



# PLANNING + NEIGHBORHOOD SERVICES

## Land Use Review

### Use Variance Application Requirements

## Use Variance Application Requirements

This checklist is intended to assist in preparing a complete plan that will address all City development standards, requirements, and review criteria. The following information must be included with the plan submittal. If justified, the City may exempt any requirement. *The Land Use Review Division may require additional information in accordance with City Code Section 7.5.403* All documents should be neat and legible; inaccurate, incomplete, and poorly completed documents may be rejected.

Please submit via the Planning Department's [online submittal system](#).

Note: A Use Variance is not available for:

- a. Properties that have been subject to a rezoning request at any time in the past eighteen (18) months;
- b. New construction or development on unimproved property; or
- c. A use of a higher intensity and less restriction than what is permitted in the established zone district of the subject property.

## Submittal Checklist

### General requirements

Pre-Application Meeting Summary from the City Planner (If applicable)

[General Applicant and Owner Acknowledgement Form](#)

Project Statement identifying the following:

1. A clear description of the proposed use variance
2. A justification based on how the proposed use variance meets the review criteria

[Mineral Estates Owner Notification Certification](#)

A legal description and drawing of the property. Subdivision names must be as shown on the recorded plat and include the Book and Page or Reception Number. Any exceptions must be completely written out in metes and bounds for the entire boundary of the property. Easements not on the parcel should not be included.

Legal depiction (optional)

Per City Code Section 7.5.514 the applicant is required to submit one of the following (determined by City Planner):

Development Plan (see Development Plan checklist)

A Land Use Statement - a supporting visual depiction may be included to support conveying the below information. All exhibits will be considered conceptual and must meet all applicable criteria at time of Development Plan. The Land Use Statement shall include information identifying and demonstrating:

1. Proposed land uses, housing densities (as applicable), and development intensity;
2. Compatibility with adjacent development patterns; and
3. Impact to adjacent developments including but not limited to light, noise, and traffic.



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#### Reports and Studies – Requirement for any report is determined prior to submittal (reports are subject to multi-agency review)

- [Geologic Hazard Study](#) (see item 3 Subdivision Policy Manual)
- [Drainage Reports](#) (see item 4 Subdivision Policy Manual)
- Submittal of the [Hydraulic Grade Line \(HGL\) Request](#) to Colorado Springs Utilities (CSU).  
Submit your request and map online prior to application submittal (log-in to CSU hub required).
- [Traffic Impact Analysis](#)
- Submittal of the [Wastewater Master Facility Form \(WWMFF\)](#) to Colorado Springs Utilities (CSU)  
Submit your request and map online prior to application submittal (log-in to CSU hub required).

## Review Criteria

### Use Variance Review Criteria:

The City Council may approve the application or approve it with conditions if Council finds that the following criteria have been met;

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the Use Variance would result in undue property loss and not solely a mere inconvenience or financial disadvantage;
2. That the Use Variance is necessary for the preservation and enjoyment of a property right of the and if not approved, the property or structure cannot yield any beneficial use;
3. That the Use Variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property;
4. That the hardship is not the result of the applicant's own actions;
5. That because of these conditions, the application of the UDC prohibition on the requested use on the subject property would effectively prohibit or unreasonably restrict the use of the property; and
6. That the Use Variance is not being requested primarily to avoid the time or expense of complying with UDC standards generally applicable to similar properties and development.

*If another application is submitted concurrently (e.g. development plan, land use statement, etc.), project statement is required to address all applicable review criteria beyond those specified in this list.*