

Variance
Land Development Code
Section 8

CITY OF GUNNISON
DEVELOPMENT ASSISTANCE PACKET

This Development Assistance Packet has been prepared for your convenience and assistance in processing land use applications in the City of Gunnison. You should note that this Development Assistance Packet contains excerpts from the *City of Gunnison Land Development Code (LDC)*. Please be advised that the *LDC* is amended from time to time and such amendments may not be included within the Development Assistance Packet. It is your responsibility to review the entire *LDC* and all amendments thereto, which are maintained in the office of the City Clerk, to determine if you have all of the current ordinances related to the *City of Gunnison Development Code* and what effect, if any, the *LDC* has on your property, project, or application.

Prepared by the City of Gunnison
Community Development Department
(970) 641-8090

January 2019

Application Fact Sheet
City of Gunnison Land Development Code
Minimum Application Contents
In accordance with §6.5 C.

City of Gunnison
P.O. Box 239
Gunnison, CO 81230
(970)641-8090

Applicant Name(s):
Phone #: _____ Fax #: _____ E-Mail: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Legal Description Site Address of Property: _____ Zoning _____ Block: _____ Lot(s): _____ Addition: _____
Disclosure of Ownership- Please provide one of the following: <input type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments <input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements
Summary of Request:
Attachments: <input type="checkbox"/> Vicinity Map (8.5"X11") <input type="checkbox"/> Description of Proposal <input type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office) <input type="checkbox"/> Vested Property Rights <input type="checkbox"/> Authorization of Agent (Power of Attorney from Owner, if not the applicant) <input type="checkbox"/> Site Plan (11"x17") to scale , includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Include a table for all dimensional requirements based on §2.6. (See attached sample)
YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION
Signature(s) _____ _____ Date _____ Date _____
For Office Use Only
<input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Major Subdivision <input type="checkbox"/> Minor Subdivision <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Mobile Home/RV Park <input type="checkbox"/> PUD <input type="checkbox"/> Vacation <input type="checkbox"/> Consolidated Application

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City of Gunnison Minimum Application Contents

- Name of Applicant(s)
- Applicant's mailing address and telephone number
- Name of owner, if not applicant
- Power of Attorney, Authorization of Agent, or letter from owner authorizing application
- Site address of subject property
- Legal description of subject property
- Disclosure of Ownership – names of all owners of the property, all mortgages, judgments, liens, easements, contracts and any agreements that run with the land.
- Vicinity map, 8½ x 11 locating the subject parcel within the City of Gunnison
- Written Description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards applicable to the application.
- Names and mailing addresses of adjoining property owners within 100 feet of the application property boundary and a map showing the location of these owner's properties in relation to the proposal. Include properties adjacent to the sides, rear, front and diagonal, across streets and alleys. (Obtain from County Assessor's Office)
- Vested property rights, if any.
- A site plan, 11 x 17 to scale, showing dimensions and locations of existing and proposed features, buildings, road and street names, alleys, utility lines (overhead and underground), landscaping, individual parking spaces, access, building setbacks from all property lines, snow storage area. Site plan should include a table showing the dimensional standards (see Table 2-3 attached), and the actual measurements and percentages of the parcel. See the Community Development Office for Assistance.

City of Gunnison Land Development Code – Commonly Used Articles:

Section 2	Zoning Districts includes Principal Use Table (Table 2-3) Dimensional Standards (Tables 2-4 and 2-5)
Section 3	Specific Use Regulations
Section 4	General Development Standards (includes Road Construction Standards, General Site Access, Off-Street Parking and Loading (Table 4-7), Landscaping, Buffering and Screening, Outdoor Lighting)
Section 6	Development Review Procedures
Section 7	Conditional Uses
Section 8	Variances
Section 12	Subdivision Standards

The *Land Development Code* is available on-line at: www.gunnisonco.gov
Copies can also be obtained from the Community Development Office

ADDITIONAL DOCUMENTS MAY BE REQUIRED

Thank you for your complete application.
Call 641-8090 for additional information

