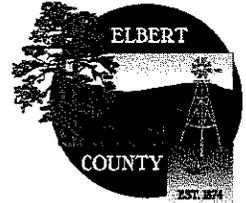




COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165
cds@elbertcounty-co.gov



VARIANCE CHECK LIST ZONING REGULATIONS Board of Adjustments

Date: _____

Project Name: _____

Project Address: _____

Owner(s) Name(s): _____

Address: _____

Phone Number(s): _____

Applications must include the following information:

Date Completed

- | | | |
|----|--|-------|
| 1. | A. Completed Application Form Notarized) | _____ |
| | B. Completed Disclosure Form (Notarized) | _____ |
| | C. Completed Agreement Form | _____ |
| 2. | Proof of Ownership (Title Report and/or property deed) | _____ |
| 3. | Application Fee Paid \$ _____ (Amount) | _____ |
| 4. | Completed Narrative _____ (Copies) | _____ |
| 5. | Statement of Taxes (from the Treasurer's Office) | _____ |
| 6. | Completed Site Plan Exhibit _____ (Copies) | _____ |

Public hearing date set for BOA:

Date: _____
Time: _____

30 days prior to the hearing date:

- | | | |
|----|---|-------|
| 7. | Referral agencies notified | _____ |
| 8. | Notice of Public Hearing in Newspaper | _____ |
| 9. | Certified mail notifying adjacent property owners | _____ |

10 Sign Posting on the property

24 days prior to hearing date:

- 11. Supply to the Planning Department
 - A. A copy of the notice to adjacent property owners
 - B. Alphabetical list of property owners
 - C. Certified mail receipts (white slips)
 - D. Map indicating location of adjacent land owners
 - E. Notarized affidavit verifying sign posting
 - F. Photograph of the posted sign

By the Action Date:

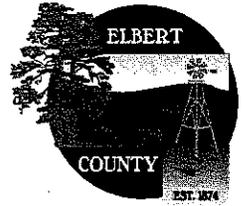
- 12. Supply to the Planning Department:
 - A. Green postal return receipts
 - B. Publisher's affidavit



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VARIANCE APPLICATION

Variance Number: VAR

NAME OF PROPERTY OWNER: _____

COMPLETE ADDRESS: _____

MAILING ADDRESS (If different from above):

TELEPHONE NUMBER: _____

LEGAL DESCRIPTION OF PROPERTY (Attach additional sheet(s) if necessary):

EXISTING ZONING ON PROPERTY: _____

EXISTING USES ON PROPERTY: _____

VARIANCE CONDITION/REQUEST (Brief written description required): _____

REASON FOR REQUESTED VARIANCE: _____

Signature: _____

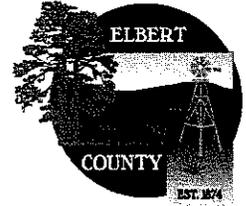
Date: _____



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I hereby acknowledge that I have been informed of the following:

- As part of the variance/administrative variance process, all work on the structure(s) involved must cease immediately. Failure to stop building will result in an automatic denial of the variance application.
- I understand that economic hardship is not a valid excuse to be granted a variance/administrative variance.

Signed & Acknowledged by (print, sign and date below).

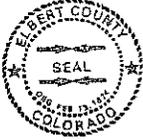
Signature(s)

Date

Print Name(s)

Address

Address



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DISCLOSURE LETTER

PROJECT NAME: _____

PROJECT LOCATION: _____

I/We, _____

do hereby acknowledge my/our full awareness of the application/request being presented to Elbert County by

for the parcel of land indicated, and for the reason(s) noted on the completed application/request submittal.

I/We hereby acknowledge the person(s) noted is/are my/our authorized representative(s) in the matter.

I/We hereby grant permission for the Elbert County Community & Development Services Department, or any referral agency they require, to access the parcel of land indicated for reasons of reviewing and evaluating the land use application.

Signature(s):

PRINT NAME AND COMPLETE ADDRESS OF PROPERTY OWNER(S) BELOW:

Name: _____

Date: _____

Address: _____

State of _____)

) ss:

County _____)

The above and foregoing instrument was subscribed and sworn to before me, in my presence, a Notary Public in and for the County of _____, State of _____, this _____ day of _____, 20____.

(SEAL)



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APPLICATION AGREEMENT FORM

PROJECT NAME: _____

PROJECT LOCATION: _____

The applicant agrees to pay for reasonable additional engineering and/or consultation when requested by the Community & Development Services Department, Planning Commission or Board of County Commissioners when, in their opinion, additional information, studies, or investigations are needed to help clarify the proposal made.

