

**JEFFERSON COUNTY BOARD OF HEALTH**  
**1801 19<sup>th</sup> St GOLDEN, CO 80401**  
**303 271-5700**  
<http://health.jeffco.us>

**POLICY ON GRANTING VARIANCES FOR  
IMPROPERLY SUBDIVIDED PROPERTIES**

**ADOPTED: JULY 1, 2004**  
**REVISED: November 20, 2007**

**PURPOSE**

To establish guidelines for a streamlined, automatic approval process for certain developed properties that have been improperly subdivided and did not meet the Health Department's minimum lot size at the time of the improper subdivision.

**RATIONALE**

Establishing a standardized approval process for improperly subdivided properties wherein the property must meet certain criteria and the applicant agrees to certain terms for repairing or replacing the existing system will allow the applicant to proceed to legalize his parcel and provide for future upgrades of the existing individual sewage disposal system.

**STATEMENT OF POLICY**

IT IS THE POLICY OF THE JEFFERSON COUNTY BOARD OF HEALTH that the following guidelines shall apply to the granting of variances for certain improperly subdivided properties:

**GUIDELINES**

To qualify for such a variance, all of the following shall apply:

1. The property is developed with a well (or public water), dwelling or commercial structure and an individual sewage disposal system,
2. The illegal subdivision must have occurred prior to July 1, 1994 as determined by the date the warranty deed or other instrument was recorded in the Jefferson County Clerk and Recorder's office.
3. The illegally subdivided lot is at least 1 acre in size,
4. The current property owner was not involved in the illegal subdivision and executes a sworn statement to that effect,
5. If a permit for the individual sewage disposal system was obtained after the illegal subdivision occurred, the parcel size as specified on that permit is consistent with the illegal subdivision,
6. The current owner completes and submits the appropriate application and fees,
7. The current owner obtains a use permit for the existing system;
8. the owner is not undertaking any building activity that would impact the existing individual sewage disposal system or exceed its capacity, and
9. The owner agrees to the variance terms and conditions (sample attached), including

upgrading the existing individual sewage disposal system to an advanced or secondary treatment system when repairs or upgrades are needed at some time in the future.

If all of the above conditions are met, a variance will be approved by staff. The variance agreement will be signed by the owner and recorded against the property.

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## **SAMPLE NOTICE OF VARIANCE (for information only)**

NOTICE IS HEREWITH GIVEN that **JOHN SMITH** (the "Applicant") applied to the Jefferson County Board of Health (the "Board") for a variance from the provisions of the regulations of Individual Sewage Disposal System on land owned by **JOHN SMITH** in Jefferson County, State of Colorado. The land for which the variance was applied for is described as:

**LOT 1-15, PRAIRIE OVERLOOK SUBDIVISION, aka 24255 Coneflower Road (the "Property")**

**The Board hereby grants the requested variance under the following terms and conditions:**

1. In accepting the variance, you do hereby acknowledge that abutting landowners may, in the future, receive a variance under the same terms and conditions as received by you and you will not in any way hold the Department, its agents or employees, responsible for any contamination of a water well or water supply system supplying the property owned by you.
2. If, at any time in the future, it is shown to the satisfaction of the Jefferson County Department of Health and Environment (the "Department") that the Individual Sewage Disposal System ("ISDS" or "system") on the Property is, in fact, surfacing, or showing other evidence of malfunction or causing contamination of any well, water system, or stream, that notice will be given to you and on the receipt of such notice, you will stop using the leaching field and septic system constructed by you under the terms of this variance until such time as the system has been repaired or replaced.
3. In the event the ISDS on this property malfunctions, no repair permit shall be issued by the Department if the Property is located within the boundaries of a sanitation district or water and sanitation district, and the Property is located within 400 feet of a sewer line operated and maintained by that district, and the district determines that public sewer service to the Property is feasible by means of connection to that sewer line.
4. Any repairs or upgrades to the ISDS shall include a system or component of a type currently approved by the Department to provide secondary or advanced treatment for nitrogen reduction.
5. This Variance is granted, subject to annual review, by the Department and if, on such review, it is found that adequate public health reasons exist to terminate this Variance, notice will be given to you of this finding and an opportunity granted to you to appear before the Board for further hearing to determine whether or not the Variance granted herewith should be continued.
6. This Agreement, as set forth in this Notice of Variance, shall be binding upon the heirs, successors, and assigns of the owners of the above described property, and the terms and conditions thereof shall operate on any successive owners in the same force and effect as if they had been the original applicants for the Variance, and to this end, notice is herewith given of the terms and conditions upon which the said Variance was granted.

Dated this 16<sup>th</sup> Day of JANUARY, 2008

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

By: (signed) *Craig Sanders* January 16, 2008

The terms of this Variance are herewith accepted by the owners of the above described property.

By: (signed) *John Smith* January 23, 2008  
*Sally Smith*