



CHAFFEE COUNTY
Development Services Department
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APPLICATION FOR
BOARD OF HEALTH VARIANCE

Fee: \$50.00

GENERAL INFORMATION

NAME OF PROJECT _____

PROPERTY ADDRESS _____

TAX PARCEL # _____ ZONING _____

EXISTING USE OF PROPERTY _____

OWNERS NAME (PLEASE PRINT) _____

ADDRESS _____

TELEPHONE _____ E-MAIL _____

I AM THE OWNER OF THE ABOVE PROPERTY AND HEREBY GIVE MY PERMISSION FOR THE REPRESENTATIVE LISTED BELOW TO SERVE AS MY AGENT THROUGH THIS LAND PLANNING PROCESS. MY AGENT SHALL HAVE FULL POWER AND AUTHORITY TO ACT ON MY BEHALF DURING THIS PROCESS. THIS PERMISSION MAY BE REVOKED BY ME AT ANY TIME BY PROVIDING WRITTEN NOTICE TO CHAFFEE COUNTY PLANNING.

OWNERS SIGNATURE _____

REPRESENTATIVE (PLEASE PRINT) _____

REPRESENTATIVES SIGNATURE _____

TELEPHONE _____ EMAIL _____

MAILING ADDRESS _____

STAFF USE ONLY

PERMIT # _____

Application received by _____ Date _____

Fee \$ _____ Check # _____ Completeness Date _____

Certified Mailing Labels _____

BOARD OF HEALTH SUBMITTAL REQUIREMENTS

A public hearing with the Board of Health is required for any variance to the Chaffee County On-Site Wastewater Treatment System (OWTS) Regulations as adopted by Chaffee County Board of Health Resolution 2018-02.

Applications must be submitted with all required information and fee. Applications will be reviewed by the staff for compliance with the submittal requirements.

Please use the checklist below to assist you in submitting all of the required information. Each of the following items shall be submitted. (Resolution 2018 02, Section 1.4 Variances)

- ☐ Application Fee
- ☐ PDF of entire submittal package
- ☐ Completed variance application form.
- ☐ List of adjacent property owners, with tax parcel numbers and addresses (LUC 4.6.2.B4)
- ☐ Other Interests: Names and contact information for each of the following if applicable:
 - a. Subsurface mineral interests and their lessees, if any.
 - b. Easements, ditches, or utilities (LUC 4.6.2.B5)
- ☐ Site-specific request identifying the specific criteria from which a variance is being requested, including:
 - Technical justification by a professional engineer, surveyor or geologist
 - A discussion of alternatives considered in lieu of the requested variance
 - Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment
 - A statement of the hardship that creates the necessity for the variance
 - Impact Analysis (LUC 4.6.2.E)
- ☐ Vicinity Map - copy of Assessor's map showing where the property is located in the County. (LUC Section 4.6.2 D2)
- ☐ Site Plan showing all existing and proposed structures, proposed OWTS, utilities, surface water, and access; scaled and dimensioned

Please note:

- The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting the regulations
- The Chaffee County Board of Health has the authority to impose site-specific requirements and conditions on any variance granted. It is your responsibility to verify with staff the time and location of all meetings

Excerpt from Chaffee County On-Site Wastewater Treatment System (OWTS) Regulations:

1.4 Variance Procedure. Any request for a variance to these regulations shall follow the following procedures. Approval of a variance requires a majority vote of the Chaffee County Board of Health.

- A. Fees. A variance request shall be subject to a fee as established in the fee schedule adopted by the Chaffee county Board of Health.
- B. Notice Requirements. Unless specifically noted in this section, all variances shall be considered by the Chaffee County Board of Health following a public hearing. Prior to the rendering a decision on a variance request requiring a public hearing, a minimum 20-day notice of the hearing must be sent via certified mail, to all adjacent property owners.
- C. Variance Application Requirements:
 - 1. Site-specific request identifying the specific criteria from which a variance is being requested.
 - 2. Technical justification by a professional engineer or professional geologist, which indicates the specific conditions which exist and/or the measures which will be taken that support a finding that the variance will result in no greater risk than that associated with compliance with the requirements of the regulation. Examples of conditions which exist, or measures which might be taken, include but are not limited to the following: evidence of a natural or manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; placement of a manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; soil replacement with sand filter media to reduce the infiltration rate of the effluent such that the travel time of the effluent from the absorption field to the physical feature is no less than the travel time through the native soils at the prescribed setback and Treatment Level 2.
 - 3. A discussion of alternatives considered in lieu of the requested variance.
 - 4. Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment.
 - 5. A statement of the hardship that creates the necessity for the variance.
 - 6. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting the regulations.
 - 7. The Chaffee County Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.
- D. Outcome of the Variance Proceeding. The applicant must be notified, in writing, of the local board of health's decision regarding the request for a variance. The notice of a denial of a variance must include those reasons which form the basis for the denial. The notice of an approval of a variance must include any conditions of the approval. The variance, and any conditions thereof, must be recorded on the deed to the property and any expenses associated with that recording must be the responsibility of the party obtaining the variance.
- E. Prohibitions on the Granting of Variance Requests.
 - 1. No variance shall be issued where the property can accommodate a conforming OWTS.

2. No variance shall be issued to mitigate an error in construction involving any element of property improvements.
3. No variance shall be allowed solely for economic gain.
4. No variance shall be issued, if it will result in a setback reduction to an offsite physical feature that does not conform to the minimum setbacks defined in **Table 7-1** of this regulation without the written consent of the owner of property containing said feature. Property lines are considered offsite features.
5. No variance shall be issued, if it reduces the separation to ground water or bedrock based on the level of treatment in **Table 6-3**.
6. No variance from the horizontal setback from a well shall be issued unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors.

F. Variances for Repair of Failing Systems.

1. When a proposed variance for a system repair or upgrade would result in encroachment on minimum distances to physical features on neighboring properties required by these regulations, the hearing procedures in **Section 1.4** shall be followed.
2. For the repair of or upgrade to an approved existing system where the existing system does not meet the required separation distances and where the size of the lot precludes adherence to the required distances, a variance to the separation distances may be requested. The repairs or upgrade shall be no closer to features requiring setbacks than the existing facilities. Variances requesting setbacks no closer than existing setbacks do not have to provide technical justification from a professional engineer or professional geologist, and a public hearing and notice to adjacent property owners is not required.

G. Findings on Appeal. A request for review must be made within 60 days after denial of an application by CCEH. The applicant must bear the burden of supplying the Chaffee County Board of Health with sufficient evidence to document that the denied system shall be constructed and used in such a manner that will result in no greater risk than that associated with compliance with the requirements of the regulation, comply with the declaration and intent of this regulation, and comply with all applicable state and local regulations and required terms and conditions in any permit. Such review must be conducted pursuant to the requirements of **Section 1.4** of these regulations, except a public hearing and notice to adjacent property owners is not required.