

SECTION 13-1000 VARIANCES AND INTERPRETATIONS TO THESE REGULATIONS

13-1001 PURPOSE OF VARIANCE

The purpose of a variance is to allow variance from the strict application of the terms of these Regulations.

13-1002 VARIANCES IN USE PROHIBITED

In no case shall a variance be granted to permit a use other than a use permitted in that district.

13-1003 GRANT OF VARIANCE

A variance may be granted when, by reason of exceptional circumstances, the literal interpretation or application of these Regulations shall create a hardship.

13-1004 CONDITIONS FOR VARIANCE

The establishment of a hardship shall be clearly demonstrated by the applicant for variance, and the following conditions must be shown by the applicant:

13-1004.01

The strict application of these Regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Regulations.

13-1004.02

Any variance shall not grant special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located.

13-1004.03

Because of special, applicable circumstances, including size, shape, topography, or location, the strict application of these Regulations will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; or that there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

13-1004.04

That the condition or situation for which the variance is sought is not of so general a nature that the formulation of regulations would be necessary to insure consistent application of the regulations.

13-1004.05

That the granting of a variance will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of these Regulations.

13-1004.06

That the granting of a variance will not be contrary to the objectives of the Arapahoe County Comprehensive Plan.

13-1005 PROCEDURE

13-1005.01

Maps, drawings and/or any other substantiating evidence may be required as part of the application. They shall be submitted to the Recording Secretary of the Board of Adjustment prior to the hearing for the variance request.

13-1005.02

At least fourteen (14) days prior to the Board of Adjustment hearing, the applicant shall post a "Notice of Public Hearing": sign upon the property in locations determined by the Zoning Administrator. Such signs must be visible from the nearest adjacent right-of-way to the parcel associated with the Variance request.

13-1005.03

A "Certification of Posting" form shall be completed by the applicant and submitted to the Board of Adjustment Secretary. Such certification attests to the continual posting of the public hearing sign in the proper location for the required fourteen (14) day period. The Board of Adjustment may require the applicant to testify at the public hearing as to compliance with these procedural requirements.

13-1005.04

- A. The property on which a variance is requested shall be posted with a sign not less than three feet by four feet (3' x 4') on posts not less than four feet (4') above natural grade, and shall contain the following information:

NOTICE OF ZONING VARIANCE (INTERPRETATION)*

Notice is hereby given that property upon which this sign is posted shall be considered for a (variance) (interpretation) in zone category () in (specify variance/interpretation requested) requirements. Additional information may be obtained from the recording secretary to the Arapahoe County Board of Adjustment at 720-874-6711. Such hearing is to be held on _____ day of _____, 20__ , at ___ a.m./p.m. at the PWD Building at 10730 Briarwood Ave., Suite 100, Centennial, Colorado, 80112 or as soon thereafter as possible.

DATE OF POSTING _____

NAME OF APPLICANT _____

*(must be 4 inch letters in red)

- B. Said sign shall be erected on the property in a prominent place, visible from the nearest dedicated public roadway for a period of not less than fourteen (14) days prior to the hearing.

13-1006 APPLICATION FEE

A fee shall be established by the Board of County Commissioners and shall be paid to the PWD Department at time of application.