



**ESTES VALLEY
BOARD OF ADJUSTMENT
APPLICATION**

Submittal Date: _____

General Information

Record Owner(s): _____

Street Address of Lot: _____

Legal Description: Lot: _____ Block: _____ Tract: _____

Subdivision: _____

Parcel ID #: _____

Site Information

Lot Size _____ Zoning _____

Existing Land Use _____

Proposed Land Use _____

Existing Water Service Town Well Other (Specify) _____

Proposed Water Service Town Well Other (Specify) _____

Existing Sanitary Sewer Service EPSD UTSD Septic

Proposed Sanitary Sewer Service EPSD UTSD Septic

Existing Gas Service Xcel Other None

Site Access (if not on public street) _____

Are there wetlands on the site? Yes No

Variance

Variance Desired (Development Code Section #): _____

Primary Contact Information

Name of Primary Contact Person _____

Complete Mailing Address _____

Primary Contact Person is Owner Applicant Consultant/Engineer

Attachments

- Application fee (see attached fee schedule)
- Statement of intent (must comply with standards set forth in Section 3.6.C of the Estes Valley Development Code)
- 1 copy (folded) of site plan (drawn at a scale of 1" = 20') **
- 1 reduced copy of the site plan (11" X 17")

** The site plan shall include information in Estes Valley Development Code Appendix B.VII.5 (attached).
The applicant will be required to provide additional copies of the site plan after staff review
(see the attached Board of Adjustment variance application schedule). **Copies must be folded.**

Contact Information	
Record Owner(s)	_____
Mailing Address	_____
Phone	_____
Cell Phone	_____
Fax	_____
Email	_____
Applicant	_____
Mailing Address	_____
Phone	_____
Cell Phone	_____
Fax	_____
Email	_____
Consultant/Engineer	_____
Mailing Address	_____
Phone	_____
Cell Phone	_____
Fax	_____
Email	_____

APPLICATION FEES

For variance applications within the Estes Valley Planning Area, both inside and outside Town limits

See the fee schedule included in your application packet or view the fee schedule online at:

<http://www.estes.org/ComDev/Schedules&Fees/PlanningApplicationFeeSchedule.pdf>

All requests for refunds must be made in writing. **All fees are due at the time of submittal.**

APPLICANT CERTIFICATION

- ▶ I hereby certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that in filing the application I am acting with the knowledge and consent of the owners of the property.

- ▶ In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Estes Valley Development Code (EVDC).

- ▶ I acknowledge that I have obtained or have access to the EVDC, and that, prior to filing this application, I have had the opportunity to consult the relevant provisions governing the processing of and decision on the application. The Estes Valley Development Code is available online at:
<http://www.estes.org/ComDev/DevCode>

- ▶ I understand that acceptance of this application by the Town of Estes Park for filing and receipt of the application fee by the Town does not necessarily mean that the application is complete under the applicable requirements of the EVDC.

- ▶ I understand that this variance request may be delayed in processing by a month or more if the information provided is incomplete, inaccurate, or submitted after the deadline date.

- ▶ I understand that a resubmittal fee will be charged if my application is incomplete.

- ▶ The Community Development Department will notify the applicant in writing of the date on which the application is determined to be complete.

- ▶ I grant permission for Town of Estes Park Employees and Members of the Board of Adjustment with proper identification access to my property during the review of this application.

- ▶ I acknowledge that I have received the Estes Valley Board of Adjustment Variance Application Schedule and that failure to meet the deadlines shown on said schedule shall result in my application or the approval of my application becoming null and void. I understand that full fees will be charged for the resubmittal of an application that has become null and void.

- ▶ I understand that I am required to obtain a "Variance Notice" sign from the Community Development Department and that this sign must be posted on my property where it is clearly visible from the road. I understand that the corners of my property and the proposed building/structure corners must be field staked. I understand that the sign must be posted and the staking completed no later than ten (10) business days prior to the Estes Valley Board of Adjustment hearing.