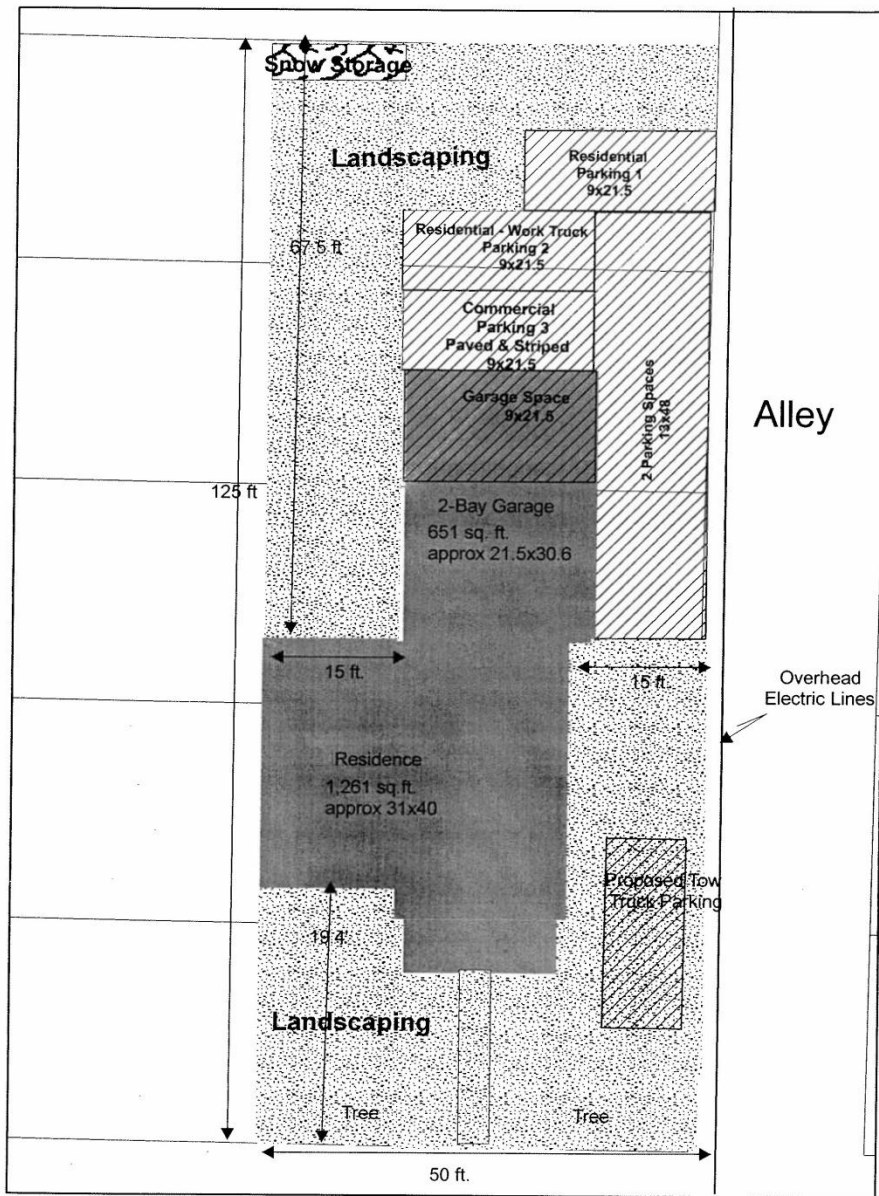
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TABLE 2-4 RESIDENTIAL DIMENSIONAL STANDARDS

