

320 6<sup>th</sup> Avenue  
PO Box 468  
Ouray, Colorado 81427



970.325.7211  
Fax 970.325.7212  
www.cityofouray.com

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# VARIANCE REQUEST SUBMITTAL REQUIREMENTS

## COMMUNITY DEVELOPMENT SERVICES

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### **Definition**

Variations (§7-5-G, Ouray Municipal Code) are deviations from the dimensional requirements, design or performance standards and other provisions not related to use of the property, (Conditional Use Permit process), that would not be contrary to public interest when, owing to special circumstances or conditions, the literal enforcement of the Municipal Code would result in undue and unnecessary hardship.

### **Procedure**

A Variance Request is decided upon by the Planning Commission following a public hearing. Following determination of a complete application, staff will conduct a review and recommend a decision to the Commission. The request is typically heard at the next regularly scheduled Planning Commission meeting held on the second Tuesday of each month.

Public notice that the Planning Commission will conduct a hearing to consider the application shall be posted at City Hall fifteen (15) days prior to the hearing and published once not less than twelve (12) days prior to the hearing. A sign shall be posted by City Staff in a conspicuous place on said premises not less than five (5) days before said hearing. The applicant shall bear the cost of all publications.

An appeal of a Variance decision by the Planning Commission may be made to District Court within 28 days of the decision.

Note: All Variance Requests require a cost-free preapplication conference prior to submittal. The fee for a Variance application is \$500 due at the time of submittal.

### **Submittal Requirements:**

The submittal checklist below identifies elements and information necessary for the City to accept an application at the counter:

- A completed Master Land-Use Application, including all required signatures, (one copy);
- Applicable fees. Checks shall be for the exact amount made out to the "City of Ouray";
- Project submittal requirement checklist, (one copy);
- Preapplication summary, (one copy);
- Site plans, proposed, (three copies);

- Pdf copies of all documents provided either on a cd or flash drive;
- Written project narrative (three copies) detailing the proposal, stating why a Variance is requested and addressing each of the following explaining how the variance meets each criteria (§7-5-G-1-f):
  - i. The grant of variance will be generally consistent with the purposes, goals, objectives and policies of the City's Master Plan and the OLUC;
  - ii. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure; and
  - iii. Literal interpretation and enforcement of the terms and provisions of the OLUC would deprive the Applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the Applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an Applicant's rights would be deprived, the Planning Commission shall consider whether either of the following conditions apply:
    - 1. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the Applicant; or
    - 2. Granting the variance will not confer upon the Applicant any special privilege denied by the City's Master Plan and the terms of the OLUC to other parcels, buildings or structures, in the same zone district.

The burden shall be on the Applicant to show that these criteria have been met. If the Planning Commission determines that such criteria have not been met, the application shall be denied. The application may be approved upon conditions or limitations which the Commission determines are necessary in order to insure that the applicable criteria are met. Such conditions or limitations shall be provided to the Applicant and interested parties, in writing, as part of the decision.

**Note:** Failure to provide listed submittal items will result in a project not being accepted or delays, please ensure all items are addressed prior to application submittal. The information on this checklist is not meant to be all-inclusive and additional materials may be required.



**CITY OF OURAY**  
**Community Development**  
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FOR STAFF USE ONLY	
Permit Number:	_____
Receipt Number:	_____

# MASTER LAND USE APPLICATION

## COMMUNITY DEVELOPMENT SERVICES

- |  |              |  |              |
|--|--------------|--|--------------|
| <input type="checkbox"/> Site Development Permit | <b>\$200</b> | <input type="checkbox"/> Final Plat            | <b>\$300</b> |
| <input type="checkbox"/> Conditional Use Permit  | <b>\$200</b> | <input type="checkbox"/> Lot Split             | <b>\$300</b> |
| <input type="checkbox"/> Variance Request        | <b>\$500</b> | <input type="checkbox"/> Minor Subdivision     | <b>\$250</b> |
| <input type="checkbox"/> Rezone                  | <b>\$200</b> | <input type="checkbox"/> Replat/Plat Amendment | <b>\$300</b> |
| <input type="checkbox"/> Sketch Plan             | <b>\$200</b> | <input type="checkbox"/> Mobile Home/RV Park   | <b>\$300</b> |
| <input type="checkbox"/> Preliminary Plat        | <b>\$400</b> | <input type="checkbox"/> Other _____           |              |

**Project Title:** \_\_\_\_\_  
**Site Address:** \_\_\_\_\_  
**Parcel Number(s):** \_\_\_\_\_

**Applicant:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City/State/Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Property Owner(s):** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City/State/Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Contact (if different than applicant):** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City/State/Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Proposed Use:** \_\_\_\_\_  
**Existing Use:** \_\_\_\_\_  
**Proposed Site Area (Combined square footage):** \_\_\_\_\_  
**Existing Building Sq. ft.:** \_\_\_\_\_ **Proposed Building Sq. ft.:** \_\_\_\_\_  
**# of Existing Lots:** \_\_\_\_\_ **# of Proposed Lots:** \_\_\_\_\_

**SUBMITTAL REQUIREMENTS FOR ALL ACTIONS:** (In the event an action checklist is available, follow the checklist for submittal requirements)

- Completed Land Use Application (one copy)
- Appropriate fees
- Detailed site plan (24" x 36") (three copies)
- Project narrative (three copies)
- Any other required information (three copies)
- Evidence of ownership or written notarized consent of legal owner(s) (one copy)
- All provided information in pdf's on compact discs or thumb drive

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**\*\*INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED\*\***

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The Applicant is responsible for actual, reasonable costs incurred by the City, which may include legal fees, postage, notice and publishing costs, map costs, other professional service consultants or review agencies which charge for their review, together with wages and associated payroll costs for contract employees. The Applicant will receive an invoice monthly as such costs are incurred. Each invoice shall be due 30 days after its date. Such invoice sent prior to the next formal decision by the City must be paid prior to that decision. Invoices not paid prior to that decision shall be cause to deny the application or table the decision until the fees are paid. Bills not paid by the due date shall accrue interest at the rate of 1-½% per month or part thereof. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the City. Such fees may be certified to the County Treasurer for collection as delinquent charges.

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Applicant's Signature: _____	Date: _____
<i>(Required)</i>	
Owner's Signature: _____	Date: _____
<i>(Required)</i>	
Agent's Signature: _____	Date: _____

(If you are acting as an owner's agent, you must provide proof of agency.)

By affixing my signature hereto, I certify under penalty of perjury that the information furnished herein is true and correct to the best of my knowledge and that I am the owner of the premises where the work is to be performed or am acting as the owner's authorized agent. I further agree to hold harmless the City of Ouray as to any claim (including costs, expenses and attorney's fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Ouray, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as a part of this application.

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## City of Ouray Authorization of Agent Form

This form is required if someone other than the owner of a property will be acting as the Authorized Agent for a building project.

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### Property Information:

Project Address: \_\_\_\_\_  
Parcel Number(s): \_\_\_\_\_

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### Contact Information:

Owner's Name(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Authorized Agent's Name:** \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

I/we the undersigned owner/s of the above described real property located in the City of Ouray, Colorado hereby authorize:

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(Print name of authorized agent)

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To act in my/our behalf in applying for permits from the City of Ouray as required by existing City of Ouray regulations pertaining to zoning, building, encroachments, excavation, and utilities.

Signature: _____ (Property owner of record)	Date: _____
Signature: _____ (Property owner of record)	Date: _____
Signature: _____ (Property owner of record)	Date: _____