



# GATEWAY TO THE SAN LUIS VALLEY

Town of Saguache  
Board of Adjustments

## Land Variance and Appeals Application Form

### INCOMPLETE APPLICATION MAY RESULT IN DENIAL OF REQUEST

The Board of Adjustments may only grant a variance if the Board finds that the following standards are satisfied, and the criteria is met. Each standard must have a response in as much detail as it takes to explain how your property condition satisfies the standards. The burden of proof rests within you. Use additional paper if needed. A non-refundable processing fee of three hundred dollars (\$350.00) must be submitted with this application.

Property owner Name(s): Saguache County  
Mailing Address: Box 100  
Saguache, CO 81149  
Phone: 719-655-2231  
Fax: 719-655-2635  
Email: wmayer@saguachecounty-co.gov

### PROPERTY INFORMATION

Site Street Address: 507-4th Street  
Legal Description: Courthouse - See Attached  
Cross Street: Pitkin + 5th Lot Size: 150' x 300'  
[www.townofsaguache.org](http://www.townofsaguache.org)  
[www.saguachecounty-co.gov](http://www.saguachecounty-co.gov)

I/we hereby certify that I/we am the owner(s) of the property described above and that I/we am petitioning for a variance in conformance with of the Town of Saguache, Ordinance 2018-G. I understand that payment of the application fee is non-refundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I understand that the burden of evidence to show compliance with the administrative variance standards rests with me, the applicant. I also understand that assigned hearing dates are tentative and may have to be postponed by the Board of Adjustments for administrative reasons.

Date: 4/26/23 Signature: Deirdre Mamy

Payment Type: Saguache County Check Date Received: \_\_\_\_\_

Location

Parcel Number **4487-072-33-002**  
 Tax Area **15B - 15B**  
 Situs Address **507 4TH ST**  
 Legal Summary **S. 158' OF N 308' BLK 1 SAG MEARS B 400 P 190**  
 Subdivision: **MEARS ADDN SAGUACHE**

*Pitkin & Ziffth*

Owner's

SAGUACHE COUNTY  
 Owner Name **SAGUACHE COUNTY**  
 Owner Address **PO BOX 655 SAGUACHE, CO 81149-0655**

*lot size 150' x 300'*

Value Info

Actual (2023)	\$106,784		
Primary Taxable	\$30,967		
Exempt	(\$30,967)		
Total Taxable	\$0		
Tax Area: 15B Mill Levy: 103.173000			
Type	Actual	Assessed	Units
9139	\$106,176	\$30,791	6.320
9239	\$608	\$176	

Photo Sketch Map



Model Summary

Account Value	Verify	Override	Verify/sqft	MICA	Override	MICA/sqft
\$106,176				\$106,784		
XFCR	\$0	\$608		\$608		\$608
Land	\$106,176			\$106,176		

Tax Summary

Tax Year	Taxes
2023	\$0.00
2022	\$0.00
* Estimated	

# ArcGIS Web Map



4/26/2023, 2:07:01 PM

Saguache Parcels

1:1,128

0 0.01 0.01 0.02 0.03 mi

0 0.01 0.02 0.04 km

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Source: Esri, USDA FSA | Colorado Parks and Wildlife | Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ ArcGIS Web AppBuilder

By: \_\_\_\_\_  
Code Citation: Article 3. Sec 18-3-10  
18-3-20

Existing Situations and Conditions:  
office spaces / storage for Saguache County

Effects of Granting the Variance:  
N/A

VARIANCE STANDARDS

1. There exist exceptional or extraordinary physical circumstances of the subject property such as, but not limited to, streams, wetlands, or slopes, and such physical circumstances are not applicable to other land in the same area neighborhood.

Explain: N/A - Courthouse property block

2. Because of these physical circumstances, the strict application of this code would create an exceptional or undue hardship upon the property owner and would deprive the applicants of rights commonly enjoyed by other properties in the neighborhood.

Explain: this request to replace existing Assessor office building with a new office

3. The hardship is not self-imposed, and special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute inconvenience.

Explain: N/A

4. The variance, if granted, will not adversely affect the use of the adjacent property.

Explain:

no same use

5. The variance, if granted, is in keeping with the intent of the Town of Saguache Municipal code and will not change the character of the neighborhood in which the property is located and will not permit a use that is not otherwise permitted.

Explain:

no same use

6. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality of the Town of Saguache.

Explain:

no in fact replacing old office with new office will assist in removal of ugly building -

7. The variance granted is the minimum variance that will make possible a reasonable use of the land.

Explain:

n/a

8. Overhead view of the property, photographs, drawings and detailing the proposed changes are required as part of this application.

