

P/C Meeting Date \_\_\_\_\_  
Date Received \_\_\_\_\_  
Initials \_\_\_\_\_



## City of Montrose

# VARIANCE APPLICATION

It is the applicant's responsibility to submit the required materials. Failure to provide such information may delay the review process. No application will be accepted until all required materials are submitted and the application fee is paid in full. Checks shall be made payable to *City of Montrose*. The application fee is non-refundable and is no guarantee that the proposed action will be approved.

**Please contact Planning Services at (970) 240-1407 for assistance.**

ADDRESS OF PROPERTY \_\_\_\_\_

ZONING \_\_\_\_\_

CURRENT LAND USE \_\_\_\_\_

BRIEF DESCRIPTION OF REQUESTED ACTION \_\_\_\_\_

PROPERTY OWNER	APPLICANT OR REPRESENTATIVE
NAME:	NAME:
MAILING ADDRESS:	MAILING ADDRESS:
CITY, STATE, ZIP:	CITY, STATE, ZIP:
PHONE:	PHONE:
EMAIL:	EMAIL:

## **REQUIRED APPLICATION MATERIALS**

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This list is intended to be a guide and may not be a complete list of all the requirements that may be necessary.

- \$100 NON-REFUNDABLE APPLICATION FEE
- RECORDED WARRANTY DEED WITH LEGAL DESCRIPTION OF THE PROPERTY
- DETAILED WRITTEN STATEMENT EXPLAINING HOW THE PROPOSED ACTION IS IN COMPLIANCE WITH APPLICABLE CRITERIA (SEE SECTION 4-4-28 BELOW)
- PHOTOS OF THE PROJECT AREA (OPTIONAL)

### **ADDITIONAL MATERIALS FOR CONSTRUCTION PROJECTS:**

- 3 COPIES OF THE FULL-SIZED (24" X 36") SITE PLAN
- 1 REDUCED COPY OF THE SITE PLAN (8 ½" X 11" OR 11" X 17" )
- PDF COPY OF THE SITE PLAN

#### **SITE PLANS MUST:**

- INCLUDE DATE, A NORTH ARROW, AND A SCALE
- INCLUDE A VICINITY MAP SHOWING GENERAL LOCATION OF THE PROJECT
- SHOW THE FOOTPRINT, DIMENSIONS, HEIGHT, AND LOCATION OF EXISTING AND PROPOSED STRUCTURES. INDICATE WHETHER EXISTING STRUCTURES WILL REMAIN OR BE REMOVED
- SHOW SETBACKS FROM ALL PROPERTY LINES FOR EXISTING AND PROPOSED STRUCTURES
- LABEL STREET NAMES FOR ALL EXISTING AND PROPOSED STREETS
- EXPLAIN AMOUNT OF INCREASE IN TOTAL BUILDING SQUARE FOOTAGE
- WIDTH AND LOCATION OF ALL EXISTING AND PROPOSED PUBLIC AND PRIVATE EASEMENTS
- VEHICULAR ACCESS INCLUDING PRIVATE DRIVEWAYS, AND OFF-STREET PARKING REQUIREMENTS
- LOCATION, SPECIES, AND SIZE OF EXISTING AND PROPOSED LANDSCAPING INCLUDING FENCING

### **ADDITIONAL MATERIALS FOR SIGN VARIANCES:**

- PHOTOS OF ALL EXISTING SIGNS
- DIMENSIONS OF ALL EXISTING AND PROPOSED SIGNS
- LOCATION OF ALL EXISTING AND PROPOSED SIGNS

## **SECTION 4-4-28 – VARIANCE CRITERIA**

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- (A) The Review Board may grant a variance from the requirements set out in this Chapter, if it determines, following the review procedure of Section 4- 4-31, that the criteria of this Section will be met. Provided, however, no variance shall be granted from provisions restricting "uses by right" and "conditional uses" within any zoning district.
- (B) Variances shall be granted only if all the following criteria are met:
- (1) The variance will not adversely affect the public health, safety and welfare.
  - (2) Unusual physical circumstances shall exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property, and violations of code shown by clear and convincing evidence that they were made in good faith, which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.
  - (3) The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their or his predecessors in interest.
  - (4) The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.
  - (5) The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.
- (C) The burden shall be on the applicant to show that these criteria have been met.
- (D) Variances shall be granted for sign regulations only if all of the following criteria are met, in lieu of the criteria of Subsection (B).
- (1) The variance will not adversely affect the public health, safety and welfare.
  - (2) The variance requested is the minimum variance that will afford relief.
  - (3) The variance will not result in signage incompatible with other properties in the area and will not affect or impair the value, use of development of such properties.
  - (4) Strict compliance with the regulation presents practical difficulties or unnecessary hardships, and the variance sought falls within the spirit of the sign code as a whole.

## IMPORTANT NOTES

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- Applications must be submitted at least 20 days before the next Planning Commission meeting in order to be put on the agenda.
- Public notice requirements will be the responsibility of the City of Montrose and will be completed at least 15 days before the public hearing.
- All Variances shall have an executed Agreement and Declaration of Covenants (to be prepared by the Legal Department, approximately two weeks after the public hearing).
- Applicants receiving a variance to the sign code must obtain a sign permit after approval.
- Approval of this application DOES NOT constitute approval of any other City of Montrose permits or application reviews.
- By signing, you certify that you have read and understood the submittal requirements, and that you understand omission of any listed items may cause delay in processing the application. The undersigned acknowledges that the information supplied in this application is as complete and accurate as possible.

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Owner's Signature

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Date

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Applicant's or Representative's Signature

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Date