

JEFFERSON COUNTY PUBLIC HEALTH
Environmental Health Services Division
645 Parfet Street, Lakewood CO 80215
(303) 232-6301
jeffco.us/public-health

APPLICATION FOR VARIANCE – ILLEGAL SUBDIVISION
Instructions and Application Forms

USE THIS PACKET TO REQUEST A VARIANCE FOR ILLEGALLY SUBDIVIDED, DEVELOPED PROPERTIES THAT ARE IN THE PROCESS OF BEING LEGALIZED THROUGH THE PLANNING AND ZONING DEPARTMENT'S RESIDENTIAL EXCLUSION PROCESS.

IMPORTANT! READ ALL INSTRUCTIONS BEFORE SUBMITTING YOUR APPLICATION!

The Jefferson County Board of Health approves the issuance of a standard variance to owners of certain illegally subdivided properties to allow them to proceed through the Residential Exclusion process without a hearing before the Board. The following criteria must be met:

- *The property is developed with a well (or public water), a dwelling or commercial structure, and an Onsite Wastewater Treatment System,*
- *The subdivision occurred prior to JULY 1, 1994,*
- *The illegally subdivided lot is at least 1 acre (0.5 acres with public water),*
- *The current owner did not own the property at the time of the illegal subdivision and was unaware that the subdivision was improperly done,*
- *If an Onsite Wastewater Treatment System permit was issued for the existing system, the lot size of the illegally subdivided parcel shall be no less than the lot size shown on the original Onsite Wastewater Treatment System permit application,*
- *A Use Permit (FORM 700) has been obtained for the property, demonstrating that the Onsite Wastewater Treatment System meets minimum standards, and*
- *The owner agrees to specific upgrades to the system at the time of repair or addition.*

If ALL of the above conditions apply to your property, then:

1. COMPLETE pages 1-3 of this application, signed and notarized as shown.
2. ATTACH documents requested on Page 2.

FEE: THERE IS NO FEE FOR THIS SERVICE

Upon verification of all information, the Department send you a Variance Agreement to be signed by the current owner. Once this variance has been returned, the Department will forward their comments to the Planning and Zoning Department to allow them to process your Residential Exclusion application.

DEPARTMENT CONTACT: **Craig Sanders** **(303) 271-5759**
csanders@jeffco.us

REVISED: 5/13/2016

VARIANCE APPLICATION – ILLEGAL SUBDIVISION OF PROPERTY

Property Address					
	City			Zip	
Legal Description	Lot(s)	Block	Unit	Subdivision Name	
	(or) Quarter Section(s)		Section(s)	Township	Range

OWNER NAME _____

 MAILING ADDRESS _____

 CITY STATE ZIP _____

 PHONE _____ email _____

PROPERTY SIZE _____ acres **BEDROOMS** # _____ or 'NONE'

STRUCTURAL TYPE

- | | |
|--|--|
| <input type="checkbox"/> Barn / Stable (commercial)
<input type="checkbox"/> Barn / stable – (personal use)
<input type="checkbox"/> Dwelling – Bed & Breakfast
<input type="checkbox"/> Dwelling – multifamily
<input type="checkbox"/> Dwelling – multiple structures
<input type="checkbox"/> Dwelling – single family
<input type="checkbox"/> Fire station
<input type="checkbox"/> Garage (commercial)
<input type="checkbox"/> Garage (personal use)
<input type="checkbox"/> Other commercial use (specify) _____
<input type="checkbox"/> Other personal use (specify) _____
<input type="checkbox"/> Other public use (specify) _____ | <input type="checkbox"/> Office
<input type="checkbox"/> Recreational (public)
<input type="checkbox"/> Recreational (commercial)
<input type="checkbox"/> Religious Institution
<input type="checkbox"/> Restaurant
<input type="checkbox"/> Retail Facility
<input type="checkbox"/> Studio / shop (commercial)
<input type="checkbox"/> Studio / shop (personal) |
|--|--|

WATER SOURCE (check one)

- Individual well (permit number) _____
- OR
- Public system (name of supply) _____

TERMS AND CONDITIONS OF APPLICATION

By making this application, I hereby request that the Jefferson County Board of Health Grant a variance to allow the continued use of an Onsite Wastewater Treatment System on my Illegally subdivided property in accordance with Board policies. I understand that if my request is approved that I will be required to sign a Notice of Variance that sets forth the specific terms and conditions of approval.

OWNER / APPLICANT / AGENT

DATE

ATTACH THE FOLLOWING:

1. **SURVEY** of property showing parcel size rounded to nearest one-tenth (1/10th)
2. **WARRANTY DEED** showing the date of the illegal or improper subdivision.
3. **USE PERMIT** for the property

* * * * *

BELOW LINE FOR DEPARTMENT USE

1. Use Permit Number: _____
2. Well Permit Number _____
3. Water District _____
4. OWTS Records? () NO () YES (complete below)
Permit number _____ Date of application _____
of bedrooms _____ Lot size on application _____
5. Approved for Issuance? () YES () NO (provide comments below)

COMMENTS:

Environmental Health Specialist

Date

**AFFIDAVIT CONCERNING KNOWLEDGE
OF IMPROPER SUBDIVISION OF PROPERTY**

INSTRUCTIONS: *This form documents that the owner(s) (the 'affiant') was unaware of the legal status of their residential or commercial parcel and that they were unaware of and did not participate in any of the actions that created the parcel. Fill in the appropriate information, sign the form and have it NOTARIZED before submitting. If there is more than one owner, both must sign.*

**STATE OF COLORADO)
COUNTY OF JEFFERSON)**

[name(s)] _____

being of lawful age, and first being duly sworn upon oath, deposes and states as follows:

1. The Affiant is the owner of certain real property (the "Property") being described as follows:
 (Legal Description) _____
 (Address) _____
2. The Affiant purchased or obtained the Property on _____,
3. The Affiant had no knowledge of the fact that the Property was not subdivided in accordance with the requirements of the Jefferson County Land Development Regulation prior to purchasing or obtaining the Property,
4. The Affiant did not own the Property or have the Property under contract at the time the improper subdivision occurred, and
5. The Affiant did not participate in any action pursuant to the creation of the improper subdivision.

FURTHER AFFIANT SAYETH NAUGHT

Affiant(s) _____

Subscribed and sworn to, before me this _____ day of _____ 20__.

(Notary Public) _____

My Commission Expires: _____

SAMPLE NOTICE OF VARIANCE

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 onsite wastewater treatment system regulation 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 Onsite Wastewater Treatment System ("OWTS" 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 OWTS 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 OWTS 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 16th Day of JANUARY, 2017

JEFFERSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

By: (signed) *Craig Sanders*

Date: January 16, 2017

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

By: (signed) *John Smith*

Date: January 23, 2017