- ▶ I understand that if the Board of Adjustment approves my request, "**Failure of an applicant to apply for a building permit and commence construction or action with regard to the variance approval within one (1) year of receiving approval of the variance shall automatically render the decision of the BOA null and void.**" (Estes Valley Development Code Section 3.6.D)

Names:

Record Owner PLEASE PRINT: _____

Applicant PLEASE PRINT: _____

Signatures:

Record Owner _____

Date _____

Applicant _____

Date _____

Section 3.6 VARIANCES

- A. **Applicability.** The BOA shall hear requests for variances where it is alleged that the provisions of this Code inflict unnecessary hardship and practical difficulties upon the Applicant.
- B. **Procedure for Approval of Variances.** Applications for approval of variances shall follow the standard development approval process set forth in Section §3.2 of the Estes Valley Development Code, except for the following modifications:
1. *Step 2: Application Timing.* Applications for variances shall be submitted twenty-one (21) days prior to a regularly scheduled meeting of the BOA.
 2. *Step 4: Review and Action by the BOA.* The staff report on an application for a variance shall be forwarded to the BOA. The BOA shall review the application, staff report and public meeting testimony and take final action by either approving, approving with conditions or denying such application. The BOA's decision on the application shall be final.
- C. **Standards for Review.** All applications for variances shall demonstrate compliance with the standards and criteria set forth below:
1. Special circumstances or conditions exist (e.g., exceptional topographic conditions, narrowness, shallowness or the shape of the property) that are not common to other areas or buildings similarly situated and practical difficulty may result from strict compliance with this Code's standards, provided that the requested variance will not have the effect of nullifying or impairing the intent and purposes of either the specific standards, this Code or the Comprehensive Plan.
 2. In determining "practical difficulty," the BOA shall consider the following factors:
 - a. Whether there can be any beneficial use of the property without the variance;
 - b. Whether the variance is substantial;
 - c. 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;
 - d. Whether the variance would adversely affect the delivery of public services such as water and sewer;
 - e. Whether the Applicant purchased the property with knowledge of the requirement; and
 - f. Whether the Applicant's predicament can be mitigated through some method other than a variance.
 3. No variance shall be granted if the submitted conditions or circumstances affecting the Applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
 4. 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 zone district regulations.
 5. If authorized, a variance shall represent the least deviation from the regulations that will afford relief.
 6. Under no circumstances shall the BOA grant a variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this Code for the zone district containing the property for which the variance is sought.
 7. In granting such variances, the BOA may require such conditions as will, in its independent judgment, secure substantially the objectives of the standard so varied or modified.
- D. **Lapse.** Failure of an Applicant to apply for a building permit and commence construction or action with regard to the variance approval within one (1) year of receiving approval of the variance shall automatically render the decision of the BOA null and void.

**Estes Valley Board of Adjustment
Submittal Requirements
EVDC Appendix B.VII**

1. A pre-application conference with Community Development Staff.
2. A completed application form.
3. All applicable fees.
4. A vicinity map locating the subject property and showing streets and other general development of the surrounding area.
5. A development plan containing, at a minimum, the following information:
 - a. Location of all existing and proposed buildings, structures, parking areas and signs on the property, including the location of required and proposed front, side and rear building and other setback lines.
 - b. A statement of the proposed use of each existing or proposed building or structure on the site.
 - c. Location of property lines, existing easements and other restrictions, rights-of-way, stream/river corridors, wetlands and critical wildlife habitat, as applicable.
 - d. The existing land use of all adjacent properties, and the location of all existing buildings and structures within two hundred (200) feet of the lot or property line of the subject site.

Staff shall have the discretion to request a more detailed development plan if the specific variance or modification request is relatively complex or raises compatibility issues.

6. The specific Code standards (including citations) sought to be varied or modified.
7. A written statement of how the proposed variance meets the applicable standards for review as set forth in Section 3.6 (Variances) of the Code. (See attached.)
8. Any other information deemed necessary by the Staff to make a fully informed and deliberate decision on the application.
9. **Field Staking.** The lot corners and building corners of the proposed structure shall be field staked ten (10) business days prior to the scheduled Board of Adjustment hearing.
10. **Site Notice.** The applicant shall be responsible for posting the Estes Valley Board of Adjustment sign on the property fourteen (14) days prior to the public hearing according to Community Development Department standards.

