

**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 - \$1,000.00 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.**

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;

Application must be signed by landowner(s).

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 Commissioners will use the following procedure to consider variance applications;

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- VIII.3.1. The Land Use Administrator shall review the application and supporting documents for completeness and shall present to the Board of County Commissioners for review and decision
- VIII.3.2. The Land Use Administrator will schedule the application for the appropriate Board of Commissioners meeting agenda, and, if necessary, notify adjoining property owners and interested parties by certified, return-receipt mail.
- VIII.3.3. The Board of Commissioners 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.3.5. In addition, any person intending to place a "Mobile Home" within the County shall show proof of the following with the application for a Mobile Home permit.
- VIII.3.6. A copy of the manufactured home tax certification indicating ownership and point of origin. A certificate of VIN registration that shows the year and make shall also be included.
- VIII.3.7. A photograph of the structure as a whole and a legible photograph of the HUD sticker and/or other suitable documentation indicating compliance with the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, (commonly known as the HUD Act, effective June, 1976). No mobile home shall be transported into or maintained within Saguache County, which does not comply with state standards as promulgated by the Division of Housing. Mobile home must meet 1976 HUD Standards.
- VIII.3.7.1. Any structure older than twenty (20) years and larger than two hundred (200) square foot may not be transported into Saguache County. Any structure legally in place in Saguache County at the time this regulation is adopted may remain in its current position indefinitely. If the structure is moved, it must be moved out of Saguache County.
- If structure is not twenty (20) years old this regulation does not apply. If structure is not larger than two hundred (200) square foot this regulation does not apply.
- VIII.3.7.2. Before any structure older than twenty (20) years may be moved in the Saguache County, the County must approve a Variance

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application and a Building Permit application. See Article VIII of the Saguache County Land Development Code for Variance regulation.

VIII.3.7.3. Variance application must include a photograph of the structure as a whole and a legible photograph of the HUD sticker and/or other suitable documentation indicating compliance with the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. Section 5401, et. seg., as amended (commonly known as the HUD Act, effective, June, 1976).

VIII.3.7.4. Approved Adequate sewage, existing and ready to connect into before any mobile home can be occupied on property.

VIII.3.7.5. A copy of well permit, water court decree or other agreement providing for water service.

VIII.3.7.6. In addition, mobile home shall be placed on permanent foundation or tied and anchored down.

VIII.3.7.7. In addition, skirting, must be attached within 45 days of placement of mobile home.

VIII.3.7.8. No reflective surfaces except glass may be used.

VIII.3.7.9. Any Recreational Vehicle or Vehicle to be used as a permanent residence shall follow all mobile home regulations.

- It is encouraged that all skirting coordinate with the mobile home in color. All exterior colors are encouraged to be muted earth tones, which blend with the immediate environment.
- It is encouraged that no tires or cement blocks be placed on roof of mobile home.

VIII.4. Mobile Home for Storage within the County

VIII.4.1. All plumbing fixtures will be removed, and the Land Use Administrator or designated agent will inspect said structure to ensure all fixtures are removed.

VIII.4.2. All Mobile Homes for storage must have the electrical wiring brought up to HUD standards and a copy of the inspection attached to the building permit, or if the mobile home will not have electricity all the electrical

wiring will be removed, and the Land Use Administrator or designated agent will inspect said structure to ensure all wiring is removed.

- VIII.4.3. All Mobile Homes for storage must be placed on a permanent foundation, such as a concrete slab or stem wall.

VIII.5. 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.