



# VARIANCE PROCESS APPLICATION

**Planning & Development Services**  
455 Mountain Village Blvd. Suite A  
Mountain Village, CO 81435  
970-728-1392  
970-728-4342 Fax  
cd@mtnvillage.org

Revised 1.3.2020

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**The Planning & Development Services Department is here to assist you with your development application pursuant to the Community Development Code (CDC).**

**This publication outlines the Variance Process Development Application process of the CDC and also provides the submittal requirements for such development application.**

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## **Contents of the Publication**

This publication is intended to address the submittal requirements for a Variance Development Application consistent with the Variance Process. However, it is each applicant's responsibility to review the CDC and any associated regulations to ensure a full understanding of the development application process.

## **Development Review Process**

Variance Process development applications shall be processed as a class 4 application as provided for in the CDC, with a Design Review Board (DRB) recommendation and Town Council approval. The class 4 development application process generally consists of the following steps:

- Step 1: Pre-submittal Meeting with Applicant and Planning Division**
- Step 2: Applicant Development Application Submittal**
- Step 3: Planning Division Development Application Completeness Check**
- Step 4: Planning Division Development Application Referral and Review**
- Step 5: Planning Division Follow-up Communication**
- Step 6: Applicant Plan Revisions**
- Step 7: Planning Division Schedule Review Authority Public Hearing**
- Step 8: Applicant Public Noticing (Minimum of 30 days prior to hearing)**
- Step 9: Planning Division Preparation of Staff Report**
- Step 10: Design Review Board (Recommendation) and Town Council Public Hearings**
- Step 11: Review Authority Action**
- Step 12: Planning Division Provides Notice of Action**
- Step 13: Effective Date of Application Decision and Appeal**
- Step 14: Length of Validity (12 months)**

## **Development Application Submittal Requirements:**

The following forms, information and plans will need to be submitted in order to have a complete development application. Situations will occur when all of the listed submittal requirements will not be required and where items not listed as submittal requirements will be required in order for the Town to have sufficient information to fully evaluate the impacts of a development application. The Planning Division is therefore authorized to determine, based on the nature of a development application, whether to waive submittal requirements or require additional submittal requirements.



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| Submitted<br>(Office Use) | Item<br>No | Submittal Requirements   |
|---------------------------|------------|--|
|                           | 1.         | <b>Application Form.</b> Completed application form (Attached).  |
|                           | 2.         | <b>Fees.</b> \$2,000 for 16 hours; hourly rate thereafter.<br>The applicant and property owner are responsible for paying all Town fees as set forth in the fee resolution, and are also required by the CDC to pay for Town legal fees, the cost of special studies, and other fees as set forth in the CDC. Such fees are considered a condition precedent to having a complete development application, and shall be paid prior to the Town issuing the final approval.   |
|                           | 3.         | <b>Proof of Ownership.</b> Copy of current deed or title report on the effected property.  |
|                           | 4.         | <b>Agency Letter.</b> If application is not submitted by the owner of the property, a letter of agency, signed by the property owner giving permission to a firm or person to submit the requested land use application (Attached).  |
|                           | 5.         | <b>HOA Letter.</b> For development on property that is owned in common by a homeowners association, the development application shall include: <ul style="list-style-type: none"> <li>A. A letter from the Homeowner's Association (HOA) board giving permission for the application (Attached), and, where a vote is required by the HOA governing documents, a copy of the proof of the vote and outcome of such vote.</li> <li>B. A copy of the HOA governing documents, including bylaws and declaration.</li> </ul>   |
|                           | 6.         | <b>Title Report.</b> Copy of current title report for the property listing all encumbrances.   |
|                           | 7.         | <b>Development Narrative.</b> A written narrative of the development application that outlines the request. The narrative shall include a summary of how the application meets the key requirements of the CDC, such as the applicable criteria for decision.  |
|                           | 8.         | <b>Existing Condition Plan.</b> A stamped, monumented land survey prepared by a Colorado registered land surveyor showing existing site and surrounding access (driveway or roadway route, utility route, etc.) conditions drawn at a scale of 1" = 10' to a maximum of 1" = 30' showing the following information: <ul style="list-style-type: none"> <li>A. <b>Lot Size.</b> Lot size needs to be shown.</li> <li>B. <b>Existing Lot Lines.</b> Existing platted lot lines need to be shown with distances, bearings and a basis of bearing. Existing property pins or monuments found and the relationship to the established corner also need to be shown.</li> <li>C. <b>Existing Topography.</b> Existing topography needs to be shown with two foot contour intervals, including spot elevations at the edge of asphalt along any roadway or driveway frontage for the intended accessway at 25 foot intervals.</li> <li>D. <b>Steep Slopes.</b> Any slopes that are 30% or greater shall be mapped with a shaded or hatched pattern.</li> <li>E. <b>Wetlands, Ponds, Streams or Drainages (if any).</b> Wetlands, ponds, streams and drainages need to be shown. Recent wetland delineation by qualified consultant must be surveyed and shown on proposed site plan for United States Army Corps of Engineers approval. If wetlands are located adjacent to the development site, such wetland area also needs to be shown (17.6.1 B).</li> <li>F. <b>Easements.</b> Indicated all easements shown on the governing plats and recorded</li> </ul> |



