

**VARIANCE
PLANNING COMMISSION
APPLICATION**

A variance is a deviation from the standards of the Snowmass Village Municipal Code (the "Code") that is necessitated by special circumstances or conditions (such as exceptional topography, or the narrowness, shallowness or shape of a particular piece of property), that would create practical difficulties for, or an unusual hardship upon, the owners of the land if the provision of the Code were to be strictly enforced. Any variance shall be the minimum adjustment necessary for the reasonable use of the land or structure.

GENERAL DATA REQUIREMENTS

Date: _____
Name of Owner: _____
Address: _____ Phone: _____
Name of Applicant (if different than owner): _____
Address: _____ Phone: _____
Physical Address of Property: _____
Legal Description: _____

EXISTING CONDITION INFORMATION

Present Zoning: _____
Lot Area (sq.ft.): _____ Building Setbacks (ft.): _____
Allowable Floor Area Ratio per Zoning or PUD Plan: _____
Square Footage of All Areas Calculated as Floor Area by Code: _____
Existing Building Height (if applicable): _____
of Parking Spaces and Bedrooms (if applicable): _____

PROPOSAL DATA
(Only fill in those that apply)

Proposed Building Setbacks: _____
Proposed Floor Area: _____
Proposed Building Height: _____
Proposed # of Parking Spaces: _____
Other: _____

PROVIDE A WRITTEN DESCRIPTION OF YOUR PROPOSED VARIANCE

PROVIDE THE FOLLOWING ADDITIONAL INFORMATION

1. **Disclosure of Ownership.** A certificate from a title insurance company or attorney licensed in the State which shall set forth the names of all owners of property included in the application and shall include a list of all mortgages, judgments, liens, contracts, easements or agreements of record that affect the property. At the Town's option, the holders or owners of such mortgages, judgments, liens, contracts, easements or agreements of record may be required to consent to the application before it is acted upon by the Town.
2. **Vicinity Map.** An eight and one-half inch by eleven inch (8 1/2" x 11") vicinity map locating the subject parcel within the Town of Snowmass Village.
3. **Other Maps.** All other maps required for the application shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger, on sheets no larger than thirty inches by forty-two inches (30" x 42"), with an unencumbered margin of one and one-half inches (1.5") on the left hand side of the sheet and one-half inch (0.5") around the other three (3) sides of the sheet. Sheets of twenty-four by thirty-six inches (24" x 36") are preferred. If it is necessary to place information on more than one (1) sheet, an index shall be included on the first sheet. Report-size versions of all maps, reduced to a sheet size of no greater than eleven inches by seventeen inches (11" x 17"), shall also be submitted.
4. **Site Plan.** A site plan of the subject property, showing existing improvements and proposed development features that are relevant to the review of the proposed variance application.
5. **Base Fee.** The application shall be accompanied by the applicable base fee from the Building and Planning Department's fee schedule. The applicant shall reimburse the Town for such amounts in excess of the base fee as determined by the Planning Director. The reimbursement to the Town by the applicant shall be due and payable within fifteen (15) days of the date of billing.
6. **Other Information.** The applicant shall submit such other written or graphic information as is necessary to describe and evaluate the proposed variance, such as proposed building elevations.

NO APPLICATION WILL BE PROCESSED UNTIL ALL REQUIRED INFORMATION IS PROVIDED.

REVIEW STANDARDS

An application for a variance shall comply with all of the following standards:

1. **Special Circumstances Exist.** There are special circumstances or conditions, such as exceptional topography, or the narrowness, shallowness, or shape of the property, that are peculiar to the land or building for which the variance is sought, and do not apply generally to land or buildings in the neighborhood.

2. **Not Result of Applicant.** The special circumstances and conditions have not resulted from any act of the applicant.
3. **Strict Application Causes Practical Difficulties.** The special circumstances and conditions are such that the strict application of the provisions of this Development Code would result in practical difficulties to an undue hardship upon the use of the land or building.
4. **Necessary to Relieve Practical Difficulties.** The granting of the variance is necessary to relieve the applicant of the practical difficulties and undue hardship in the use of the land or building and is the minimum variance that could be granted to achieve said relief.
5. **Not Adversely Affect Neighborhood.** The granting of the variance will not change the character or otherwise adversely affect the neighborhood surrounding the land where the variance is proposed, will not have a substantially adverse impact on the enjoyment of land abutting upon or across the street from the property in question, will not impair an adequate supply of light or air to adjacent property, will not increase the danger of fire or otherwise endanger public safety or the public interest, and will not substantially diminish or impair property values within the neighborhood.
6. **Harmony with Development Code.** The granting of the variance will be in harmony with the purposes and intent of this Development Code, including the intent of the underlying zone district. No variance shall be approved that permits the construction or enlargement of any building or decks and related structures for any use prohibited in the underlying zone district.
7. **Consistent with Comprehensive Plan.** The granting of the variance will be consistent with the intent of the Comprehensive Plan.

