

Variations

Mancos Development Services: From Concept to Construction



The Mancos Land Use Code sets the requirements for general variations in Section 16-19-8 and floodplain variations in Section 16-17-14.

Getting Started

Variations are deviations or modifications of height, yard, area and lot coverage and parking regulations of the applicable zone district where, due to special physical site conditions, a literal enforcement of the provisions of the Mancos Land Use Code would result in unnecessary hardship. Variance or modification of the dimensional standards may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification. The development proposed cannot be contrary to the public interest. A variance request may not be made to change the uses permitted in a zone district.

General Variance Guidelines

- ✓ Applicants can start a request for variance by submitting a complete application for variance to the Zoning Administrator. Applicants with questions about the application form or process are encouraged to call or stop by Town Hall to talk about their application. The Town does not accept incomplete applications.
- ✓ The Zoning Administrator will review the complete application and make a recommendation to the Board of Adjustment.
- ✓ A public hearing is required for variance applications. The Town will provide notice of the hearing by mail to neighboring property owners, by publication in the newspaper, and by giving a sign to the applicant to post notice on the property for at least 15 days before the hearing.
- ✓ Variance applications are review and decided on by the Board of Adjustment, and in some cases, by the Board of Trustees. Applications may approved, approved with conditions, or disapproved. Conditions imposed on a variance permit may include, but are not limited to, limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation.
- ✓ Issuance of a variance permit shall authorize only the particular variation which is approved in the variance permit. A variance permit shall run with the land.
- ✓ Construction on the project must start within 12 months of the date of the approval of the variance permit or the variance approval will lapse and automatically become null and void. The Town will not provide notice that a permit is about to lapse or has lapsed. Permitted time frames do not change with successive owners. Upon written request, only 1 extension of the twelve-month time frame may be granted by the Board of Adjustment for a period not to exceed 12 months for good cause shown.

Floodplain Variance Guidelines

- ✓ A variance permit may be issued for construction or alteration of structures in a floodway (16-17-14). The conditions for floodplain variance are specific and applicants are encouraged to review the Mancos Land Use Code.

Variance Submittal Requirements

The applicant shall file 3 copies of an application requesting a variance that includes all of the information required by the variance application form. Application forms are available on the Town's website: www.mancoscolorado.com

Public Hearing, Notice and Decision

- ✓ The Board of Adjustment shall hold a public hearing on an application for a variance permit. At the public hearing, the Board of Adjustment shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing.
- ✓ The Board of Adjustment will consider the following criteria when reviewing a variance application. To be approved, an application must meet all of these criteria.
 1. The proposed use is a permitted use in the underlying zone district.
 2. There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zone district;
 3. Such unnecessary hardship has not been created by the applicant;
 4. The variance is necessary to permit the applicant the same rights in the use of the property that are enjoyed under this LUC by other properties in the vicinity and zone, but which are denied to the subject property;
 5. The variance will not adversely affect the land use pattern as outlined by the Future Development Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town;
 6. The variance will have no significant adverse impact on the health, safety or general welfare of the surrounding property owners or the general public; and
 7. The variance will not cause injury to the use, enjoyment, or value of property in the vicinity.
- ✓ After the close of the public hearing, the Board of Adjustment shall vote to approve, approve with conditions, or disapprove the application for a variance, in accordance with the required findings of Section 16-19-8 of the Mancos Land Use Code, and shall show the same in its minutes.
- ✓ Four members of the Board of Adjustment must vote in favor of the application for a variance to be approved.
- ✓ Notice of decision. The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Board of Adjustment's decision.