



City Clerk Department
1100 37th Street
Evans, CO 80620
(970) 475-1170

ANIMAL VARIANCE APPLICATION

APPLICANT: Please print or type and attach additional information as necessary. Applications cannot be processed until all required information is provided.

GENERAL DATA REQUIRED:

Name of Applicant Address
City/State/Zip
Telephone Email (optional)
Owner of Property Address
City/State/Zip
Telephone
Action Requested:

Property Address/General Location

OFFICE USE ONLY:

FEE

Animal Variance Fee \$50 Date Paid: Receipt #
Public Hearing Notice Fee \$50 Date Paid: Receipt #

Date Received By:
Application Checked By Date

Posting/Publication Schedule:

Council Posting Publication
Comments

CERTIFICATION: (Must be signed by each owner/applicant)

I certify that the application submitted herewith is true to the best of my knowledge and that in filing the application I am acting with the consent and knowledge of the property owners.

I UNDERSTAND THAT I OR MY REPRESENTATIVE MUST BE PRESENT AT THE PUBLIC HEARING CONCERNING THIS APPLICATION

Owner(s)/Applicant

Date

Excerpt from Evans Municipal Code – Chapter 6

6.04.300 K Animal care--Unlawful activities designated. It is unlawful for any owner, keeper, harborer, or any other person to:

K. Keep, maintain, harbor or possess in any one household, a combined total of more than four pet or fowl animals within the city of Evans. A litter of the pet animals or fowl animals lawfully harbored may be kept until such time that a natural weaning period, as determined by the city, has expired. A household located on one (1) acre or more of land may have a total of 12 fowl animals, provided an open area of at least 100 square feet per animal is provided and such open area is located at least 50 feet from any residence, business or other building intended for human habitation.

A request for a variance may be made to the regulations of this subsection K. Such request must be submitted on a petition form prescribed by the City and accompanied by the submittal fee established by City Council by resolution. The petition form shall be filed with the City Clerk and shall be accompanied by a letter explaining why the variance should be granted. Additional supporting evidence such as letters of support from surrounding property owners, photographs, and maps may be submitted and may be required by the City. The City Council shall hold a public hearing and make the final decision to grant the requested variance, grant a variance with a lesser number of animals than the request, or deny the variance. Notice of the public hearing shall be published at least ten (10) days prior to the hearing in a newspaper of general circulation in the City and notice of the public hearing shall be posted on the premises at least ten (10) days prior to such hearing. At the public hearing, the City Council shall base its decision on the following criteria:

1. The variance is in harmony with the intent and purposes of this chapter and with other relevant City ordinances; and
2. The variance will not result in damage to adjoining properties, nor an unreasonable amount of noise or smell, and will not otherwise be materially detrimental to the public welfare; and
3. The variance is appropriate, given the size, shape, topography, and/or location of the property upon which the animals are to be kept.

City Council may impose conditions, safeguards and limitations as it deems appropriate for the protection of persons and property upon the granting of any such variance. The variance, if approved, shall be granted by resolution. In the event of violation of any of the conditions, safeguards, or limitations imposed, or to the extent that such variance may constitute a nuisance, pursuant to notice and hearing, the City Council may revoke the variance granted. In the event that the homeowner has received more than two (2) convictions in Municipal Court under Chapter 6 of the Evans Municipal Code, there shall be a presumption of a nuisance.