

CITY OF LA JUNTA

P.O. BOX 489

LA JUNTA, CO 81050

APPLICATION FOR A VARIANCE

(PLEASE PRINT OR TYPE INFORMATION)

PLEASE REFER TO THE PUBLIC HEARING SCHEDULE ON THIS FORM FOR PUBLIC HEARING DATES AND APPLICATION DUE DATES. A FEE OF \$50.00 MUST BE PAID AT THE TIME OF SUBMITTAL OF AN APPLICATION.

FOR BOARD OF ADJUSTMENT USE ONLY							
DATE APPLICATION RECEIVED _____			TIME _____				
VARIANCES REQUESTED THIS APPLICATION							
<u>VARIANCE</u> <u>TYPE</u>	<u>BOARD</u> <u>ACTION</u>	<u>DIST. OR AMOUNT</u> <u>GRANTED</u>	<u>VARIANCE</u> <u>TYPE</u>	<u>BOARD</u> <u>ACTION</u>	<u>DIST. OR AMOUNT</u> <u>GRANTED</u>		
(1) _____	_____	_____	(2) _____	_____	_____		
(3) _____	_____	_____	(4) _____	_____	_____		
LEGEND							
<u>VARIANCE TYPE</u>							
SIDE (specify which side)	-S	FRONT	-F	HEIGHT	-H	FENCE	-X
CURB CUT WIDTH	-C	CURB LOCATION	-L	PARKING	-P	REAR	-R
<u>ACTION OF THE BOARD</u>							
APPROVED	-A	APPROVED AS REVISED	-R	DENIED	-D	NO ACTION	-N
						POSTPONED	-P

1. APPLICANT INFORMATION (applicant must be legal owner of the property)

NAME: _____ HOME PHONE: _____

STREET ADDRESS: _____ WORK PHONE: _____

POST OFFICE BOX (if applicable): _____ CITY: _____ STATE: _____ ZIP: _____

2. LEGAL DESCRIPTION OF PROPERTY FOR WHICH A VARIANCE IS REQUESTED (use additional paper if necessary):

STREET ADDRESS: _____

HOW LONG HAVE YOU OWNED THIS PROPERTY: _____

HAVE YOU REQUESTED A VARIANCE FOR THIS PROPERTY PREVIOUSLY: YES NO

3. A DETAILED SITE PLAN MUST ACCOMPANY THIS APPLICATION. PLEASE REFER TO THE INSTRUCTIONS ON PAGE 4 FOR THE COMPLETION OF THE SITE PLAN. A PROPERTY SURVEY MAY BE REQUIRED.

4. CERTIFICATION OF ADJOINING PROPERTY OWNERS:

(I)(WE) BEING THE LEGAL OWNER(S) OF THE PROPERTY ADJOINING THE ABOVE DESCRIBED PROPERTY FOR WHICH A VARIANCE HAS BEEN REQUESTED HAVE REVIEWED THE ATTACHED PLOT PLAN AND HAVE NO OBJECTION TO THE VARIANCE BEING GRANTED AS REQUESTED.

A. ADDRESS: _____

SIGNATURE _____ DATE: _____

B. ADDRESS: _____

SIGNATURE _____ DATE: _____

C. ADDRESS: _____

SIGNATURE _____ DATE: _____

5. EXPLAIN IN DETAIL WHY A VARIANCE IS NECESSARY. YOU MAY USE ADDITIONAL PAGES IF NECESSARY. IF YOU ARE REQUESTING A VARIANCE IN EXCESS OF 50 PERCENT OF THE REQUIREMENT PLEASE SPECIFY THE "UNNECESSARY HARDSHIP".

6. THIS IS TO CERTIFY THAT (I)(WE) AM/ARE THE LEGAL OWNER(S) OF THE PROPERTY FOR WHICH A VARIANCE HAS BEEN REQUESTED, HAVE COMPLETED THIS APPLICATION AND THAT ALL STATEMENTS THEREIN ARE TRUE AND CORRECT TO THE BEST OF (MY)(OUR) KNOWLEDGE. (I)(WE) ALSO CERTIFY THAT THE PROPERTY HAS BEEN SURVEYED AND PROPERTY CORNERS THAT CURRENTLY EXIST WERE PLACED BY A REGISTERED LAND SURVEYOR. I UNDERSTAND THAT A VARIANCE IF GRANTED WILL BECOME VOID IF CONSTRUCTION IS NOT COMMENCED WITHIN ONE YEAR OF THE DATE OF THE PUBLIC HEARING.

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

2002

BOARD OF ADJUSTMENT - PUBLIC HEARING SCHEDULE

MONTH	APPLICATION DUE BY 5:00 P.M. ON	DATE OF PUBLIC HEARING	MONTH	APPLICATION DUE BY 5:00 P.M. ON	DATE OF PUBLIC HEARING
JANUARY	January 9, 2002	January 31, 2002	JULY	July 3, 2002	July 25, 2002
FEBRUARY	February 6, 2002	February 28, 2002	AUGUST	August 7, 2002	August 29, 2002
MARCH	March 6, 2002	March 28, 2002	SEPTEMBER	September 4, 2002	September 26, 2002
APRIL	April 3, 2002	April 25, 2002	OCTOBER	October 9, 2002	October 31, 2002
MAY	May 8, 2002	May 30, 2002	NOVEMBER	October 30, 2002	November 21, 2002
JUNE	June 5, 2002	June 27, 2002	DECEMBER	No public hearing held in December	

INSTRUCTIONS FOR COMPLETING APPLICATION

GENERAL INFORMATION

The applicant(s) and the person or persons signing this application must be the legal owners of the property for which a variance is being requested.

