



Variance Permit Process Guide

Sec. 16-21-690 Variances Purpose:

1. In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this Chapter as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.
 2. Variances may be granted only with respect to the development standards prescribed for each zone, including lot area and site dimensions, setbacks, distances between buildings, height, density, site coverage, usable open space, landscaping, site development and parking and loading requirements.
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Permit Overview:

- \$575 + Costs attributable to the review by consultant time are billed at actual hourly rates. Cost assessed after first hour.
 - Variances are typically granted to relieve practical difficulties in circumstances where granting of the variance will not be detrimental to public health and safety.
 - Variances are typically submitted by the owner, their agent, or others that have a legitimate interest in the property.
 - Variances are first submitted to the Planning Director for review and then brought before the Planning Commission. The Planning Commission makes a recommendation to the Town Council who will then approve, modify, or deny the variance request.
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Application Contents:

- Complete application form:
<https://www.minturn.org/sites/minturnco/files/uploads/variance-application.pdf>
- Written description of proposed Variance (what are you applying for?) and:
 - A legal description, street address and other identifying data concerning the site such as title commitments.
 - How it is compatible with the surrounding properties.
 - A site plan showing existing and/or proposed development of the site, including topography, building locations, parking, traffic, circulation, usable open space, landscaped area, utilities and drainage.

- Preliminary building plans.
 - Photos of the area or site where the variance is requested
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What to expect:

- After the Planning Director determines that the application is complete, and after Planning Director and Town Staff have reviewed the application, the Town will work with the Applicant to post notice of a public hearing. Public notice requirements are found here:
https://library.municode.com/co/minturn/codes/charter_and_municipal_code?nodeId=MUNICIPAL_CODE_CH16ZO_ART21ADPR_DIV4MIPR_S16-21-610PUNO
 - At a public hearing the Planning Commission will consider these factors:
 - The relationship and impact of the use on the community development objectives of the Town.
 - The degree to which relief from code is necessary without granting special privilege.
 - The effect of the use on distribution of population, transportation, utilities, school, park and recreational facilities, and other public facilities.
 - The effect upon traffic.
 - It must be found that:
 - There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone.
 - The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Town.
 - That the granting of the variance will not be detrimental to public health and safety and will not result in substantial impairment to the purposes of the Town.
 - There is no substantial impairment to the public that would result from the granting of the variance.
 - The Planning Commission will either recommend approval, approval with conditions, or denial of the Variance request. The Planning Commission's recommendation is then forwarded to the Town Council who may approve, modify, or deny the application based on the same criteria.
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