

Parcel # \_\_\_\_\_ Reception # \_\_\_\_\_ approved date: \_\_\_\_\_

**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 - \$500.00 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.**

Parcel # \_\_\_\_\_ Reception # \_\_\_\_\_ approved date: \_\_\_\_\_

**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 \_\_\_\_\_

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

Saguache County Land Development Code  
Effective August 21,2018

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. Marijuana Variance Application procedure**

There shall be no combination of personal marijuana cultivation and commercial retail cultivation on the same parcel of property.

Saguache County shall only allow for a twelve 12-plant count to be grown on any residential property. Regardless of whether the plants are for medical or

Saguache County Land Development Code  
Effective August 21,2018

recreational use, it is unlawful for a person to knowingly cultivate, grow or produce more than twelve (12) marijuana plants on or in a residential property; or to knowingly allow more than twelve (12) marijuana plants to be cultivated, grown or produced on or in a residential property.

Except as provided in Section 25-1.15-106(8.5)(a.5)(I) or section 25-1.5-106(8.6)(a)(1.5) for medical marijuana patient or primary caregiver with a twenty-four (24) marijuana plant count.

A variance may be applied for with Board of County Commissioners review for final approval if requesting over the approved Medical 24 count.

A marijuana variance fee will be charged as follows: \$50 application fee + \$5 tag fee per plant over 12 plants. A compliance tag will be issued for each extended plant count.

VIII.3.1 Application for variance shall be made to the Land Use Administrator indicating the need for variance requested. The application shall include the following;

VIII.3.1.1. Proof of ownership of the land on which a residence and structure is to be located, or a letter from the owner acknowledging their approval of the structure's placement and the requested variance.

VIII.3.1.2. Indicated provisions for utilities.

VIII.3.1.3. Legal Description of property.

VIII.3.1.4. Total Number of Plants.

VIII.3.1.5. Square Footage of Structure to be used.

VIII.3.1.6. For Medical Usage copy of Doctor approved plant count.

VIII.3.1.7. For Caregiver State of Colorado License Number;

- Caregiver patient plant count
- Number of patients growing for

VIII.3.1.8. Landowner(s) signature.

Application must also address the following:

- Water usage
- Noise pollution – when generator is utilized such units shall comply with all applicable noise and fuel containment regulations

Saguache County Land Development Code  
Effective August 21,2018

- Light pollution
- Dust control
- Weed and pest control
- All business structures shall be neutral in color – this shall include shipping containers
- Excessive or harmful odor

VIII.3.2. 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 when request is submitted to the Land Use Office.

**VIII.4. Approval Procedure**

The Board of Commissioners will use the following procedure to consider variance applications;

- VIII.4.1. 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.4.2. 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.4.3. 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.4.4. The decision shall be transmitted to the applicant in writing.
- VIII.4.5. 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.4.1. 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.4.2. 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

Saguache County Land Development Code  
Effective August 21,2018

does not comply with state standards as promulgated by the Division of Housing. Mobile home must meet 1976 HUD Standards.

VIII.4.3. 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.4.4. Before any structure older than twenty (20) years may be moved in the Saguache County, the County must approve a Variance application and a Building Permit application. See Article VIII of the Saguache County Land Development Code for Variance regulation.

VIII.4.5. 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.4.6. Approved Adequate sewage, existing and ready to connect into before any mobile home can be occupied on property.

VIII.4.7. A copy of well permit, water court decree or other agreement providing for water service.

VIII.4.8. In addition, mobile home shall be placed on permanent foundation or tied and anchored down.

VIII.4.9. In addition, skirting, must be attached within 45 days of placement of mobile home.

VIII.4.10. No reflective surfaces except glass may be used.

VIII.4.11. Any Recreational Vehicle or Vehicle to be used as a permanent residence shall follow all mobile home regulations.

Saguache County Land Development Code  
Effective August 21,2018

- 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.5. Mobile Home for Storage within the County**

- VIII.5.1. All plumbing fixtures will be removed, and the Land Use Administrator or designated agent will inspect said structure to insure all fixtures are removed.
- VIII.5.2. 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 insure all wiring is removed.
- VIII.5.3. All Mobile Homes for storage must be placed on a permanent foundation, such as a concrete slab or stem wall.

**VIII.6. 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.