2010 Estes Valley Board Of Adjustment Variance Application & Review Schedule

(1)	(2)	(3) & (4)	(5)	(6)	(7)	(8)	(9)
Sketch Plans Required Prior to	Pre-Application Conference Required Prior to	Submittal Deadline 5 Copies of Plats/Plans Due	Application Posted on Town Website	Sign Posting & Field Staking Date	12 Copies of Plans Due for Board of Adjustment Packets	Staff Report Posted on Town Website	Board of Adjustment Meeting Date
4-Nov-2009	11-Nov-2009	25-Nov-2009	27-Nov-2009	17-Dec-2009	30-Dec-2009	31-Dec-2009	5-Jan-2010
2-Dec-2009	9-Dec-2009	23-Dec-2009	28-Dec-2009	19-Jan-2010	27-Jan-2010	28-Jan-2010	2-Feb-2010
29-Dec-2009	6-Jan-2010	20-Jan-2010	21-Jan-2010	16-Feb-2010	24-Feb-2010	25-Feb-2010	2-Mar-2010
3-Feb-2010	10-Feb-2010	24-Feb-2010	25-Feb-2010	23-Mar-2010	31-Mar-2010	1-Apr-2010	6-Apr-2010
3-Mar-2010	10-Mar-2010	24-Mar-2010	25-Mar-2010	20-Apr-2010	28-Apr-2010	29-Apr-2010	4-May-2010
31-Mar-2010	7-Apr-2010	21-Apr-2010	22-Apr-2010	24-May-2010	2-Jun-2010	3-Jun-2010	8-Jun-2010
5-May-2010	12-May-2010	26-May-2010	27-May-2010	28-Jun-2010	7-Jul-2010	8-Jul-2010	13-Jul-2010
2-Jun-2010	9-Jun-2010	23-Jun-2010	24-Jun-2010	20-Jul-2010	28-Jul-2010	29-Jul-2010	3-Aug-2010
7-Jul-2010	14-Jul-2010	28-Jul-2010	29-Jul-2010	30-Aug-2010	8-Sep-2010	9-Sep-2010	14-Sep-2010
4-Aug-2010	11-Aug-2010	25-Aug-2010	26-Aug-2010	21-Sep-2010	29-Sep-2010	30-Sep-2010	5-Oct-2010
31-Aug-2010	8-Sep-2010	22-Sep-2010	23-Sep-2010	19-Oct-2010	27-Oct-2010	28-Oct-2010	2-Nov-2010
6-Oct-2010	13-Oct-2010	27-Oct-2010	28-Oct-2010	22-Nov-2010	1-Dec-2010	2-Dec-2010	7-Dec-2010

See reverse side for detailed explanations of (1) through (9).

The applicant is responsible for ensuring that their deadlines are met.

A resubmittal fee will be charged when deadlines prior to review by the Decision-Making Body are not met and the application may be delayed by a month or more.

Requests for time extensions after approval by the Decision-Making Body must be made in writing prior to the deadline and must state the reasons supporting the requested extension and the requested deadline.

Failure to meet deadlines, without written acceptance of a new deadline from planning staff, will result in the approval becoming null and void.

Full fees will be charged for the resubmittal of an application that is null and void.

(1) SKETCH PLANS

Sketch plans are due by this date. Contact Planning staff to determine how many copies of the sketch plan to submit.

See *Estes Valley Development Code Appendix B* for a complete list of submittal requirements.

You can view these requirements online at:

<http://www.estes.org/ComDev/DevCode/ChapterIndex.aspx>

(2) PRE-APPLICATION MEETING

A pre-application meeting with a planner is required at least two weeks prior to the submittal date.

Staff recommends this appointment be made a week to ten days in advance.

(3) SUBMITTAL DEADLINE

A complete application is due no later than 12:00 p.m. (noon) on this date.

See *Estes Valley Development Code Appendix B* for a complete list of submittal requirements.

You can view these requirements online at:

<http://www.estes.org/ComDev/DevCode/ChapterIndex.aspx>

Planning staff will notify the applicant within eight business days if the application has been accepted as complete.

This is not a full review of your application (see #8, STAFF REPORT).

NOTE: If your application is found to be incomplete, no further processing of the application will occur until the deficiencies are corrected.

A resubmittal fee will be charged and your application may be delayed a month or more.