It shall be the sole responsibility of the applicant(s) to ascertain that the application is submitted to the office of the City Engineer, Municipal Building, 601 Colorado Avenue, La Junta, Colorado prior to the time and date shown in the "Public Hearing Schedule" for each respective month. Applications which are not received prior to the application due date and time or applications which are submitted incomplete will not be reviewed at the Public Hearing held that month.

Notice of the public Hearings of the Board of Adjustment of the City of La Junta must be published in the local news paper at least 15 days prior to the date of the Public Hearing.

The Public Hearings are held in the Power Board Room, second floor of the Municipal Building, 601 Colorado Avenue, La Junta, Colorado unless a different site is designated in the notice published in the local newspaper.

The Applicant will be notified of the time and date of the Public Hearing by mail by the Secretary of the Board of Adjustment.

It is not mandatory that an applicant be present at the Public Hearing, however, it may be beneficial to have a representative present to answer any questions the Board may have.

A granted variance shall become void if construction is not commenced within one year of the date of the Public Hearing unless another time period is specifically specified by the Board of Adjustment.

FILING FEE

A fee of \$50.00 must accompany the application. An Application will not be placed on the Board agenda until the required fee has been paid. (Resolution R-34-97).

SURVEYS

A survey of the property must have been completed and the corners of the property monumented by a professional land surveyor licensed by the State of Colorado prior to the submittal of the application. It is only necessary to monument the corners that will delineate the property line for which a variance has been requested. Total cost of a survey if required will be the responsibility of the applicant.

Engineering Department personnel will be glad to verify if property corners that exist will be adequate. Enough existing property corners must exist to completely delineate the property line for which a variance has been requested.

Variances concerning curb cuts may not require a survey. Please ask the Engineering Department personnel for a determination.

ZONING INFORMATION

Engineering Department personnel will assist you in determining what zoning district the property is located and what specific requirements are required by the zoning ordinance.

If the applicant so desires, Zoning Ordinances are available for purchase from the Engineering Department.

AUTHORITIES OF THE BOARD OF ADJUSTMENT

The Engineering Department will be happy to provide applicants with information concerning the authorities provided the Board of Adjustment by the Municipal Code.

VARIANCES WHICH MAY BE ALLOWED BY THE BOARD OF ADJUSTMENT

Variances allowed by the zoning ordinance shall include yard and height regulations only and are limited to the following:

1. A yard regulation variance may not be more than one-half the required yard and shall not encroach upon the required setback for adjacent buildings; however, the board may grant variances in excess of one-half of the yard regulation in cases of "unnecessary hardship". Unnecessary hardship can be demonstrated only upon a showing by the applicant that the land in question cannot yield a reasonable return without the increased variances; that the variance is sought by reason of unique circumstances and that the granting of the variance will not alter the essential character of the locality.
2. Ten feet in height may be allowed for each one foot of building setback in addition to the setback required by the district regulation in which the property is located.
3. A variance of the fence height requirements may not be more than one-half the required height.
4. A variance of the curb cut width requirements specified in section 12.04.110 through 12.04.150 of the Municipal Code. A variance may be granted by special use permit in accordance with terms and conditions set forth in sections 12.04.160 through 12.04.180 of the Municipal Code.

CONDITIONS FOR GRANTING A VARIANCE

1. In granting a variance, the Board of Adjustment must satisfy itself, from the evidence heard before it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner.
2. The board shall also find that the variance, if granted is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries.
3. In granting a variance the board of adjustment may impose conditions, restrictions, terms and safeguards it feels necessary to protect the adjoining properties.

SIGNATURES OF ADJOINING PROPERTY OWNERS

The Board of Adjustment requires that adjoining property owners be contacted, shown the required site plan and requested to sign the "CERTIFICATE OF ADJOINING PROPERTY OWNERS" section of the application.

For front yard and rear yard setback variances the owners of properties adjoining on both sides must be contacted. For side yard setback variances only the owner of property abutting on the side for which a variance has been requested must be contacted.

For variances of the building height requirements, fence height requirements and curb cut width requirements the owners of all adjoining properties must be contacted.

The following spaces may be used to more completely answer any items on this application.

SITE PLAN

A site plan must be submitted with the application. A sample Site Plan is shown on the insert page 2 of this application. The Site Plan must show the following:

1. Legal Description of the property to which the variance would be conveyed. Dimensions of the tract must also be shown.
2. Location of all existing and proposed improvements, including main buildings, accessory buildings, curb cuts and off street parking.
3. Location of all existing property corners. Refer to the section titled "SURVEYS" for specific requirements.
4. Building setback from all property lines. This dimension is the dimension of the nearest architectural projection (eave, stoop, chimney, etc.) to the property line.
5. The exact dimensions of the proposed improvement.
6. A North Arrow and the name of adjoining streets.
7. The Site Plan shall be drawn to scale with all information clearly shown. It shall either be on paper of a size not to exceed 11" x 17" or shall be on substantially transparent paper.