STANDARD	R-1	R-1M	R-2	RMU	R-3
DENSITY					
Maximum density (units/acre) ¹	3.5	7 + ADU	21	35	80
LOT					
Minimum lot size (sq. ft.) ⁶	8,000	6,250	6,250	6,250	6,250
Minimum lot frontage (ft.)	50	50	50	50	50
Maximum lot coverage structures / parking and access ⁷ (%)	50	60	60	70	85
Minimum lot coverage landscape area (%)	50	40	40	30	15
BUILDING					
Maximum building height ⁷ (ft.)	35	35	35	48	48
Maximum building height for detached accessory structure (ft.)	30	30	30	30	30
Minimum building width ^{6&7} (ft.)	20	20	16	15	15
Minimum floor area Principal Dwelling (sq. ft.)	480	480	480	300 efficiency 480 multi-family	300 efficiency 480 multi-family
Floor Area Thresholds Accessory Dwelling (sq.ft.)		720	720	720	720
Minimum storage area (sq.ft.)			32	32	32
BUILDING SETBACKS					
Minimum setback front ^{2&7} (ft.)	15	15	15	15	10
Minimum setback side (ft.) Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10	5	5	5	5
Minimum setback rear: principal building (ft.) Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10	5	5	5	5
Minimum setback rear: accessory building (ft.)	10	5	5	5	5
OTHER STANDARDS					
Snow storage (% of parking and access coverage)	15%	15%	15%	15%	15%
¹ Density calculations for residential development may be subject to Slope Protection Standards (§5.2) and Section 13. ² Covered porches and the landings and steps of a covered porch may encroach into the front yard pursuant to §1.7.L.3.d ³ Ordinance #3, Series 2016 ⁶ Ordinance #8, Series 2018 ⁷ Ordinance #1, Series 2019					

TABLE 2-5 NONRESIDENTIAL ZONE DISTRICT DIMENSIONAL STANDARDS				
STANDARD	B-1	C	CBD	I
DENSITY				
Max. density (units/acre) ⁴	40	70	NA	14
LOT				
Minimum lot size (sq. ft.) ⁴	3,125	4,000	--	3,125
Minimum lot frontage (ft.) ⁴	25	25	--	25
Maximum lot coverage: (%) structures/parking and access ⁴	75	90	100	90
Minimum landscape area (%) ⁴	25	10	--	10
BUILDING				
Maximum building height (ft.)	35	50 ⁴	50	50 ⁴
Minimum building width (ft.) ⁴	20	--	--	--
Minimum floor area: Multi-family (sq. ft.)	480	300 efficiency 480 multi-family	--	--
Minimum floor area: Second story residence (sq. ft.)	300	300	300	300 min 700 max
Minimum storage area (sq. ft.) ¹	32	32	32	--
BUILDING SETBACKS				
Minimum from side lot line (ft.)	0 ⁴	5 ²	no. req.	5 ¹
Minimum from rear lot line (ft.) principal building	5	5 ²	no req.	5 ²
Minimum from rear lot line (ft.) accessory building	5	5 ²	N/A	N/A
Minimum from front lot line (ft.)	15 ³ Max ⁵	15 ² Max (50% of frontage) ⁵	no req. ⁵	0 ²
Other Standards				
Snow Storage Area (% of parking and access coverage)	15	15	N/A	15
¹ Storage is required for multi-family dwellings) (§3.3D) ² Uses adjacent to residential zone districts shall comply with Zone District Buffer Standards (§4.6 F. 3). ³ Parking not allowed within front setback area in B-1 Zone District ⁴ Ordinance #1, 2019 ⁵ Frontage area must be designed to engage the sidewalk / street frontage (windows, outdoor seating, etc.) in the B-1, C and CBD zone districts.				

SAMPLE SITE PLAN



Tomichi Avenue

APPLICANT NAME: _____
 SITE ADDRESS: _____
 11 X 17 SITE PLAN

Total Parcel Size: 6,250 square feet:

Dimensional Standards:

Dimension	Required	Actual
Structures:	50%	30% 1,912 sq. ft.
Landscaping:	10%	42% - 2,577 sq. ft.
Parking/Access	40%	28% - 1,761 sq. ft. (see below)

Landscaping Requirements:

This site is located in the Entrance Overlay zone which requires two trees within five feet of the sidewalk.

Parking Requirements:

- Residence 2 parking spaces
- Bays 2 parking spaces per 2 bays
- Tow Trucks 3 spaces on rear of lot
- Seven spaces required by Code
- Two spaces will be located in driveway access

Total Parking/Access Dimensions:

Parking 1	9 x 21.5	193.50
Parking 2	9 x 21.5	193.50
Parking 3	9 x 21.5	193.50
Parking 4 & 5	13 x 48	624.00
Parking 6	in bay	does not count toward uncovered parking
Total Uncovered Parking/Access:		1204.5 sq. ft./19%

Notes:

Snow Storage: (approximately 15' x 4') will be on the northwest side of the lot in the landscaped area. Landscaping is predominantly live cover except 220 sq. ft. of sidewalks.

