

ZONING VARIANCE APPLICATION

Please attach "Letter of Request" to this application

PLEASE READ NOTE AND SIGN BELOW:

THE SUBMITTED APPLICATION PACKAGE REQUIRES SPECIFIC REPORTS/INFORMATION WHICH MAY NOT BE ADEQUATE AS DETERMINED THROUGH THE REVIEW PROCESS. ADDITIONAL INFORMATION MAY BE REQUIRED. ALSO, THE ACCEPTANCE OF THE APPLICATION PACKAGE DOES NOT MEAN THE SPECIFIC INFORMATION HAS BEEN APPROVED AND IN FINAL FORM. REVISIONS TO THE PLAN AND/OR REPORTS MAY BE REQUIRED. REQUESTS FOR WAIVERS OF ANY OF THESE REQUIREMENTS MUST BE ACCOMPANIED BY A LETTER OF JUSTIFICATION. THE ZONING BOARD OF APPEALS WILL HEAR THE WAIVER REQUEST CONCURRENTLY WITH THE APPLICATION. DENIAL OF THE WAIVER REQUEST SHALL RENDER THIS APPLICATION INCOMPLETE AND RESULT IN THE REQUIREMENT FOR A NEW SUBMITTAL ACCEPTANCE DATE AND REVIEW PERIOD. YOUR SIGNATURE BELOW INDICATES ACCEPTANCE OF THESE CONDITIONS.

Date: _____

Type of Application: _____

Zoning Variance No.

Applicant's/Representative's Signature

NOTICE: All information, including emails, submitted to Pueblo County Department of Planning and Development is considered public record and is therefore available for public review.

Assessor's Tax Parcel No. _____

1. **Please list the name, address, telephone number, and email address of the following (some may not be applicable):**

Applicant(s) _____
Address: _____
Telephone: _____
Email: _____

Property Owner(s) _____
Address: _____
Telephone: _____
Email: _____

Applicant's Representative _____
Address: _____
Telephone: _____
Email: _____

Address of Property _____

2. **Zone District** _____
3. **Legal description of the property** _____
(If lengthy, please attach)

4. Please list any previous applications (e.g., map amendments, zoning variances, special use permits, subdivision variances) in connection with this property
-

5. Fee paid \$_____

ZONING VARIANCE

SUPPLEMENTAL INFORMATION

The submittal deadline is 2:00 p.m. on the 1st Wednesday of each month. Complete applications will be scheduled before the Board of County Commissioners (sitting as the Zoning Board of Appeals). Information on the specific hearing dates can be obtained from the Department of Planning and Development or online at http://county.pueblo.org/sites/default/files/documents/2015_BCC_PCPCMTGDATES.pdf

Notice of the public meeting and hearing will be sent to property owners whose property abuts or is within three hundred feet (300 ft.) of the exterior boundaries of the subject property. Notice of the proposed zoning variance will be posted on or near the subject property.

The Zoning Board of Appeals considers the following factors in reaching its decision:

- (1) Will the Variance, if granted, permit only those uses listed as a use permitted in the zone district in which the parcel is located?
- (2) Does the parcel for which the Variance appeal is made suffer unique or singular disadvantages such as, but not limited to size, shape, topography, location, or surroundings not shared by other parcels in the neighborhood?
- (3) Will the Variance grant privileges inconsistent with limitations shared by other parcels in the zone district?
- (4) Will the Variance have an injurious effect on the existing or future use of adjacent parcels?
- (5) Will the Variance injure or adversely alter the general character of the neighborhood in which the Variance is sought?
- (6) Is the Variance appeal harmonious with the intent, purpose, and spirit of this resolution?

ZONING VARIANCE APPLICATION CHECKLIST

THE FOLLOWING ITEMS MUST BE SUBMITTED ALONG WITH THE APPLICATION:

Include this checklist with your application form

All submittal materials listed below shall also be submitted electronically, in .pdf format.