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|                           |            | against the property.   |
|                           |            | <b>G. Utilities.</b> All underground and above ground utilities and pedestals or transformers need to be shown.   |
|                           |            | <b>H. Existing Improvements.</b> Any existing site improvements need to be shown, such as buildings (including driplines), drainage systems, trails (if part of official Town trail system as shown in the Comprehensive Plan), sidewalks, roadways, driveways, light poles and fences.   |
|                           |            | <b>I. Fire Mitigation/Forestry Management.</b> A tree survey of all trees with a diameter at breast height of four inches (4") or greater shall be shown to ensure compliance with the fire mitigation and forestry management requirements (17.6.1 A).   |
|                           | <b>9.</b>  | <b>Proposed Development Plan.</b> The following information needs to be submitted:  |
|                           |            | <p><b>A. Site Plan.</b> A site plan showing all proposed development improvements with an engineered scale of 1" = 10' to a maximum of 1" = 30' showing:</p> <ul style="list-style-type: none"> <li>i. Existing topography, existing utility pedestals and transformers, proposed grading, wetlands, trees with a dbh of 4" or greater, ponds, streams, drainages, setbacks and easements.</li> <li>ii. Proposed buildings, with roof driplines clearly shown.</li> <li>iii. Composite utility plan including but not limited to proposed gas and electric meter locations and any new transformer locations.</li> <li>iv. Proposed parking areas and spaces, required signage (adaptable parking spaces, loading/unloading area, no parking, etc.), address monuments, sidewalks, lighting, trash/recycling enclosures, amenity areas, patios, decks and other proposed improvements clearly shown.</li> <li>v. Proposed landscaping.</li> <li>vi. Project summary that lists project data, including but not limited to lot size, zoning designations on the lot or site, building height, average building height, required parking and maximum lot coverage.</li> </ul> |
|                           |            | <b>B. Grading Plan.</b> An access and grading plan prepared by a Colorado registered professional engineer showing how the project can meet the CDC roadway and driveway standards (17.6.6), grading and drainage design requirements (17.5.5 and 17.5.7) and pedestrian connections, as applicable, with existing grading in a dashed line, proposed grading shown with a solid line and spot elevations as needed.  |
|                           |            | <b>C. Building Elevations and Floor Plans.</b> Architectural plans prepared by a Colorado licensed architect designed in accordance with the applicable regulations of the CDC (Design Regulations, Zoning Regulations, etc.) including but not limited to building elevations and floorplans with a scale of ¼" = 1' to 1/16" = 1' for larger scale projects.  |
|                           | <b>10</b>  | <b>Plan Set Sheet Requirements.</b> All plans sets as set forth in these submittal requirements shall be formatted to have a sheet size of 24" X 36", with cover sheet providing the contact information of all plan consultants, vicinity map, and sheet index; and all sheets showing date of original plan preparation and all revision dates, sheet labels and  |



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|                           |            | numbers, borders, title blocks, project name, lot number, address and legends.<br><b>A.</b> All plans submitted by a Colorado licensed architect, surveyor, geologist or interior designer shall be electronically stamped and signed without a locked signature to allow for commenting on the plan sets.  |
|                           | <b>11</b>  | <b>ePlan Submittal.</b> All development applications shall be submitted pursuant to the ePlans submittal process as outlined in the following publication:<br><a href="https://townofmountainvillage.com/media/ePlans-Electronic-Submittal-and-Review.pdf">https://townofmountainvillage.com/media/ePlans-Electronic-Submittal-and-Review.pdf</a> |

Questions and/or comments on ePlans Process can be directed to [cd@mtnvillage.org](mailto:cd@mtnvillage.org) or call 970-728-1392.



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## TOWN OF MOUNTAIN VILLAGE FEE REQUIREMENTS ACKNOWLEDGEMENT

The Town of Mountain Village requires specific fees to be paid with a development application including legal and attorney fees associated with processing land development applications, inquiries and review. Please read and acknowledge the below fee requirement which are found at Community Development Code Section 17.4.4. General Provisions Applicable to All Development Application Classes, Section L. Fees.

