

VARIANCE FOR A REPAIR ON AN EXISTING SYSTEM

INTENT

The intent of this process is to allow homeowners with approved existing systems to repair a component of their system, if the strict interpretation of these Clear Creek County On-site Wastewater Treatment System Regulations will result in an exception and undue hardship.

DOES MY REPAIR QUALIFY?

In order for the repair to qualify it must meet the following criteria:

- a. It must be approved and existing.
- b. The lot size must preclude adherence to the required setback distances.
- c. The request must not fall under any of the Prohibitions on Granting a Variance:
 - i. The property can accommodate a conforming OWTS;
 - ii. To mitigate an error in construction involving any element of Property improvements;
 - iii. If it will result in a setback reduction to an offsite physical feature that does not conform to the minimum setbacks as defined in Table A-1 of Appendix A without the written consent of the owner of property of said feature. Property lines are considered offsite features;
 - iv. If it reduces the separation to ground water or bedrock based on the level of treatment as provided in Table A-2 of Appendix A;
 - v. If it reduces the horizontal setback from a well, unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors;
 - vi. For systems that shall be expanded to provide for additional volume; or
 - vii. Solely for economic gain to the property owner.

WHAT IS THE VARIANCE PROCESS?

Once all items have been received and the application has been reviewed by the Clear Creek Environmental Health Department, the application will go to the Clear Creek County Board of Health for approval. No public notice or hearing is required for this type of variance.

The following items need to be submitted before application review can begin:

- a. A completed "Variance for an Existing System" application.
- b. A narrative from the designing engineer stating why the variance is being requested. The statement must include the specific Clear Creek County On-site Wastewater Treatment System Regulation requirement that cannot be met and what hardship is caused by the strict interpretation of the requirement.
- c. A copy of the proposed design from the designing engineer.
- d. A current site plan of the OWTS. This must include all components of the system and their respective distances to physical features.
- e. A completed "On-site Wastewater Treatment System Permit" application. This is separate from the "Variance for and Existing System" application.

- f. All fees associated with the Permit and Clear Creek County Board of Health Variance per the adopted OWTS Fee Schedule.

HOW LONG DOES THE PROCESS TAKE?

From the time of submittal the process can take anywhere from 7 to 14 days. The Clear Creek County Board of Health current meets every Tuesday and variances must be scheduled one week in advance. If there are no slots available then the variance will go to the next available meeting day. If the variance is approved, the permit can be issued immediately and it has been approved for issue, work on the project may begin.

DO I HAVE TO BE PRESENT WHEN THE VARIANCE GOES TO THE BOARD OF HEALTH?

No. While it is open to the public, you do not need to attend or have anyone attend on your behalf. The process in front of the Clear Creek County Board of Health should take no more than a few minutes.

WHAT IF I DECIDE TO CANCEL MY VARIANCE APPLICATION BUT ALREADY PAID? CAN I GET A REFUND?

Unfortunately, refunds are not given if a variance application is voided. The cost of the application covers only the administrative costs and time to process the application.

WHAT IF MY REPAIR FALLS UNDER ONE OF THE PROHIBITIONS?

If it is determined that your repair does fall under one of the prohibitions, than the Clear Creek Environmental Health Department will notify you as to why, and will recommend that the variance be denied by the Clear Creek County Board of Health. If you are unsure about if your repair qualifies, prior to submitting your application, please contact an Environmental Health Specialist.

WHAT IF MY REPAIR IS URGENT AND NEEDS TO BE DONE IMMEDIATELY?

The application requirements still need to be submitted and fees need to be paid. If it is an environmental health emergency, than an emergency Clear Creek County Board of Health meeting can be called. The urgency of the repair will be determined by the Clear Creek Environmental Health Officer.

WHY DO I HAVE TO GO THROUGH THIS PROCESS?

In order to repair a system that does not meet the current regulation requirements, an owner must prove why their existing system cannot accommodate the necessary changes to accommodate the requirements. This is a requirement which comes from Regulation #43, the State On-site Wastewater Treatment System Regulations.