(4) APPLICATION FEE

The application fee is due by the submittal deadline for the application to be accepted as complete (see NOTE above).

Please refer to the fee schedule in your application packet.

You can view the fee schedule online at:

<http://www.estes.org/ComDev/Schedules&Fees/PlanningApplicationFeeSchedule.pdf>

(6) SIGN POSTING & FIELD STAKING DATE

Obtain a "Variance Notice" sign from the Community Development Department.

By this date post the sign on your property where it is clearly visible from the road; and

By this date field stake the property corners and the proposed building/structure corners.

(7) COPIES FOR BOARD OF ADJUSTMENT PACKETS

Twelve (12) folded copies of the plans for your application are due by 12:00 p.m. (noon) on this date.

The plans will be provided to the Board of Adjustment members, along with the staff report, comments from affected agencies and neighboring property owners, your statement of intent, and application form, and other relevant information concerning your request.

(8) STAFF REPORT POSTED ON TOWN WEBSITE

Planning staff will review your application for compliance with Estes Valley Development Code standards and will prepare a report on your proposal for the Board of Adjustment to review.

The report will include a recommendation for approval, denial, or continuance of your application, along with recommended conditions of approval.

By this date the staff report, along with comments from affected agencies and neighboring property owners, will be posted online at:

<http://www.estes.org/ComDev/CurrentRequests.aspx>

At the public hearing, the Board of Adjustment may require further changes to your plans.

NOTE: Except for specific modifications, applications for variances shall follow the same standard development process set forth in Estes Valley Development Code §3.2, including §3.2.C, which states "No changes to the development application or any accompanying plans or information shall be permitted after submittal, except for any changes or additional information requested by Staff during their review."

(9) ESTES VALLEY BOARD OF ADJUSTMENT MEETING

It is strongly recommended that you and/or your agent be present at the Board of Adjustment meeting when your application is reviewed.

All Board of Adjustment meetings begin at 9:00 a.m. and are held in the Board Room of the Town Hall, 170 MacGregor Avenue, Estes Park.

Minutes of the Board of Adjustment meeting are available online approximately two weeks following the meeting. These minutes

are reviewed by the Board and approved, with or without changes, at their next meeting. The minutes state whether the variance was

approved or denied and list any conditions of approval. The property owner should print and keep a copy of the minutes for their records.

NOTE: Per Estes Valley Development Code Section 3.6.D, if the Board of Adjustment approves the request, "Failure of an applicant to apply for a building permit and commence construction or action with regard to the variance approval within one (1) year of receiving approval of the variance shall automatically render the decision of the BOA null and void."

Development Review Fee Schedule

Updated November 18, 2009



Estes Park Community Development Department
 PO Box 1200
 Estes Park, CO 80517
 ph: 970-577-3721 fx: 970-586-0249



Submittals will not be accepted unless the applicable fee has been paid.

