



Criteria of Approval of Engineering Variance

Variations from the City's Engineering Construction Standards and Specifications (ECS&S) and Specifications or the Storm Drainage Design and Technical Criteria Manual (SDCM) are considered an extraordinary form of relief and are highly disfavored. Nevertheless, the City recognizes that in certain limited instances it may be exceptionally difficult to both conform to these Standards and Specifications and maintain the special character and environmental values of Commerce City. In such situations, a variance may be sought. Variations will be considered on a case-by-case basis. The procedures of this criteria shall apply to requests for engineering variations from the ECS&S or the SDCM or submittal requirements herein.

SUBMITTAL REQUIREMENTS

Variance requests shall be submitted to the City Engineer CE or Development Engineering Review Manager (DERM) in writing and shall be accompanied by the Variance application fee through [E-Trakit](#). Engineering Variations are in the Projects category of E-Trakit. Failure to submit payment of the applicable fee shall cause the Variance application to be summarily denied. To support the requested variance, the applicant must provide the following:

- Details identifying the standard or submittal requirement from which the applicant seeks a variance and including a description of conditions and constraints that prevent the applicant from meeting the requirements of the ECS&S. The application must provide specific reference to applicable sections of the ECS&S relevant to the proposed variance request.
- Alternate criteria or standards that are proposed to comply with the intent of existing criteria. Additionally, the applicant must provide documentation, including necessary calculations, analyses, and other relevant information supporting the alternate criteria.
- The supporting documentation, calculations, and analyses must be signed and stamped by an engineer licensed in the State of Colorado.
- Describe potential mitigation measures and the extent to which they reduce project impact. Mitigation measures must address each impact with reasonable assurance that the impact will be reduced in the short term, long term and cumulatively.
- A complete description of the cumulative impacts of the proposed variance and similar potential variations for similar properties in the City. The applicant must provide a description of potential adverse impacts of the proposed variance on City infrastructure and other neighboring properties.
- Any other information that would support the validity of the variance.
- Additional information that may be required by the CE or DERM and upon the request of the CE or DERM.
- Applicant is to submit and follow the checklist for engineering variations.

CRITERIA OF APPROVAL

- The variance applicant is unable to comply with the underlying standard or submittal requirement.
- The variance addresses a unique condition not experienced by other property owners of the same classification in the same zoning district.
- The variance sought:
 - Represents the least deviation from these Standards and Specifications or submittal requirement that will afford relief.
 - Does not increase costs of maintenance and repair of public infrastructure or other public facilities.
 - Meets the intent of the ECS&S and SCDM.
 - Does not cause property damage to adjacent properties.
 - Ensures access and safe traffic flow will not be compromised; and
 - Does not cause undue adverse impact to public safety, health, welfare and environment.

The CE or DERM may, at their discretion, utilize a third party (or third parties) to provide expertise or input when reviewing a variance application. In such situations, the variance applicant shall be subject to Special Application Review Services fees as set forth in the currently adopted Directory of City Fees and Charges.

Disposition of Variance

Upon receipt and review of a complete application for a variance, the CE will review the application and provide a disposition either requesting additional information, approving, denying, or approving with modifications or conditions. If a variance application is denied, the applicant shall be prohibited from submitting a variance request seeking the same or significantly similar relief absent a showing of significantly changed circumstances.