HOW DOES YOUR APPLICATION COMPLY WITH THE REVIEW STANDARDS?

(For your information: the Town Planner, Planning Commission or Town Council shall not grant a variance from the provisions of the Code unless, based on the evidence presented, the proposal is found to be consistent with all of the review standards of the Snowmass Village Municipal Code.)

1. Special Circumstances:

2. Result of Applicant:

3. Practical Difficulties:

4. Relief from Difficulties:

5. Impact on Neighborhood:

6. Harmony with Code:

7. Consistent with Comprehensive Plan:

RULES OF PROCEDURE

The following procedures shall apply to an application for a variance (see attached figure: Variance Application Procedures).

1. **Pre-Application Conference.** Attendance at a pre-application conference is optional prior to submission of a variance application.
2. **Submission of Application.** The applicant shall submit an application to the Planning Department
3. **Staff Review .** Staff review of the application.
4. **Action By Planning Commission.** A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. Public notice that the Planning Commission will consider the application shall be given by publication, posting and mailing notice. The Planning Commission shall hold a public hearing to consider the application, which shall be conducted pursuant to Section 5-160 (B) of the Code. The Planning Commission shall consider all relevant materials and testimony, shall consider the variance standards of the Code, and shall approve, approve with conditions, or deny the application.

5. **Appeal.** A decision by the Planning Commission on a variance application may be appealed, pursuant to Section 5-170 of the Code. The appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section 5-170 (D) of the Code.

MANNER AND TIMING OF PUBLIC NOTICE

Public notice is required and shall be given by publication of notice in the newspaper, mailing of notice to property owners surrounding the subject property, and posting of notice on the property, as specified below.

1. **Publication of Notice.** Publication of notice shall be accomplished by the staff, who shall place a legal notice in the newspaper of general circulation in the Town 30 days prior to the public hearing date. The legal notice shall state the date, time, location and purpose of the public hearing, and the name of the decision-making body conducting the hearing and shall be published once.
2. **Mailing of Notice.** Mailing of notice shall be accomplished by the applicant. The notice that the applicant shall mail shall be prepared by the Planning Department and provided to the applicant. Notice shall be sent by first class mail to all property owners located within three hundred feet (300') of the subject property 30 days prior to the public hearing date.
 - a. **Source of List.** The applicant shall compile the list of property owners to who notice will be mailed by using the most current list of property owners on file with the Pitkin County Tax Assessor.
 - b. **Contents of Mailed Notice.** The notice that is mailed shall contain the following information:
 1. **Description of Proposal.** A description of the proposed application, including a reference to the Code section under which the application will be processed and the name of the decision-making body that will conduct the hearing. An exhibit depicting the proposed development shall also be included.
 2. **Description of Property.** A description of the subject property.
 3. **Vicinity Map.** A vicinity map showing the location of the property within the Town.
 4. **Date, Time and Place.** The date, time and place of the public hearing for which notice is being given.
 5. **Additional Hearings.** The written notice shall also state that additional public hearings may be held before the Planning Commission and/or Town Council at later dates, for which only published notice shall be required, and shall indicate that additional information regarding the proposal is available for inspection at the Town offices during normal business hours.
 6. **Contact Person.** The address and telephone number of the Building and Planning Department, and the name of the person to whom written comments should be directed prior to the public hearing.
 7. **Posting of Notice.** Posting of notice shall be accomplished by the applicant 15 days prior to the public hearing date. The applicant shall obtain a copy of the sign from the staff or shall use a form provided by the Planning Department. The applicant shall enter onto the sign the date, time, location and purpose of the

public hearing, and the name of the decision-making body conducting the hearing. The applicant shall post the sign in a conspicuous location on the subject property. The materials to which the notice form is affixed shall be sturdy and waterproof or shall have waterproof covering. The applicant shall maintain the sign in a legible manner until the closure of the public hearing and shall remove it on the day following the closure of the public hearing.

8. **Validity of Notice.** If the applicant follows the procedures indicated above in good faith, the failure of any particular property owner to receive notice shall not affect the validity of the proceedings which require such notice.
9. **Proof of Notice.** At or before the actual public hearing, the applicant shall provide the Town with an affidavit certifying that notice was posted. A copy of the list of property owners to whom notice was mailed shall be attached to the affidavit. A photograph of the posted sign shall also be attached to the affidavit.

ACTION BY PLANNING COMMISSION

After hearing the evidence and considering the comments of all persons interested in the matter, the Planning Commission shall make its decision and findings and have them entered in its minutes.

1. **Findings.** In its findings, the Commission shall report the facts, whether the application complies with the applicable review standards, and whether the application is approved, approved with conditions, recommended for approval by another body, tabled pending receipt of additional information, or denied.
2. **Copy to Applicant.** A copy of the Commission's decision shall be provided to the applicant within a reasonable period of time after the decision has been made.

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