

BOARD OF HEALTH VARIANCE FOR OWTS

INTENT

The intent of this process is to allow home and land owners to develop land that due to topography, geography, or other exceptional reason, an On-site Wastewater Treatment System cannot be designed to meet the current standards of the Clear Creek County On-site Wastewater Treatment System Regulations.

DOES MY DESIGN QUALIFY?

The request **MUST NOT** fall under any of the Prohibitions on Granting a Variance (set forth in Section 11.1C):

- a. The property can accommodate a conforming OWTS;
- b. To mitigate an error in construction involving any element of Property improvements;
- c. 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;
- d. 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;
- e. 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;
- f. For systems that shall be expanded to provide for additional volume; or
- g. Solely for economic gain to the property owner.

The request must meet **ALL** of the Criteria for approval (set forth in Section 11.1.D):

- a. Granting the variance does not endanger the public health, safety and welfare and will not result in no greater risk to the public health and environment than a system meeting these Regulations. Consider the following:
- b. Does granting the variance negatively impact water quality or the environment more than a system meeting these Regulations?
- c. Does granting the variance create a nuisance?
- d. Granting the variance does not result in the substantial impairment of these Regulations.
- e. Granting the variance will comply with all applicable state regulations.
- h. By reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of such regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property.

WHAT IS THE VARIANCE PROCESS?

Once all items have been received and the application has been reviewed by the Clear Creek Environmental Health Department, a hearing date will be scheduled a minimum of 30 days in advance.

This type of variance requires a hearing procedure in front of the Clear Creek County Board of Health. The Clear Creek County Board of Health meets every Tuesday of each month, except the fifth Tuesday of the month. A minimum of 20 days' notice of the scheduled hearing date will be given to all adjacent property owners to allow time for comment. If there are no slots available on the first Tuesday following the 20 day notice, then the variance will go to the next available meeting day.

Upon hearing the variance request the Clear Creek County Board of Health will take action by resolution to either approve, approve with conditions, or deny a request. The required findings and any conditions imposed by the Board of Health will be included in the resolution.

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

- a. A completed "Board of Health Hearing Variance" 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 application review process can take anywhere from 7 to 14 days. Once the application has been reviewed it takes an additional minimum of 20 days to allow for public notice. If the variance is approved, the permit can be issued immediately and once it has been approved for issue, work on the project may begin. The hearing process itself may take anywhere from 15 to 60 minutes and may be continued if the Board of Health feels like more information is needed and action cannot be taken.

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

No, although it is encouraged to have someone attend on the applicant's behalf, to answer any questions the Board of Health may have regarding the request.

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 cancelled. The cost of the application covers only the administrative costs and time to process the application.

WHAT IF MY APPLICATION FALLS UNDER ONE OF THE PROHIBITIONS?

If it is determined that your design 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 design qualifies, prior to submitting your application, please contact an Environmental Health Specialist.

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

The application requirements still need to be submitted and fees need to be paid. If it a variance for a repair and there is an environmental health hazard associated with the need for the repair, then accommodations may be made.

WHY DO I HAVE TO GO THROUGH THIS PROCESS?

In order to install 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.

BOARD OF HEALTH VARIANCE APPLICATION

\$350.00

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 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

If yes, list the previous permit number(s) for the OWTS: _____

The following must be included the following:

- A site-specific request identifying the specific Regulation(s) from which a variance is being requested
- Technical Justification by a professional engineer or professional geologist
- A discussion of alternatives in lieu of the requested variance
- A statement of hardship that creates necessity for the variance
- Confirmation that the variance does not increase the risk to public health and the environment
- A copy of the proposed engineered design
- The permit application denial letter (If applicable)

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

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