

Variance
Land Development Code
Chapter 15 Article 14

CITY OF GUNNISON
DEVELOPMENT ASSISTANCE PACKET

This Development Assistance Packet has been prepared for your convenience and assistance in processing land use applications in the City of Gunnison. You should note that this Development Assistance Packet contains excerpts from the City of Gunnison Land Development Code. Please be advised that the City of Gunnison Land Development Code is amended from time to time and such amendments may not be included within the Development Assistance Packet. It is your responsibility to review the entire City of Gunnison Land Development Code and all amendments thereto, which are maintained in the office of the City Clerk, to determine if you have all of the current ordinances related to the City of Gunnison Land Development Code and what effect, if any, the City of Gunnison Land Development Code has on your property, project, or application.

Prepared by the City of Gunnison
Community Development Department
(970) 641-8090

June 2011

Applicant Name(s):	
Phone #: _____ Fax #: _____ E-Mail: _____	
Mailing Address: _____	
City: _____ State: _____ Zip: _____	
Summary of Request:	
Disclosure of Ownership- Please provide one of the following: <input type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments <input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements	
Legal Description Site Address of Property: _____ Zoning _____ Block: _____ Lot(s): _____ Addition: _____	
Attachments: <input type="checkbox"/> Vicinity Map (8.5"x11") <input type="checkbox"/> Written Narrative/Description of Proposal <input type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office) <input type="checkbox"/> Vested Property Rights <input type="checkbox"/> Letter/Authorization of Agent (from Owner if not applicant) <input type="checkbox"/> Site Plan (11"x17") to scale , includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Includes a table for all dimensional requirements based on 15-7-4. (See attached sample)	
YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION	
Signature(s) _____ Date _____ _____ Date _____	
For Office Use Only	
<input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Major Subdivision <input type="checkbox"/> Minor Subdivision <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Mobile Home/RV Park <input type="checkbox"/> PUD <input type="checkbox"/> Vacation <input type="checkbox"/> Consolidated Application	

City of Gunnison Minimum Application Contents

- Name of Applicant(s)
- Applicant's mailing address and telephone number
- Site address of subject property
- Legal description of subject property
- Name of owner, if not applicant
- Power of Attorney, Authorization of Agent, or letter from owner authorizing application
- Proof of ownership – deed, assessor records
- Land encumbrances – judgments, liens, easements, contracts and any agreements that run with the land
- Narrative of request – written description of application
- Names and mailing addresses of adjoining property owners (all sides of property and across streets and alleys – obtain from County Assessor's Office)
- Vested property rights, if any
- Vicinity map, 8½ x 11 locating the subject parcel within the City of Gunnison
- Land Use Map – show current land use of adjacent properties
- Site plan, 11 x 17 to scale, showing dimensions and locations of existing and proposed features, buildings, road and street names, alleys, utility lines (overhead and underground), landscaping, individual parking spaces, access, building setbacks from all property lines, snow storage area. Site plan should include a table showing the dimensional standards (see Table 7-4 attached), and the actual measurements and percentages of the parcel. See the Community Development Office for Assistance.

City of Gunnison Land Development Code – Commonly Used Articles:

Chapter 15.70 – Use and Dimensional Standards (Includes Table 7-4)

Chapter 15.80 – Off-street Parking Standards

Chapter 15.90 – Landscaping and Illumination Standards

Chapter 15.120 – Development Review Procedures (minimum Application Contents)

Chapter 15.130 – Conditional Uses

Chapter 15.140 – Variances

Chapter 15.160 – Subdivisions – PUD Subdivision

The Land Development Code is available on the City's website:

www.cityofgunnison-co.gov

Copies can also be obtained from the Community Development Office

ADDITIONAL DOCUMENTS MAY BE REQUIRED

Thank you for your complete application!