VARIANCE FOR AN EXISTING SYSTEM APPLICATION
\$150.00

ALL OF THE FOLLOWING INFORMATION MUST BE FILLED OUT

The application will not be processed until all required information is received.
This is to be filled out PRIOR TO or CONCURRENTLY with an OWTS Repair Permit

Property Information

Owner/Applicant Name: _____

Phone: _____ E-mail: _____

Mailing Address: _____

Property Address: _____

Legal Address: _____

Parcel Number: _____

On-site Wastewater Treatment System (OWTS) Information

Does the property have an existing OWTS?

YES NO

Please list the previous permit number(s) for the OWTS:

Number of bedrooms was the initial approved OWTS designed for: _____

Which major component of the system needs to be replaced?

Septic Tank Soil Treatment Area (leach field)

**PLEASE FILL OUT THE TABLE BELOW. ALL ITEMS MUST BE FILLED OUT, EVEN IF THEY DO NOT
PERTAIN TO THE FAILING COMPONENT OF THE SYSTEM.**

	Distance from septic tank to...	Distance from soil treatment area to...
Drinking water wells, springs, suction lines:		
Dwelling or occupied building:		
Property lines:		
Lake, water course, irrigation ditch, stream, wetland:		
Dry gulches, cutback, fill area:		
Septic tank:		

Do you meet any of the following prohibitions for granting a variance?

Can property accommodate a conforming On-site Wastewater Treatment System?	YES	NO
Is the request to mitigate an error in construction involving any element of property improvements?	YES	NO
Will it result in a setback reduction to an offsite physical feature that does not conform to the minimum setbacks defined in Table A-1 of Appendix A without the written consent of the owner of the property of said feature?	YES	NO
Does it reduce the separation to ground water or bedrock based on the level of treatment as provided in Table A-2 of Appendix A?	YES	NO
Will it reduce the horizontal setback from a well, unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors?	YES	NO
Will it reduce the horizontal setback from a well, unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors?	YES	NO
Is the request for the system to be expanded to provide for additional volume?	YES	NO
Is the request solely for economic gain to the property owner?	YES	NO

Please address each of the following “Criteria for Approval” in as much detail as necessary. If there is not enough room, please feel free to attach a response:

Explain how granting the variance will not endanger the public health, safety, and welfare, and will result in no greater risk to the public health and environment than a system meeting the Clear Creek County On-site Wastewater Treatment System Regulations? Please consider the following - negative impacts on water quality or the environment, and public health nuisances.

Explain how granting the variance does not result in the substantial impairment of the Clear Creek County On-site Wastewater Treatment System Regulations.

Explain how the variance will comply with all applicable state regulations (Regulation #43).

Explain what exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property exists, and how that, by the strict application of these regulations, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner(s) of the property.

By signing this page I attest the following statements are true.

I certify that all of the information is true and accurate to the best of my knowledge.

I understand that the purpose of the Clear Creek County On-site Wastewater Treatment System Regulations is to establish minimum standards for the location, design, construction, performance, installation, alteration, and use of On-site Wastewater Treatment Systems in Clear Creek County, State of Colorado, included but not limited to permit application requirements; requirements for issuing permits; the inspection, testing and supervision of installed systems; the maintenance and cleaning of systems; the disposal of waste material and the issuance of cease and desist orders.

I understand that this application is not a permit and or guarantee that the variance will be approved.

I understand that the purpose of the Variance Section (Section 11) of the Clear Creek County On-site Wastewater Treatment System Regulations is to provide a procedure for the Clear Creek County Board of Health to consider variances from the design and/or siting requirements of these regulations.

I understand that the Clear Creek County Board of Health is the decided authority for the variance request I am submitting.

I understand that I, the applicant, shall bear the burden of supplying the Clear Creek County Board of Health with sufficient evidence to document that the variance is justified and meets the criteria for approval.

Signature of Applicant

Date

Please Print Name

(THIS SECTION FOR COUNTY USE ONLY)

Has the Repair Permit been applied for?	YES	NO	
Is the application complete?	YES	NO	
Have all fees (Repair Permit & Variance App) been collected?:	YES	NO	PARTIALLY
			\$ _____

Date and time of Board of Health meeting: _____ ENV Permit #: _____

Staff Initials: _____ Date processed: _____ BOH File #: _____