Included in this application:  approved by State of Colo - drawings attached

Not included:  Why: \_\_\_\_\_

I understand and have to the best of my knowledge answered the above questions and provided the requested information and materials

Owner(s) Signature: [Signature]

Date: 4/26/23

**NOTICE:**

This application will be received during regular business hours at the Saguache Town Hall, 504 San Juan Avenue, Monday-Friday, 8:00 AM to 4:30 PM excluding holidays.

**BOARD OF ADJUSTMENTS**

The Board of Adjustments shall, within forty-five days of application, unless a longer time is necessary for consideration of the application for reasons specifically stated by the Board of Adjustments, either: (1) recommended approval the application in whole or in part, with or without modifications and conditions. (2) If denied, notify the applicant that they can appeal to the district court.

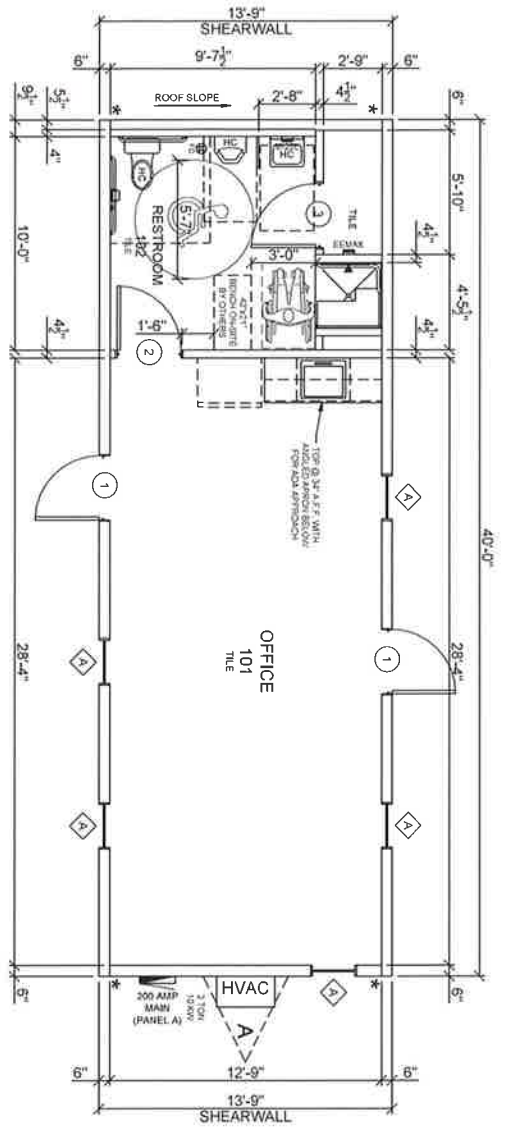
**Date Filed:** \_\_\_\_\_ **Clerk/Deputy Clerk:** \_\_\_\_\_

Ordinance 2018-G  
Section 15-3-3  
Powers of the Board of Adjustment

The Board of Adjustments shall have the following powers made in the enforcement of such regulations any amendments to the land use regulations found in Chapter 15 of the Saguache Municipal Code and any building code, residential code, energy code, mechanical code, or similar land use regulation of the Town:

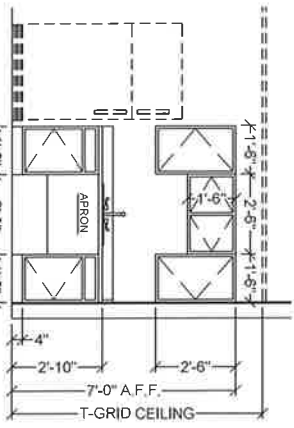
- 1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of this Code or other adopted land use regulations. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. Any such appeal shall be filed with the Town Clerk within forty-five (45) days of the final action or decision of the administrative official or agency.
- 2) To grant or deny variances from the provisions of such regulations when the strict application of this Code or other adopted land use regulations would result in particular and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property. The Board may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of such regulations or other adopted land use regulations. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement for the purposes of this Code or other adopted land use regulations. However, the Board may not grant variances from the provisions of such regulations or other adopted land use regulations covering the use of land or buildings or the provisions governing planned unit development. In granting or denying variances, the Board shall consider the following criteria and standards:
  - (a) 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 of other extraordinary and exceptional situation or conditions peculiar to the affected property.
  - (b) Whether unusual circumstances or conditions exist through the neighborhood or district in which the property is located.
  - (c) Whether the applicant has not created such unnecessary hardship.
- 3) To grant or deny special exception to land use regulations for the purpose of providing access to sunlight for solar energy devices.
- 4) To interpret the land use maps and pass upon disputed questions of lot lines, district boundary lines, or similar questions as may arise in the administration of land use regulations.





