

Parcel # _____ Reception # _____ approved date: _____

**SAGUACHE COUNTY LAND USE
PO BOX 326
SAGUACHE, CO 81149
(719)655-2321 FAX (719)655-2635
VARIANCE APPLICATION**

PROPERTY OWNER NAME (all owners) _____

MAILING ADDRESS _____

TELEPHONE NUMBER _____

LEGAL DESCRIPTION OF PROPERTY _____

TOTAL ACREAGE OF PROPERTY _____

PRESENT USE OF PROPERTY _____

INTENDED USE OF PROPERTY _____

REASON FOR REQUEST: _____

ROAD ACCESS PROVIDE BY: _____

ELECTRICITY SERVICE PROVIDED BY: _____

TELEPHONE SERVICE PROVIDED BY: _____

WATER SUPPLIED BY _____ PERMIT # _____

SEWAGE DISPOSAL SUPPLIED BY _____ PERMIT # _____

PLEASE ATTACH THE FOLLOWING:

1. **A SKETCH PLAN OF PROPERTY SHOWING ALL STRUCTURES, ROADS, SLOPES, DITCHES ETC.**
 2. **PROOF OF OWNERSHIP**
 3. **TIME SCHEDULE FOR CONSTRUCTION**
 4. **IF REQUEST IS FOR A STRUCTURE THAT IS 20 YEARS OLD OR OLDER, PLEASE ATTACH: PICTURES OF ALL FOUR SIDES OF STRUCTURE, TITLE TO STRUCTURE, AND ELECTRICAL INSPECTION APPROVAL**
 5. **COUNTY ROAD ACCESS APPROVAL, IF NEEDED**
 6. **FEE - AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS - \$300.00 PLUS \$20.00 FOR CERTIFICATE OF TAXES DUE PLUS \$.32/MILE FOR ANY INSPECTIONS REQUIRED.**
- A LIST OF ALL LANDOWNERS WITHIN 1500 OF THE SUBJECT PROPERTY WILL BE ACQUIRED FROM THE COUNTY ASSESSOR'S OFFICE WITH A COST OF 25 CENTS PER PAGE. CERTIFIED MAILINGS WILL BE SENT TO THESE LANDOWNERS FOR A COST. CERTIFIED MAILING FEE MUST BE PAID BEFORE MAILINGS CAN BE SENT.**

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APPLICATION, ALL SUPPORTING DOCUMENTS AND FEES MUST BE RECEIVED BY THIS OFFICE AT LEAST FORTY FIVE (45) DAYS PRIOR TO THE PLANNING COMMISSION MEETING.

ALL TAXES DUE MUST BE PAID BEFORE THIS REQUEST WILL BE REVIEWED BY THE BOARD OF COUNTY COMMISSIONERS. A CERTIFICATE OF TAXES DUE WILL BE OBTAINED BEFORE THE REQUEST IS TAKEN BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR REVIEWED.

IF APPLICANT HAS NOT COMPLETED ALL REQUIREMENTS WITHIN ONE YEAR, APPROVAL WILL BECOME VOID.

I understand the following:

1. There may be recorded protective covenants that apply to my property. Receiving County approval does not exempt me from meeting any applicable covenants.
2. Before constructing or modifying any access from a State or County road, you must obtain an approved access permit from the appropriate authority.
3. Receiving County approval on this Variance application does not exempt me from the requirements of other applicable County requirements, including building and septic permits, or applicable state requirements including water well, plumbing and electrical permits.

I hereby certify that the above information is true and accurate to the best of my knowledge. I further certify that I or we are legal owner(s) of record of the property that this variance is being applied for.

Applicant needs to be aware that by signing this application you are giving the Saguache County Land Use staff permission to access your property for purposes relating to this application.

ALL APPLICATION FEES PAID ARE NON-REFUNDABLE

_____ Date _____
Owner(s)(all property owners must sign)

If application is being completed by any person other than property owner, the property owner must complete that attached form.