- _____ 1. A letter of request that contains:
 - _____ Date of application
 - _____ Owner and representative (address and phone number)
 - _____ Site location and present zoning
 - _____ Request and reason for the zoning variance
 - _____ Existing and proposed facilities, structures, roads, etc.
 - _____ Signature of owner or representative*
- *Letter of consent authorizing representative to act in owner's behalf ***must be included.***
- _____ 2. Proof of ownership by recorded deed
- _____ 3. Proposed source of water; documentation of availability by one of the following:
 - _____ Letter from Water District
 - _____ Copy of well permit
 - _____ Applicant's statement that cistern is used with information on where water is obtained/purchased. **A letter from water supplier shall be submitted.**
- _____ 4. Proposed method of wastewater disposal; supporting document to include one of the following:
 - _____ Letter from Sanitation District
 - _____ Letter from City-County Health Department (City-County Health Dept. requires 14 days to complete the preliminary investigation)
 - _____ Other
- _____ 5. Plot plan (drawn to scale) of the subject property that contains:
 - _____ Parcel dimensions
 - _____ Parcel acreage
 - _____ Existing or proposed structures with dimensions from the structures to the property lines
 - _____ North Arrow
 - _____ Street Names
 - _____ Scale
 - _____ Name of access road to site (s)
 - _____ Easement(s)
 - _____ Public/Private Road
- _____ 6. Vicinity Map (does not have to be to scale)

- _____ 7. A nonrefundable application fee of \$ _____
- _____ 8. NOTE: Any Drawings/Maps larger than 8½" x 14" MUST BE FOLDED
NO LARGER THAN 12" x 9"
- _____ 9. ***ATTACH THIS CHECKLIST***
- _____ **Planning & Development Staff Initials**

THE ABOVE CHECKLIST IS PROVIDED FOR THE CONVENIENCE OF THE APPLICANT AND SHOULD NOT BE USED TO DETERMINE COMPLETENESS OF AN APPLICATION. UPON STAFF REVIEW, ADDITIONAL INFORMATION MAY BE REQUIRED.

GUIDELINE
FOR A
"LETTER OF REQUEST"

Where applicable, please provide the following information, in a letter format, to serve as a "Letter of Request" for all Department applications:

1. Date of Application.
2. Owner and Owner's Representative or Consultant (Addresses, telephone numbers and email address).
3. Site location, dimensions and size of property (in feet and acres), and present zoning.
4. Action requested and the reason/purpose for the request (Incorporate answers to the factors the Board considers in reviewing this application).
5. Existing and proposed facilities, structures, roads, etc.
6. **WAIVER OF ANY REQUIRED INFORMATION/REPORTS AND JUSTIFICATION FOR THE WAIVER MUST BE INCLUDED IN THIS LETTER.**

NOTICE: THE PUEBLO BOARD OF COUNTY COMMISSIONERS AND THE PUEBLO COUNTY PLANNING COMMISSION ENCOURAGE YOU TO TALK WITH YOUR NEIGHBORS REGARDING YOUR PROPOSED LAND USE OR ACTIVITY.

As a part of the processing of your land use application, notice of your proposed use or activity will be sent to all property owners within three hundred (300) feet of the property, a poster style notice will be posted on or near the property and a public notice will be published in the newspaper. The notice will briefly provide the time and date of the Planning Commission and Board of County Commissioners (when applicable) meetings or hearings related to your request.

The Pueblo Board of County Commissioners and the Pueblo County Planning Commission strongly encourage you to meet with the residents/owners in the area prior to these meetings or hearings to explain your proposed use or activity and to listen to concerns or suggestions the area residents may have. Such meetings may alleviate many concerns of the area residents/owners and may lead to a more efficient public meeting/hearing process.



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

CHECKLIST FOR COUNTY SUBMITTALS REGARDING PROPOSED LAND USE ACTIONS

The following checklist should be completed to ensure all submittals to the Division of Water Resources regarding proposed land use actions include the necessary information required by this agency. Please note that by statute, this agency has 21 days to respond to County submittals; therefore, please submit complete packet of materials with all supporting documentation and labeled exhibits at least 21 days prior to the date comments will be needed by. Incomplete submittals will be returned to the County for additional information. Sections A and B are to be submitted to State Engineers Office, 1313 Sherman Street, Rm 818, Denver, CO 80203. For Sections C and D: submit to the Division of Water Resources at 310 E. Abriendo, Ste. B, Pueblo, Colorado 81004.