Call 641-8090 for additional information

**CITY OF GUNNISON LAND DEVELOPMENT CODE, CHAPTER 15, TABLE 7-4
SCHEDULE OF DIMENSIONAL STANDARDS**

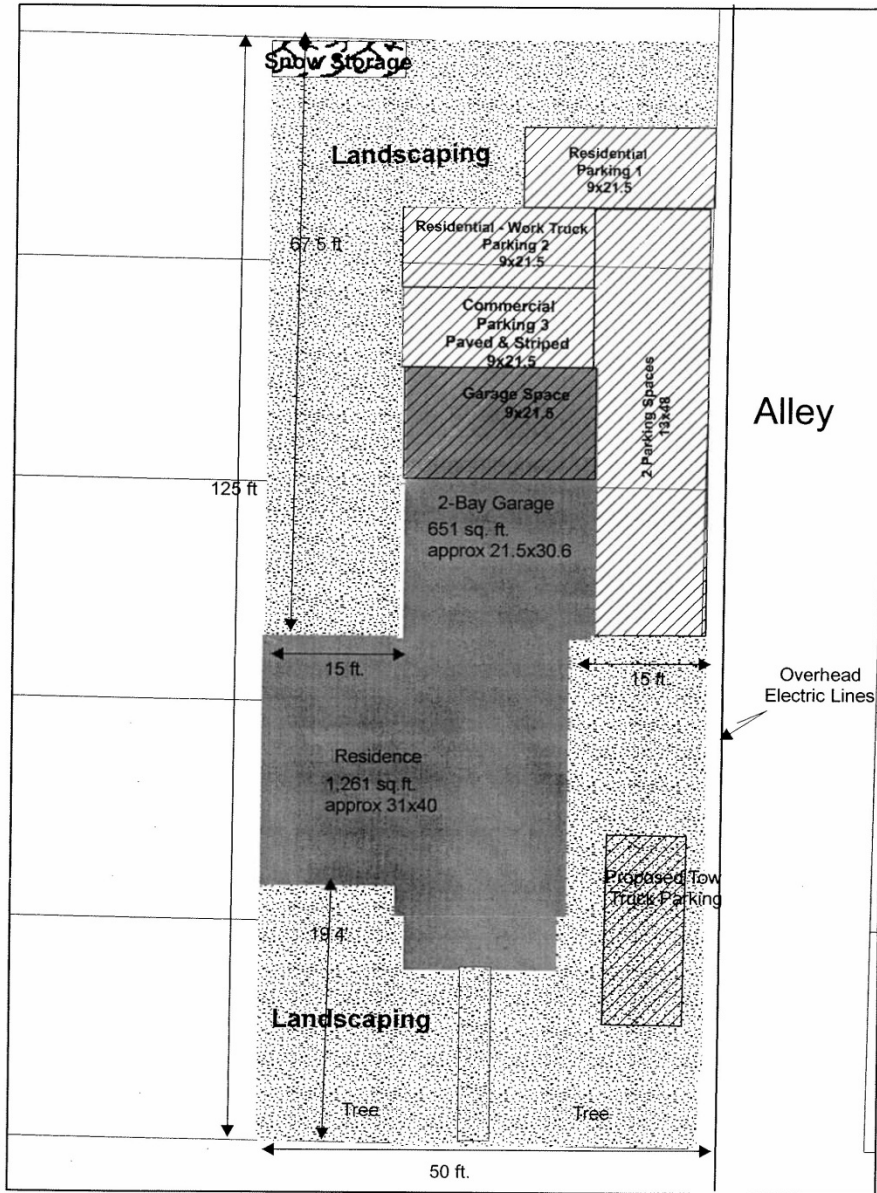
Dimensional Standard	R-1	R-1M	R-2	R-2M	R-3	B-1	CBD	C	I
Max. Density (units/acre)	3.5	6	12	16	30	12	N/A	16	N/A
Min. Lot Size (sq. ft.)	8,000	6,250	6,250	6,250	6,250	6,250	No Req	8,000	6,250
Min. Lot Frontage	64'	50'	50'	50'	50'	50'	No Req	50	50
Max. Lot Coverage: Structures	40%	40%	40%	45%	45%	40%	100%	50%	60%
Max. Lot Coverage: Uncovered Parking/Access	10%	10%	15%	20%	40%	15%	No Req	40%	30%
Min. Landscape Area	50%	50%	45%	35%	15%	45%	No Req	10%	10%
Min. Setback From Side Lot Line	10'	5'	5'	5'	5'	5'	No Req	5'	5'***
Min. Setback From Rear Lot Line: Principal Bldg.	25'	10'	5'	5'	5'	5'	No Req	5'	5'***
Min. Setback From Rear Lot Line: Accessory Bldg.	5'	5'	5'	5'	5'	5'	N/A	N/A	N/A
Min. Setback From Front Lot Line	15'	15'	15'	15'	15'	15'***	No Req	15'	0'
Max. Building Height	35'	35'	35'	35'	35'	35'	35'	35'	35'
Min. Building Width	24'	24'	20'	20'	20'	24'	No Req	No Req	No Req
Min. Floor Area (sq. ft.)	1,000	750	650	650	500(m.f.) 300 (eff.)	650 (m.f.) 300 (eff.)	500 (m.f.) 300 (eff.)	500(m.f.) 300 (eff.)	No Req
Min. Storage Area (sq. ft.)*	No req	No req	No req	32	32	32	32	32	No Req

Notes: * The minimum storage area standard applies to multi-family dwelling units.

** If the property adjoins a residential zone district, setbacks on the side and rear lot line shall be the same as those in the residential zone.

*** Parking not allowed within front setback area in B-1 District

SAMPLE SITE PLAN



Tomichi Avenue

APPLICANT NAME: _____
 SITE ADDRESS: _____
 11 X 17 SITE PLAN

Total Parcel Size: 6,250 square feet:

Dimensional Standards:

Dimension	Required	Actual
Structures:	50%	30% 1,912 sq. ft.
Landscaping:	10%	42% - 2,577 sq. ft.
Parking/Access	40%	28% - 1,761 sq. ft. (see below)

Landscaping Requirements:

This site is located in the Entrance Overlay zone which requires two trees within five feet of the sidewalk.