FOR OFFICE USE ONLY

The Land Use Office has determined that this property is in a:

_____ Geologic Hazard Area	_____ Wildfire Area
_____ Critical Wildlife Habitat Area	_____ Possible high groundwater levels

Quarter Section _____ Section _____ Township _____ Range _____
 Subdivision _____ Lot _____ Block _____

Application received by: _____ Date _____

I, _____ hereby authorize _____,
Property Owner(s) Representative

to represent me and to make commitments consistent with this _____
Application type

application that is before the Saguache County Planning Commissions and Board of
County Commissioners. My representative is hereby granted the authority to make
binding commitments on my behalf.

Property Owner(s)

Date

State of _____)
County of _____)

The forgoing was signed before me this _____ day of _____, _____.

By _____.

Witness my hand and seal.

My commission expires: _____

Notary: _____

SEAL

ARTICLE VIII

VARIANCES FROM REGULATIONS

In the event that it may be shown that strict compliance with this code will result in extraordinary hardship the Board of Adjustment may vary, modify or waive the requirements such that any variance, modification, or waiver shall not have the effect of nullifying the intent and purpose of this code.

In granting any variance, the Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Regulations.

In no case shall any variance, modification, or waiver be more than a minimum easing of the requirements and in no instance shall it conflict with any existing District Resolution.

VIII.1. Cause for Variance

Variance to these regulations shall consist of a minimal easing of the requirements to prevent unnecessary hardship. Any application for variance shall include the cause for such request. The Board of Adjustment will consider the following criteria.

VIII.1.1. Physical Conditions of the Property

Whether there are unique physical circumstances or conditions such as exceptional irregularity, narrowness or shallowness of a piece of property, or whether there are exceptional topographic or other physical conditions or other extraordinary and exceptional situations or conditions peculiar to the affected property.

VIII.1.2. Circumstances or Conditions in the District

Whether unusual circumstances or conditions exist through the neighborhood or district in which the property is located.

VIII.1.3. Source of Hardship

Whether such unnecessary hardship has not been created by the applicant.

VIII.1.4. Special exception to district regulations for the purpose of providing access to sunlight for solar energy devices.

VIII.1.5. Mobile Home Mitigation

VIII.1.5.1. The retrofitting of a pre-1976 Mobile Home to meet the requirements of the National Manufactured Housing Construction and Safety Act of 1974, 42

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U.S.C. Section 5401, et. seq., as amended, (commonly known as the HUD Act, effective June, 1976).

- VIII.1.5.2. Waiver of the requirement for the provision of utilities, if the structure is not to be occupied until a date six months or more from the time of application. The occupancy of said structure prior to meeting the requirements for utilities shall be considered as grounds for permit revocation.

VIII.2. Application for Variance

Application for variance shall be made to the Land Use Administrator indicating the need for variance requested. The application shall include the following.

Property Taxes on all affected parcels must be current at the time of Board of County Commissioners review. A Certificate of Taxes Due will be obtained before the Board of County Commissioners review.

- VIII.2.1. Proof of ownership of the land on which a structure is to be located, or a letter from the owner acknowledging their approval of the structure's placement and the requested variance.
- VIII.2.2. Indicated provisions for utilities.
- VIII.2.3. Notification of property owners within fifteen hundred (1500) feet of the affected property may be required by the Board of Adjustment. In this event, names and addresses, as shown in the County Assessor's records, shall be required. Land Use Office shall obtain and send certified mailing notices to all adjoining property owners. Applicant shall be required to pay certified mailing fee before mailings are sent. This notification will add thirty five (35) days to the application process.
- VIII.2.4. The application must be submitted to the Land Use Office at least 35 days prior to the meeting at which the applicant wishes to have the application heard.

VIII.3. Approval Procedure

The Board of Adjustment will use the following procedure to consider variance applications.

- VIII.3.1. The Land Use Administrator shall review the application to ensure that it is complete and eligible for consideration by the Board of Adjustment.

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- VIII.3.2. The Land Use Administrator will schedule the application for the appropriate Board of Adjustment meeting agenda, and, if necessary, notify adjoining property owners and interested parties by certified, return-receipt mail.
- VIII.3.3. The Board of Adjustment will consider the application in a regular meeting. The Board will approve, approve with modifications, or deny the application in a timely manner.
- VIII.3.4. The decision shall be transmitted to the applicant in writing.

VIII.4. Revocation

Failure on the applicant's part to comply with the conditions of the variance shall be considered as grounds for permit revocation. If the application is for a mobile home, such revocation may ultimately result in the removal of the mobile home from the County.