- ☐ Name of proposed project: _____
- ☐ Definition of proposed land use action (please select only one below)
- ☐ Cluster development as defined by §30-28-403, C.R.S.
 - **Proceed to Section A (Below)**
 - ☐ Subdivision as defined by §30-28-136(h)(I), C.R.S.
 - **Proceed to Section B**
 - ☐ Land division exempted from statutory subdivision process identified in §30-28-133, C.R.S.
 - **Proceed to Section C**
 - ☐ Special use, zoning, or other land use action that does not involve a division of land
 - **Proceed to Section D**

Section A – Cluster Development

By March 11, 2011 memorandum from the State Engineer, this office recommended that all Counties forward land use actions that split parcels of land but do not involve the subdivision of land as defined in §30-28-101(10)(a), C.R.S., including cluster developments, for comment in any case where the land has an existing well(s) or permit(s) issued for construction of a well. In such a case, this office will inform the County that upon completion of the cluster development, the existing well owner(s) or permit holder(s) must re-permit the well consistent with a procedure outlined in Section 3, Attachment B of the State Engineer's March 4, 2005 memorandum to all county land use planning directors, and summarized below.

No later than ten days after County approval of a cluster development, the County shall notify this office of such approval and shall provide a copy of the rural land use plan that includes the cluster development. The plan must include **a copy of the survey plat that describes the entire land area associated with the plan, identifies the set aside open space area, and describes the residential lots within the land area.** Additionally, the plan should include limitations imposed on water usage for each lot and for the development as a whole sufficient to demonstrate that usage in the development does not exceed one acre-foot of annual withdrawal for each full 35 acres in within the development. For example, a cluster development with seven lots on 150 acres contains four full 35-acre parcels. Therefore, four acre-feet annually is available to the lots in the development and split evenly among the seven lots, four acre-feet allows for 0.57 acre-feet annually per lot.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>

DIVISION OF WATER RESOURCES

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Section B – Subdivision

This section applies to any division of land considered by the County to be a subdivision, as defined by §30-28-136(h)(I), C.R.S.

- ☐ A plat map of the proposed subdivision with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS) – **Please include as Exhibit A to submittal, and flag as such.**
- ☐ Water Supply Information Summary, Form No. GWS-76 (incomplete forms may be returned to the County for additional information and may subject the submittal to further processing time) – **Please include as Exhibit B to submittal, and flag as such.**

*Please thoroughly complete Form No. GWS-76. It should be noted that for Item 9, Estimated Water Requirements, standard water use rates used by this office, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot (97,755 gallons) per year for each ordinary household, 0.05 acre-foot (16,293 gallons) per year for four large domestic animals, and 0.05 acre-foot (16,293 gallons) per year for each 1,000 square feet of lawn and garden irrigation. Any incomplete GWS-76 may be returned to the county, which may subject the evaluation to further processing time. Particular attention should be paid to Item 10, Water Supply Source, to ensure a proposed source of water is included for **each parcel of land** involved in the subdivision. If the water supply source is a municipality or quasi-municipality, the applicant **must** provide a letter of commitment which references the subdivision name and the level of commitment in terms uses to be served and quantity of water to be supplied.*

- ☐ Evidence of physical adequacy (please select only one below) – **Please include as Exhibit C to submittal, and flag as such.**
 - ☐ Source is a municipality or quasi-municipality

A report is required to document the following:

- A summary of water rights owned and controlled by the municipality
- The anticipated yield of said rights in both an average and dry year
- The present demand on the municipality, and the anticipated demand due to commitments for service entered into the municipality that are not yet supplied
- The amount of uncommitted firm supply the municipality has available for future commitment and development
- A map of the municipality's service area

Please note the SEO maintains files for various municipalities and therefore, this information may not be necessary. However, the SEO may request updated information from the municipality/applicant if the information on file has not been updated within 3 calendar years, or when the commitments reach a total that is approximately 90% of the firm yield.

- ☐ Source is wells
 - Information to show the pumping rate(s) of well(s) will be enough to meet said demands and uses

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Section C – Subdivision Exemption

This section applies to any land division exempted by the County from the statutory subdivision process identified in §30-28-133, C.R.S.

☐ A plat map of the proposed parcels with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS).