Applicant or Authorized Representative

Date

2. The Board of County Commissioners may appoint two (2) associate members to the Board of Adjustments. Each associate member shall be a resident of the County. In the event that any regular member of the Board of Adjustments is temporarily unable to act, due to absence from the County, illness, interest in a matter before the Board of Adjustments, or any other cause, that member's place may be taken during such temporary disability by the most senior associate member present based upon length of service.
3. Any member of the Board of Adjustments may be removed for non-performance of duty or misconduct by the Board of County Commissioners. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.
4. The Board of Adjustments shall receive reasonable compensation by Elbert County not to exceed twenty dollars (\$30.00) per meeting plus mileage for attending official and special meetings.
5. The Board of Adjustments shall elect from its members a Chairperson and a Vice-Chairperson whose term shall be for one (1) year. Other positions may be created by the Board of Adjustments when needed.
6. The Board of Adjustments shall adopt such rules and regulations governing its proceedings as it may consider necessary or advisable, such rules and regulations shall be consistent with the guidelines of this Section and appropriate State statutes.
7. The Board of Adjustments shall meet as often as necessary to hear and act upon applications and other appropriate requests submitted.
8. The Board of Adjustments may call special meetings for special projects and other important topics for review, discussion and/or recommendation. Alternate hearing dates due to weather conditions and other scheduling difficulties may be considered by the Chairman of the Board of Adjustments.
9. A secretary shall be provided by the Planning Department to the Board of Adjustments and shall be present at all regular and special meetings of the Board of Adjustments. The minutes shall be made a matter of public record within a practical time after the official meeting of the Board of Adjustments and will be available at the Planning Department. Anyone wishing to have a transcript of the proceedings may have a court reporter present at their own expense.

D. PROCEDURE FOR A VARIANCE

1. The applicant shall discuss the variance request informally with the Planning Director to learn what materials and what steps are necessary for the application.



2. A formal application shall be submitted to the Planning Director and shall consist of the following:
 - a. A completed application form;
 - b. Proof of ownership of the land on which the appeal is requested;
 - c. Application fee - see current fee schedule; and
 - d. If applicable, a site plan indicating what the variance is or where it will be on the affected property. Such plan shall be drawn to scale and include the height and setbacks of all existing and proposed structures, and any other information requested by the Planning Director, when applicable to the request.

3. The Planning Staff shall review the variance application within ten (10) working days and schedule the request before the Board of Adjustments when it determines that the application is complete.

4. The Planning Director shall submit the application to the appropriate referral agencies for review. The prescribed time limits for review of a variance application shall not exceed thirty (30) days.

5. At least thirty (30) days prior to a public hearing before the Board of Adjustments, notice of hearing shall be published in a newspaper of general circulation in Elbert County at least once. Publication of said notice shall be the responsibility of the applicant and shall read as follows:

"NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT"

"Variance from ___ feet to _____ feet for _____ setback"

"Notice is hereby given that on _____(day of week), _____(month) ____ (year), at ____ (time A.M./P.M.), or as soon as possible thereafter, in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as this hearing may be adjourned, Board of Adjustment public hearing will be held upon the application on file with the Elbert County Planning Department, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 621-3136, by _____ (name of applicant) for a variance pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately _____ (distance and direction from nearest major intersection)."

Project Name and Number:

Legal Description of Property:

Reason:

Date of Application:

Published In: _____ (name of newspaper),
_____ (date of Publication).

*Publishers affidavit verifying the above publication shall be submitted to the Planning Department at least five (5) working days prior to the public hearing.



- 6. At least thirty (30) days prior to the day of the public hearing before the Board of Adjustments, the applicant shall mail a notice of said hearing by Certified Mail, Return Receipt requested, to owner(s) of property adjacent to, and within five hundred feet (500') of, the property under consideration for the Variance and to the mineral right's owners and lessees and easement holders, as shown in the records of the office of the Elbert County Assessor.
- 7. At least twenty-four (24) days prior to the day of the public hearing before the Board of Adjustments, the applicant shall submit to the Planning Department, the following: the white postal receipts for Certified Mail mailed to the adjacent property owners and the property owners within five hundred (500) feet of the proposed site as required by these Variance Procedures and requirements; a copy of the note mailed to said property owners; and a list, in alphabetical order, of the adjacent property owners and a map illustrating the location and proximity of the adjacent property owners and property owners within five hundred (500) feet of the proposed site.

At least five (5) working days prior to the date of the Public Hearing before the Board of Adjustments, the applicant shall submit to the Planning Department, the green postal Domestic Return Receipts mailed to the adjacent property owners and property owners within five hundred (500) feet of the proposed site as required by these Variance Procedures and Requirements.