1 inch equals 15 feet



Section 8. Variances

§8.1 GENERAL

- A. Purpose.** This Section defines the procedures and required showing to obtain a Variance from the standards of this *LDC*. Variances are authorizations to deviate from the literal terms of this *LDC* that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this *LDC* would result in undue or unnecessary hardship. A Variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining zone districts.
- B. Use Variances Not Authorized.** Establishment or expansion of uses prohibited in zone districts as identified in Table 2-3 of the *LDC* shall not be allowed by Variance.
- C. Dimensional Standards Variances Authorized.** Variance from the dimensional standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, minimum building width, maximum lot coverage, minimum setbacks, maximum setbacks, parking requirements, minimum landscape area, and buffer width.

§8.2 PROCEDURES

- A. Development Review.** An applicant requesting a Variance shall follow the stages of the City of Gunnison land development process as described in §6.3.
- B. Submit Application.** The applicant shall submit a complete application to the Community Development Director containing those materials listed in §6.5 C, Minimum Application Contents.
- C. Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A., Completeness Review. The Community Development Director shall forward a report to the decision-making body which summarizes the application's compliance with the conditions outlined in §8.3, Required Showing. The Community Development Director may solicit the assistance of other agencies and organizations in drafting the report.
- D. Public Notice.** Public notice that the Zoning Board of Adjustments and Appeals (Board) will conduct a hearing to consider the application for a Variance shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.
- E. Public Action by Board.** The Zoning Board of Adjustments and Appeals shall hold a public hearing to review the conformance of the application with all applicable provisions of this *Land Development Code*. The Board may approve, approve with conditions, or deny the application or remand it to the applicant with instructions for modification or additional information or action. The Board shall deny any application that does not demonstrate the required showing set forth in §8.3, Required Showing.
- F. Actions Following Approval.** The applicant may apply for a building permit following approval of the Variance and the filing and, if applicable, recordation of any documents required by the Variance approval.

§8.3 REQUIRED SHOWING – DIMENSIONAL STANDARDS VARIANCE

The applicant shall demonstrate the following to the Board before a Variance may be authorized:

- A. **Special Circumstances Exist.** Special circumstances or conditions, which are peculiar to the land or building for which the variance is sought, that do not apply generally to land or buildings in the neighborhood;
- B. **Not Result of Applicant.** The special circumstances and conditions that are not the result from any act of the applicant;
- C. **Strict Application Deprives Reasonable Use.** The special circumstances and conditions are such that the strict application of the provisions of this *LDC* would deprive the applicant of reasonable use of the land or building;
- D. **Variance is Necessary to Provide Reasonable Use.** The granting of the Variance is necessary to provide the applicant a reasonable use of the land or building;
- E. **Minimum Variance.** The granting of the Variance is the minimum necessary to make possible the reasonable use of the land or building;
- F. **Not Injurious to Neighborhood.** The granting of the Variance will not be injurious to the neighborhood surrounding the land where the Variance is proposed, and is otherwise not detrimental to the public welfare or the environment; and
- G. **Consistent with *Land Development Code*.** The granting of the Variance is consistent with the general purposes and intent of this *LDC*.

§8.4 BOARD AUTHORIZED TO IMPOSE CONDITIONS

The Board, in approving the Variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed Variance on other land in the neighborhood and on the general health, safety, and welfare of the City. All conditions imposed upon any Variance shall be set forth in the granting of such Variance.

§8.5 EXPIRATION OF APPROVED VARIANCE

- A. **Time Limit.** All Variances shall expire 12 months from the date of issuance if no site development permit has been issued to establish the variation authorized, or if the variation does not require a site development permit, unless the variation is established, ongoing, and in operation. Such time period shall not be altered by transfer of ownership.
- B. **Extension.** Upon written request, the Board may grant an extension of the Variance for a period not to exceed six months given reasonable justification. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Community Development Director prior to the date the Variance is to expire. The Variance shall be deemed extended until the Board has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the Variance null and void.

§8.6 AMENDMENT OF APPROVED VARIANCE

Amendment of an approved Variance that does not have substantive changes may be approved by the Community Development Director. Otherwise, amendment of an approved Variance shall only be approved by the Board by repetition of the procedures and required showing of this Section.