☐ **Proposed Residential Parcels Created by Exemption:** Total number of parcels to be created: ____
Are any of the proposed parcels are intended to be used for drinking and sanitary facilities inside an individual commercial business ____ Yes ____ No

Proposed Parcel One: Lot name/number: _____ Size of Parcel: _____

Proposed Uses: ☐ Residential Only ☐ Commercial or ☐ Commercial and Residential

Proposed number of residences: _____ or number of existing residences to remain on created parcel: _____

Proposed size of home lawn/garden: _____ square feet

Proposed non-commercial livestock watering: Yes ☐ No ☐

Source of water uses listed above:

☐ Municipality: Name of Entity: _____ or

☐ Existing permitted well, Permit Number: _____ or

☐ Unregistered Well: Yes ☐ No ☐ or

☐ Proposed well to be constructed: Yes ☐ No ☐

☐ Surface Spring, Court Adjudication Number and Spring Name _____

☐ Other _____

Waste Water Method:

☐ Municipal

☐ Septic with Leach Field

☐ Closed Vault, Waste Water hauled to: _____

Proposed Parcel Two: Lot name/number: _____ Size of Parcel: _____

Proposed Uses: ☐ Residential Only ☐ Commercial or ☐ Commercial and Residential

Proposed number of residences: _____ or number of existing residences to remain on created parcel: _____

Proposed size of home lawn/garden: _____ square feet

Proposed non-commercial livestock watering: Yes ☐ No ☐

(Note: outside watering may not be available outside of Designated or Denver Basin, or in any over appropriated basin.)

Source of water uses listed above:

☐ Municipality: Name of Entity: _____ or

☐ Existing permitted well, Permit Number: _____ or

☐ Unregistered Well: Yes ☐ No ☐ or

☐ Proposed well to be constructed: Yes ☐ No ☐

☐ Other _____

Waste Water Method:

☐ Municipal

☐ Septic with Leach Field

☐ Closed Vault, Waste Water hauled to: _____

Additional parcels: copy this information and submit in similar format and attach.

If commercial use is requested for any of the parcels utilizing wells, the appropriate Commercial Drinking and Sanitary Well Worksheet, as selected, must also be completed and submitted with this form.

For parcels outside of Designated Basin described on **Attachment D** use Form Number GWS-57

Commercial Drinking and Sanitary Well Worksheet. For Parcels located in the Designated Basins of Colorado use Form Number GWS-61 Commercial Small Capacity Well Water Use Breakdown Worksheet.

Forms available at: www.water.state.co.us

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Section D – Special Use, Zoning, and Other Land Use Actions

This section applies to special use, zoning, and any other land use action submittals that do not involve a division of land unless the parcel is included in Section C.

- ☐ A map of proposed improvements with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS)

Existing Parcel Information

Legal description: _____ Size of existing parcel: _____ Acre\Square feet (circle)

Proposed Uses: ☐ Residential Only ☐ Commercial or ☐ Commercial and Residential

What are the current uses of water on this parcel?

Each item must be answered, if not applicable, mark as NA

Number of existing homes: _____ – If one or more, date this use was established: _____

Home lawn/garden irrigation: ☐ Yes ☐ No

If yes, amount: _____ Acre/square feet (circle)

Date this use was established: _____

Livestock watering: ☐ Yes ☐ No – If yes, date this use was established: _____

What will be the proposed use of water for this parcel?

Number of proposed homes (Including the home above if it will remain) _____

Lawn/Garden watering, amount: _____ Acre/square feet (circle)

Livestock watering: ☐ Yes ☐ No

Number of employees per day _____ days open per year _____

Number of Customer per day _____ days open per year _____

Bed / Breakfast Customers per day _____ days open per year _____

Other water needs described: _____

Source of water for the uses described above: (If more than one source is utilized for parcel, describe)

_____ ;
☐ Is Municipal water available to parcel: Yes ☐ No ☐ Are the uses described above proposed to be provided by a municipality? Yes ☐ No ☐ ;

Name of Provider _____

Is Water Hauled: Yes ☐ No ☐

☐ Existing permitted well – If so, permit number: _____

☐ Substitute Water Supply Plan, (name) _____

☐ Unregistered well

☐ Surface Spring, Court Adjudication Number and Spring Name _____

Waste Water Method:

☐ Municipal

☐ Septic with Leach Field

☐ Closed Vault, Waste Water hauled to : _____