- 8. The applicant shall also be required to post notice on the property for which the variance is requested at least thirty (30) days prior to the day of the public hearing before the Board of Adjustment. Such notice shall consist of at least one (1) sign facing parallel to each adjacent right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'), size of letters shall be a minimum of three (3) inches high and such signs shall be erected no further than ten (10) feet beyond the edge of the adjacent right-of-way, on posts which shall locate the bottom of the sign no less than three (3) feet above the ground. All signs shall be clearly legible to persons on the adjacent right-of-way and shall be completed and installed in a neat and professional manner. All signs shall be visible and legible throughout the entire period, and shall read as follows:

"NOTICE OF PUBLIC HEARING"

"Variance from _____ feet to _____ feet for _____ setback."

"Notice is hereby given that the property upon which this sign is posted shall be considered for a change in _____ from _____ to _____ pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling the Planning Department at 621-3136. The public hearing is to be held on _____ (day of week), _____ (month) _____ (year), at _____ (time AM/PM), or as soon as possible thereafter. Said hearings to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Name of Proposal:
Project Number:
Date of Posting:



9. Signs advertising the variance in Elbert County must be photographed and submitted to the applicant's file in the Planning Department per the following form:

(ATTACH PHOTO HERE)

The above sign was posted on _____, pursuant to the current Elbert County Zoning Regulations by _____ (name of applicant).

Project Name and Number:
Signature of Applicant/Representative:
Signed and sworn before me this date:

NOTARIZED BY:

Project Review:

Further requirements include:

- a. Notarized affidavit verifying the date of the sign posting required at least thirty (30) days prior to the Board of Adjustments hearing date.
 - b. This affidavit must be submitted to the Planning Department at least twenty-four (24) days prior to the Board of Adjustments hearing date.
10. Appeals of the Board of Adjustments shall be reviewed by the Board of County Commissioners. Any party wishing to appeal any decision made by the Board of Adjustments shall file their objections in writing, setting forth in detail their specific objections(s) within fifteen (15) days of the Board of Adjustments' decision.

E. ADMINISTRATIVE VARIANCE

The Planning Director, or person designated from the Planning Department by the Planning Director, shall have the ability to grant an Administrative Variance.

1. Procedure

- a. The applicant shall discuss the variance request informally with the Planning Department to learn what materials and what steps are necessary for the application:
- b. A formal application shall be submitted to the Planning Department and shall consist of the following:
 - 1) Completed application form.
 - 2) Proof of ownership of the land on which the appeal is requested.
 - 3) Application fee - see current fee schedule.
 - 4) A site plan indicating what the variance is and where it will be on the affected property. Such plan shall be drawn to scale and include the height and setbacks of all existing and proposed structures.
 - 5) Any other information the Planning Department may deem necessary.
- c. The Planning Department shall review the variance application and conduct a site inspection within ten (10) working days.
- d. Upon receiving notification by the Planning Department that the application is complete, the applicant shall mail the following notice by certified return receipt mail to owners of property adjacent to, and within five hundred (500) feet, of the property and to the mineral right's owners and lessees and easement holders, as shown in the records of the Office of the Elbert County Assessor. The notice shall be mailed at least fifteen (15) days prior to the action date.

"NOTICE OF PUBLIC HEARING BEFORE THE ADMINISTRATIVE VARIANCE HEARING OFFICER"

"Variance from ___ feet to _____ feet for _____ setback."

"Notice is hereby given that on _____ (day of week), _____ (month) ____ (year), at ____ (time A.M./P.M.), or as soon as possible thereafter, the Planning Director will act upon the Administrative Variance application on file with the Elbert County Planning Department, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 621-3136, by _____ (name of applicant) for a Variance pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately _____ (distance and direction from nearest major intersection. Any comments must be submitted in writing to the Elbert County Planning Department, P.O. Box 7, Kiowa, CO 80117, by _____ (date)."

Project Name and Number: _____
 Legal Description of Property: _____
 Reason for Variance: _____
 Date of Application: _____

- e. At least five (5) days prior to the action date the applicant shall submit to the Planning Department:
 - 1) The white postal receipts from the notices mailed.
 - 2) A copy of the notice mailed.
 - 3) An alphabetical list and a map illustrating the location and proximity of owners



of property adjacent to, and within five hundred (500) feet of the property under consideration.

- f. On the action date a public hearing will be conducted by a designated Administrative Variance Hearing Officer and a Secretary.
- g. By the action date the applicant must submit to the Planning Department the green postal receipts.
- h. Any party wishing to object to the decision made by the Planning Director, or designated Administrative Variance Hearing Officer, shall file their objection(s) within fifteen (15) days from the action date to the Planning Department. The letter of appeal will be submitted to the Board of County Commissioners at their first available scheduled meeting after receipt of the letter. The Board of County Commissioners will consider the appeal and make a decision based on their best judgement.