### L. Fees

**1. Fee Schedule.** The Town Council shall, from time to time, adopt a fee resolution setting forth all development application fees and associated permit fees. Fees for submittals not listed in the fee schedule resolution shall be determined by the Director of Community Development on a case-by-case basis determined by the similarity between the submittal and the development applications listed on the fee schedule together with the estimated number of hours of staff time the review of the submittal will require. No development application shall be processed, nor any development or building permits shall be issued until all outstanding fees or moneys owed by the applicant, lot owner, developer or related entity, as defined by the Municipal Code, to the Town, in any amount for any purpose, including but not limited to any fees, delinquent taxes, required Town licenses, permit fees, court fines, costs, judgments, surcharges, assessments, parking fines or attorney's fees are paid to the Town.

**2. Town Attorney Fees.** The applicant shall be responsible for all legal fees incurred by the Town in the processing and review of any development application or other submittal, including but not limited to any Town Attorney fees and expenses incurred by the Town in the legal review of a development application together with the legal review of any associated legal documents or issues. Legal expenses so incurred shall be paid for by the applicant prior to the issuance of any permits.

**3. Property or Development Inquiries.** The Town requires that Town Attorney legal fees and expenses be paid for all development or property inquiries where a legal review is deemed necessary by the Town. The developer or person making the inquiry, whichever the case may be, shall be informed of this obligation and execute a written agreement to pay such legal expenses prior to the Town Attorney conducting any legal review. A deposit may be required by the Director of Community Development prior to the commencement of the legal review.

**4. Other Fees.** The applicant shall be responsible for all other fees associated with the review of a development application or other submittal conducted by any outside professional consultant, engineer, agency or organization and which are deemed necessary by the Town for a proper review.

**5. Recordation Fees.** The Community Development Department will record all final plats, development agreements and other legal instruments. The applicant shall be responsible for the fees associated with the recording of all legal instruments.

I have read and acknowledge the fee requirements associated with my application.

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(signature required)

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(date)



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|--|-----------------------------|---|--|
| APPLICANT INFORMATION                            |                             |   |  |
| <b>Name:</b>                                     |                             | <b>E-mail Address:</b>                      |  |
| <b>Mailing Address:</b>                          |                             | <b>Phone:</b>                               |  |
| <b>City:</b>                                     | <b>State:</b>               | <b>Zip Code:</b>                            |  |
| <b>Mountain Village Business License Number:</b> |                             |   |  |
| PROPERTY INFORMATION                             |                             |   |  |
| <b>Physical Address:</b>                         |                             | <b>Acreage:</b>                             |  |
| <b>Zone District:</b>                            | <b>Zoning Designations:</b> | <b>Density Assigned to the Lot or Site:</b> |  |
| <b>Legal Description:</b>                        |                             |   |  |
| <b>Existing Land Uses:</b>                       |                             |   |  |
| <b>Proposed Land Uses:</b>                       |                             |   |  |
| OWNER INFORMATION                                |                             |   |  |
| <b>Property Owner:</b>                           |                             | <b>E-mail Address:</b>                      |  |
| <b>Mailing Address:</b>                          |                             | <b>Phone:</b>                               |  |
| <b>City:</b>                                     | <b>State:</b>               | <b>Zip Code:</b>                            |  |
| DESCRIPTION OF REQUEST                           |                             |   |  |
|  |                             |   |  |



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**OWNER/APPLICANT  
ACKNOWLEDGEMENT  
OF RESPONSIBILITIES**

I, \_\_\_\_\_, the owner of Lot \_\_\_\_\_ (the "Property") hereby certify that the statements made by myself and my agents on this application are true and correct. I acknowledge that any misrepresentation of any information on the application submittal may be grounds for denial of the development application or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development application. We agree to allow access to the proposed development site at all times by members of Town staff, DRB members and the Town Council. We agree that if this request is approved, it is issued on the representations made in the development application submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant/Agent

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

**Fee Paid:**

**By:**

**Planner:**



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## OWNER AGENT AUTHORIZATION FORM

I have reviewed the application and hereby authorize \_\_\_\_\_ of  
\_\_\_\_\_ to be and to act as my designated representative and represent the development  
application through all aspects of the development review process with the Town of Mountain Village.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed name)





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### HOA APPROVAL LETTER

I, (*print name*) \_\_\_\_\_, the HOA president of property located at \_\_\_\_\_, provide this letter as written approval of the plans dated \_\_\_\_\_ which have been submitted to the Town of Mountain Village Planning & Development Services Department for the proposed improvements to be completed at the address noted above. I understand that the proposed improvements include (*indicate below*):

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed name)