



The Board of Adjustment shall hear and decide variances with respect to Chapters 30-2 – Design Standards, 30-3 – Zoning, or 30-7 – Signs of the Development Code. The Board of Adjustment shall have the following powers and duties, all of which shall be subject to and in compliance with the laws of the state, in harmony with the purpose and intent of the code and the most appropriate development of the neighborhood:

- a. To authorize variances from the terms of this code where the strict enforcement of this title would create a situation which would result in unreasonable application of these standards, or in circumstances where the property owners affected most directly, eg. neighbors, concur in writing with the variance, provided that such relief may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of this code, and further provided that there are exceptional circumstances applying to the specific piece of property which do not generally apply to the remaining property in the same zoning area or neighborhood; and further provided that no variance shall authorize any use other than the uses permitted in the zoning district. If the hardship on which the request for variance is based, in whole or in part, is self-inflicted, that will be a highly significant fact which is a material element bearing on the issue, and will weigh heavily against the owner or applicant seeking the variance.
- b. To authorize, as variances, alterations in nonconforming uses and buildings, provided the board of adjustment determines:
 - o That the total area devoted to the altered nonconforming use will not be greater than the total area devoted to the current nonconforming use, and
 - o The altered nonconforming building or use will not have any greater adverse impact on the neighborhood than the current nonconforming building or use.

All documents and plans must be submitted in PDF format. Application submittal checklist:

- Complete and sign Development Review Application**
- Payment of fees (application fee, development review deposit, sign deposit)**
See current Development Review Fee Schedule for amounts
*Please provide three separate checks
- Sign MOU** – “Memorandum of understanding for payment of review and development expenses incurred by the Town”

- ❑ **Complete “Petition for Variance”** – Be as thorough as possible when justifying the reason for the variance request. Attach a copy of the deed or a copy of the title insurance policy for proof of ownership.
- ❑ **Vicinity Map** (8½ X 11) – Illustrate roads and significant natural features near the project site. Roads must be labeled so that the site can be easily found.
- ❑ **Provide plot plan** – Show dimensions of property and existing and proposed (if applicable) structures. Show setback measurements on plot plan.
- ❑ **Attend Public Hearing** – Applicant(s) **MUST** be present at the Public Hearing and be prepared to answer questions and provide information. Staff will confirm with the applicant the scheduled date of the Public Hearing.

NOTE: This checklist may not be all-inclusive. Applicant(s) may be asked to provide further information and/or documentation if deemed necessary by staff or by the Board of Adjustment.



**Garden
Spot of
Colorado**

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PETITION FOR VARIANCE

I/We, the undersigned represent that I/we are the owner(s) of the following property:

_____, Berthoud, Colorado with a legal description of:

Proof of Ownership is attached to this petition in the form of: *(Check one)*

- A copy of the deed. A copy of the title insurance policy.

You—as the applicant(s)—need to state why your specific facts justify granting a variance. Please answer the following questions in detail. You may attach additional pages. It is often helpful to obtain as many of your neighbors' signatures as possible to indicate support for your request.

01. Type of variance you are requesting (e.g., front yard setback, side yard setback, fence, etc...)

02. Your justification for this variance (i.e., peculiar lot size or exceptional contours of lot, etc...)

03. Please submit a drawn-to-scale diagram of the requested variance as it affects the real property with the application.

Printed Name of Applicant

Printed Name of Applicant

Signature of Applicant

Signature of Applicant

Address: _____

Address: _____

Email Address: _____

Email Address: _____

Phone Number: _____

Phone Number: _____