



Jefferson County, Colorado
Planning & Zoning Division

100 Jefferson County Parkway, Suite 3550, Golden, Colorado 80419-3550
☎ 303.271.8700 • Fax 303.271.8744 • <http://planning.jeffco.us>

BOARD OF ADJUSTMENT VARIANCES GUIDE

Please read the following information carefully before completing your application:

This handout is intended to assist citizens in determining whether it is appropriate to seek a variance, or whether additional options or alternatives should first be considered. A variance from the standards outlined in the Zoning Resolution is an exception, not the rule, and is subject to public hearing before the Board of Adjustment (BOA).

The BOA is an appointed body and is governed by both Colorado State Statute and the Jefferson County Zoning Resolution. The BOA is vested with the authority to grant variances from established zoning regulations, subject to certain criteria.

In order to grant approval of your variance request, the BOA must determine that:

- ✓ The following property conditions exist:
 - Exceptional narrowness, shallowness or shape of a specific piece of property; or
 - Exceptional topographic condition; or,
 - Other extraordinary and exceptional situation or condition of such piece of property; AND,
- ✓ The relief shall not have a substantial detriment to the public good, AND,
- ✓ The relief shall not substantially impair the intent and purpose of the Zoning Resolution; AND,
- ✓ The relief shall not effectively change a land use on a permanent basis, AND
- ✓ The relief shall not be granted in circumstances which are self-imposed, AND
- ✓ No Variance shall be granted based solely on economic hardship.

☞ AS THE APPLICANT, IT IS YOUR RESPONSIBILITY TO ESTABLISH THAT THE VARIANCE REQUESTED IS THE RESULT OF CONDITION OF YOUR PROPERTY WHICH MEETS THE STANDARDS FOR A STATUTORY HARDSHIP OR EXCEPTIONAL DIFFICULTY

“Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property...including the adequacy of access to sunlight for solar energy devices...the strict application of any regulation...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property...”

C.R.S. 30-28-118

Examples which DO meet statutory requirements

"Odd-shaped lot with large rock outcroppings limits feasible building sites."

"Slope of the land makes meeting setback requirements impractical."

"Dedicated right-of-way reduced size of property considerably."

Examples which DO NOT meet statutory requirements

"I want to be able to store all of my vehicles inside."

"It will cost much less to build the structure in the area I am proposing."

"My neighbor also has a garage very close to our common property line."

Applicant's Checklist

- ✓ Hardship/Exceptional Difficulty - Please explain what special circumstances or conditions exist on your property, which necessitate this variance request. This statement must meet the regulatory requirements.
- ✓ Under "Specific Request" please include the following:
 - The intended use of the proposed construction (i.e., living space, garage space, storage space)
 - The building materials which will be used
 - The proposed building height, setback distance or lot size requiring the variance
- ✓ Please ensure that your ILC/site plan is accurate:
 - Are there any structures or improvements on the property which are not depicted on the ILC/site plan?
 - Are the locations of the well and septic shown (if applicable)?
- ✓ Please submit with your application:
 - Current Warranty Deed
 - Signed Authorization of Representation Letter (if applicable)

Important Reminders

- ✓ An affirmative vote by four out of five voting members of the BOA is necessary for approval of a variance request.
- ✓ The ILC/site plan submitted with this request must depict the EXACT footprint of the subject structure(s), including all decks, cantilevers, etc. Additions or modifications to the footprint shown will require re-application to the BOA.
- ✓ An Improvement Location Certificate (ILC) will be required prior to the Rough Frame Inspection where a variance for setbacks and/or lot size has been approved by the BOA.
- ✓ Additional fees may apply if access review, legal parcel research or additional permitting is required.

**THE SUBJECT PROPERTY MUST BE ACCESSIBLE FOR SITE INSPECTION
AT ALL TIMES THROUGHOUT THIS PROCESS.**