ITEM	Town Fees as of October 1, 2008	County Fees as of September 14, 2009
<input type="checkbox"/> Administrative Appeal	\$300	\$200
<input type="checkbox"/> Annexation (Less subdivision or development plan review base fee, if paid)	\$1,500	N/A
<input type="checkbox"/> Cell-Towers Administrative Review	\$1,300	\$1,300
Condominium Subdivision		
<input type="checkbox"/> Pre-Application Conference	\$500	\$800
<input type="checkbox"/> Preliminary Condominium Map (Less development plan review fee, if paid)	\$1,200	\$285
<input type="checkbox"/> Final Condominium Map	\$285	\$285
<input type="checkbox"/> Supplemental Condominium Map	\$285	\$285
<input type="checkbox"/> Amended Condominium Map	\$560	\$600
Development Agreement or Annexation Agreement		
<input type="checkbox"/> Development Agreement Modification	\$600	\$0
Development Plan (including Special Review, Location and Extent, and PUD)		
<input type="checkbox"/> Pre-Application Conference	\$500	\$800
<input type="checkbox"/> Development Plan	\$2,000	\$2,000
<input type="checkbox"/> Development Plan Amendment	\$600	N/A
Improvement Guarantee and Letter of Credit		
<input type="checkbox"/> Set Up *	\$200	\$0
<input type="checkbox"/> Release at Completion of Phase	\$300	\$0
<input type="checkbox"/> Final Release into Warranty Period **	\$300	\$0
<input type="checkbox"/> Expiration of Warranty Period	\$200	\$0
* If total guaranteed amount is \$5,000 or less, only set-up fee is charged		
** Final release fee waived if work is completed within ONE YEAR of date improvement guarantee is signed		
<input type="checkbox"/> PUD: Fees shall be equal to the cumulative amount of all applicable review fees.		
Land Subdivision		
Preliminary Plat:		
<input type="checkbox"/> Pre-Application Conference	\$500	\$800
<input type="checkbox"/> Preliminary Subdivision Plat	\$3,000	\$3,000
<input type="checkbox"/> Preliminary Plat Time Extension	\$600	\$600
Final Plat:		
<input type="checkbox"/> Final Subdivision Plat	\$3,600	\$3,600
<input type="checkbox"/> Final Plat Time Extension	\$600	\$0
Minor Land Subdivision		
<input type="checkbox"/> Pre-Application Conference	\$500	\$800
<input type="checkbox"/> Minor Land Subdivision	\$1,200	\$1,700
<input type="checkbox"/> Amended Plat (platted lots)	\$560	\$600
<input type="checkbox"/> Boundary Line Adjustment (metes & bounds properties)	\$300	\$300
<input type="checkbox"/> Lot Consolidation Plat (metes & bounds properties)	\$400	\$600

ITEM	Town Fees as of October 1, 2008	County Fees as of September 14, 2009
Other Administrative Review		
<input type="checkbox"/> Review that requires Board/Commission approval	\$300	N/A
<input type="checkbox"/> Staff-level Review	\$100	N/A
<input type="checkbox"/> Rezoning (Less subdivision or development plan review base fee, if paid)	\$3,000	\$4,000
<input type="checkbox"/> Right-of-Way or Easement Vacation	\$100	\$200
<input type="checkbox"/> Separate Lot Review (Legal Lot Determination)	\$100	\$0
<input type="checkbox"/> Street Name Change	\$100	\$100
<input type="checkbox"/> Temporary Use Permit	\$50	\$50
Variance Petition		
<input type="checkbox"/> Board of Adjustment – Prior to Construction	\$500	\$500
<input type="checkbox"/> Board of Adjustment – After Construction	\$880	\$500
<input type="checkbox"/> Staff-Level Minor Modification – Prior to Construction	\$100	\$50
<input type="checkbox"/> Staff-Level Minor Modification – After Construction	\$185	\$50
Zoning Compliance Review Fees (for building permits)		
<input type="checkbox"/> New Residential Structure*	\$85	\$85
<input type="checkbox"/> Residential Addition*	\$65	\$65
<input type="checkbox"/> New Commercial Structure*	\$180	\$180
<input type="checkbox"/> Commercial Addition*	\$180	\$180
* Collected as a portion of building permit fees		

OTHER AGENCY FEES

<input type="checkbox"/> Colorado Geological Survey Fee - Checks payable to Colorado Geological Survey * Refer to Colorado Geological Survey Fee Chart for Land Use Review Fees http://geosurvey.state.co.us/Default.aspx?tabid=485	*	*
<input type="checkbox"/> Recording Fees (submit with documents for recording) - Checks payable to Larimer County MYLAR: \$10.00 per page plus \$1.00 8½" x 11" and legal-sized documents: \$5.00 per page plus \$1.00		
<input type="checkbox"/> Wildfire Hazard Review - Checks payable to Larimer County	\$200	\$200

NOTE: An additional fee equal to 20% of the original application fee will be charged for all incomplete applications or for multiple requests for plan revisions.

NOTE: Non-profit organizations and special taxing districts may request a fee waiver for projects within Town limits. The Community Development Department Director is authorized to waive fees up to \$3,000 per project or \$3,000 per affordable housing unit. Request for fee waiver of greater than \$3,000 shall be reviewed by the Town Board of Trustees.

NOTE: The official Larimer County Fee Schedule supercedes all Larimer County fee information on this form. Copies are available online at:
<http://www.co.larimer.co.us/planning/planning/>
Click on "Current Development Review Fees."