JEFFERSON COUNTY BOARD OF HEALTH
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POLICY ON THE PURCHASE OF ADJANCENT PROPERTIES FOR VARIANCE CASES

APPROVED: May 1, 2004
REVISED: January 15, 2008
EFFECTIVE: February 1, 2008

PURPOSE:
To establish criteria defining those properties which an applicant for a lot size variance must attempt to purchase prior to requesting the variance, and to set forth documentation for such attempts.

RATIONALE:
Building sites that do not meet the minimum lot size (typically 1 acre) may often be increased by purchasing adjacent properties. However, there may be significant obstacles to such purchases and in some cases the purchase of additional land may not in itself improve the wastewater treatment capabilities of the subject site and may negatively impact existing properties.

Documentation of what constitutes a reasonable attempt to purchase properties must also be established to assure that the applicant has made a legitimate effort to do so.

STATEMENT OF POLICY
IT IS THE POLICY OF THE JEFFERSON COUNTY BOARD OF HEALTH that the following guidelines shall apply to the purchase of adjacent properties for variance cases.

GUIDELINES

Eligibility - To be eligible for purchase, a parcel or lot must be:

- VACANT, with no structures or other improvements,
- SUBDIVIDED, in conformance with all land-use regulations,
- CONTIGUOUS, meaning it shares a common boundary with the subject property of at least 25 feet, (Parcels separated from the subject property by a platted road, whether or not the road is or will be constructed are not considered contiguous).
- SIZED, so that when combined with the subject property, the total size of the new parcel need not exceed 125% of the required minimum lot size,
- USABLE, that is, suitable for constructing the structure, or installing a well or individual sewage disposal system,
- AN 'EXCESS' LOT i.e. if an adjacent property is composed of multiple, platted lots, one or more of those lots may be purchased if they are vacant and do not reduce the overall size of that property to less than 1 acre (or the minimum lot size).

Documentation

- The applicant shall complete and sign page 4 of FORM 200, the Affidavit for Purchase of Adjacent Property - which requires them to swear or affirm that they made an offer to do so.

Limitations and Exclusions

- An attempt to purchase an easement only is not acceptable.

False or Misleading Information

Any false or misleading statements of a material nature made about the purchase of adjacent property may be cause for revocation of a permit per Section 4.9.D of the Jefferson County Individual Sewage Disposal System regulations.

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