QUESTIONS:**

1. Explain what special circumstances or condition exist on your lot. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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3. Is your request the minimum possible variance needed compared to the zoning standard? Yes \_\_\_\_\_ No (please explain)

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4. Would the granting of your variance be detrimental to the neighborhood or adjacent property?

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5. Are there other options that were considered in order to meet the code requirements?

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**Additional Information:** Provide any additional information you feel may help the Board of Adjustment in understanding your request. \_\_\_\_\_

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**Please Note The Following:**

1. *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.*
  
2. *A variance shall automatically lapse and have no further effect if the rights granted by it are discontinued for 180 consecutive days.*

<b>TO BE COMPLETED BY STAFF ONLY</b>	
<b>Subdivision Name</b> _____	
<b>Block Number</b> _____ <b>Lot Number</b> _____	
<b>Zoning District</b> _____ <b>In Flood Plain?</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	
<b>Lot Size</b> _____ <b>sq. ft.</b> <b>Livable Square Footage</b> _____	
<b>Percent Lot Coverage Before Addition</b> _____ <b>sq. ft.</b>	
<b>Percent Lot Coverage After Addition</b> _____ <b>sq. ft.</b>	
<b>Land Development Code Reference</b>	
<b>Section Number</b> _____	
<b>Description:</b> _____	
_____	
_____	
<b>Reviewed By: (Initials)</b> _____ <b>(Planning)</b> _____ <b>(Building)</b> _____ <b>(Code Enf.)</b>	

**SIGNATURE**

**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.**

Property Owner \_\_\_\_\_  
(Print Name)

Property Owner \_\_\_\_\_  
(Signature)

Date \_\_\_\_\_

**NOTE:** *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.*

**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 I appoint \_\_\_\_\_  
*(print name)*

Phone Number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Home Office Mobile

to act on behalf as my agent for purposes of this variance request before the Board of Adjustment.

\_\_\_\_\_  
Property Owner (Print Name)

\_\_\_\_\_  
Property Owner (Signature)

STATE OF COLORADO )  
  )ss  
COUNTY OF                    )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

by \_\_\_\_\_  
*(name of property owner)*

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

**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.**