Parking Requirements:

- Residence 2 parking spaces
- Bays 2 parking spaces per 2 bays
- Tow Trucks 3 spaces on rear of lot
- Seven spaces required by Code
- Two spaces will be located in driveway access

Total Parking/Access Dimensions:

Parking 1	9 x 21.5	193.50
Parking 2	9 x 21.5	193.50
Parking 3	9 x 21.5	193.50
Parking 4 & 5	13 x 48	624.00
Parking 6	in bay	does not count toward uncovered parking
Total Uncovered Parking/Access:		1204.5 sq. ft./19%

Notes:

Snow Storage: (approximately 15' x 4') will be on the northwest side of the lot in the landscaped area. Landscaping is predominantly live cover except 220 sq. ft. of sidewalks.

1 inch equals 15 feet



Chapter 15.140

VARIANCES

Sections:

- 15.140.010 General.
- 15.140.020 Procedure.
- 15.140.030 Application contents.
- 15.140.040 Required showing.
- 15.140.050 Board authorized to impose conditions.
- 15.140.060 Expiration of approved variance.
- 15.140.070 Amendment of approved variance.

15.140.010 General.

- A. Purpose. This chapter sets out the procedures and required showing to obtain a variance from the standards of this land development code. Variances are authorizations to deviate from the literal terms of this land development code that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this land development code would result in undue or unnecessary hardship. A variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining districts.
- B. Variances Authorized. Variance from the standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, minimum building width, maximum lot coverage, minimum setbacks, maximum setbacks, parking requirements, and minimum landscape area.
- C. Use Variances Not Authorized. Establishment or expansion of a use otherwise prohibited in a zone district shall not be allowed by variance. (Ord. 5-2003 § 2; Ord. 1-1997 § 1; Code 1997 § 15-14-1).

15.140.020 Procedure.

An applicant requesting a variance shall follow the stages of the city of Gunnison land development process outlined below.

- A. Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a variance.
- B. Submit Application. The applicant shall submit a complete application to the community development director containing those materials listed in GMC 15.140.030, Application contents.
- C. Staff Review. The community development director shall review the application to determine whether it is complete, as specified in GMC 15.120.040(A), Completeness Review. The community development director shall forward a report to the board of adjustment which summarizes the application's compliance with the conditions outlined in GMC 15.140.040, Required showing. The community development director may solicit the assistance of other agencies and organizations in drafting the report.
- D. Public Notice. Public notice that the board of adjustment will conduct a hearing to consider the application for a variance shall be provided as specified in GMC 15.120.050, Stage 4: provision of public notice.
- E. Public Action by Board. The board of adjustment shall hold a public hearing to review the conformance of the application with all applicable provisions of this land development code. The board may approve, approve with conditions, or deny the application or remand it to the applicant with instructions for modification or additional information or action. The board shall deny any

application that does not demonstrate the required showing set forth in GMC 15.140.040, Required showing.

- F. Actions Following Approval. The applicant may apply for a building permit following approval of the variance and the filing and, if applicable, recordation of any documents required by the variance approval. (Ord. 1-1997 § 1; Code 1997 § 15-14-2).

15.140.030 Application contents.

The development application for a variance shall contain the following information:

- A. Minimum Contents. The minimum contents for all applications specified in GMC 15.120.030(C), Minimum Application Contents.
- B. Site Plan. A site plan of the subject property, showing existing and proposed features, buildings, etc., which are relevant to the review of the variance application. (Ord. 1-1997 § 1; Code 1997 § 15-14-3).

15.140.040 Required showing.

The applicant shall demonstrate the following to the board before a variance may be authorized:

- A. Special Circumstances Exist. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood; and
- B. Not Result of Applicant. The special circumstances and conditions have not resulted from any act of the applicant; and
- C. Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this land development code would deprive the applicant of reasonable use of the land or building; and
- D. Variance Is Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building; and
- E. Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building; and
- F. Not Injurious to Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment; and
- G. Consistent with Land Development Code. The granting of the variance is consistent with the general purposes and intent of this land development code. (Ord. 1-1997 § 1; Code 1997 § 15-14-4).

15.140.050 Board authorized to impose conditions.

The board, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety, and welfare of the city. All conditions imposed upon any variance shall be set forth in the granting of such variance. (Ord. 1-1997 § 1; Code 1997 § 15-14-5).

15.140.060 Expiration of approved variance.

- A. Time Limit. All variances shall expire 12 months from the date of issuance if no building permit has

been issued to establish the variation authorized, or if the variation does not require a building permit, unless the variation is established, ongoing, and in operation. Such time period shall not be altered by transfer of ownership.

- B. Extension. Upon written request, the board may grant an extension of the variance for a period not to exceed six months for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the community development director prior to the date the variance is to expire. The variance shall be deemed extended until the board has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the variance null and void. (Ord. 1-1997 § 1; Code 1997 § 15-14-6).

15.140.070 Amendment of approved variance.

Amendment of an approved variance shall only be approved by the board by repetition of the procedures and required showing of this chapter. (Ord. 1-1997 § 1; Code 1997 § 15-14-7).