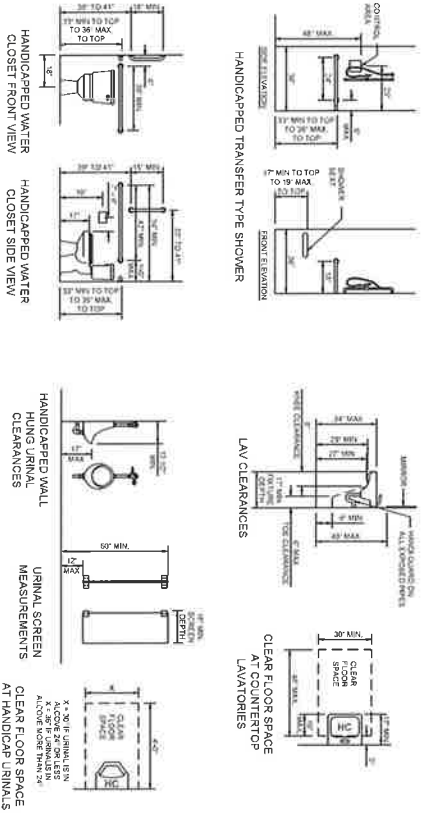
**1 FLOOR PLAN**  
 SQUARE FOOTAGE - 559 S.F.  
 OCCUPANCY LOAD = 8

\* = CS18 HOLD DOWN WITH (6) #8 x 1 1/2" SCREWS  
 AT EACH END OF STRAP AT FLOOR ONLY (TYP)



NOTE: FINAL DESIGN BY CABINETMAKER  
 AND SUBJECT TO CHANGE

**2 CABINET DETAIL**  
 3/8" x 1'-0"



**WINDOWS:**

QTY	NO.	Type	Size	Rough Opening	U-Factor	Color	Glazing	SHGC	Min-Blind	Notes
1	A	VERT. VERTICAL GLAZING WITH 5/16\"/>								

**DOORS:**

QTY	NO.	Type	Jamb	Glazing	Wall Thickness	Size	Rough Opening	U-Factor	Color	Closer	Deadbolt	Hardware	Keying	Notes
2	1	TELS AIR INSULATED 20 5A	18 GA	30/30 TENSORED GLASS (OTHERS)	6"	36 x 80	36 1/4\"/>							

**FLOOR PLAN LEGEND**

	HANDICAP ELEVATED TALK TYPE WATER CLOSET WITH OPEN FRONT SEAT
	36\"/>

**FASTENING SCHEDULE**

TYPE	LOCATION
3/4\"/>	

**LOCATIONS**

SIDING (END WALLS)	SIDING (SIDE WALLS)	ROOF DECKING	INTERIOR (SHEAR WALLS)	END WALLS (SHEAR WALLS)	SIDE WALLS	FLOOR DECKING
3/8\"/>						

**INDICOM BUILDINGS, INC.**  
 721 N. HULSTON BLVD. - BURLESON, TX 76028  
 PH 817-447-1213 FAX 817-447-2751

**SUNBELT MODULAR, INC.**

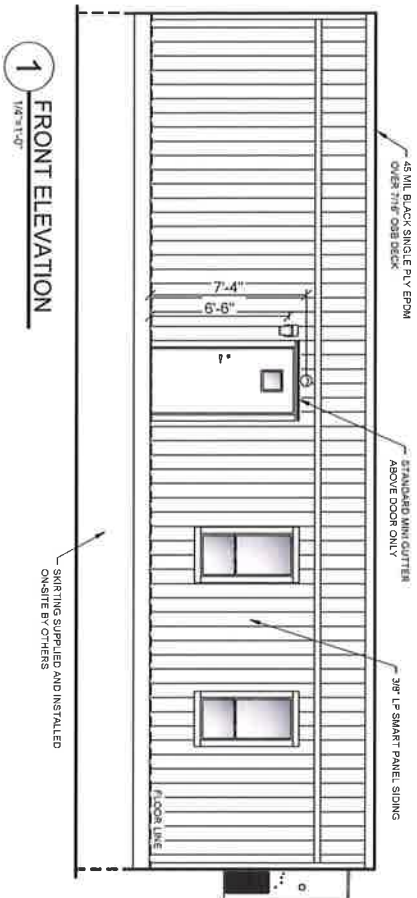


State of Colorado  
 Division of Housing  
 Mar/21/2023

**SHEET: 2 OF 7**

ROGER DE CHAVEZ, P.E.  
 CORPORATE ENGINEER  
 SUNBELT MODULAR, INC.  
 5307 W. MADISON AVE.  
 PHOENIX, AZ 85043  
 (602) 447-6550

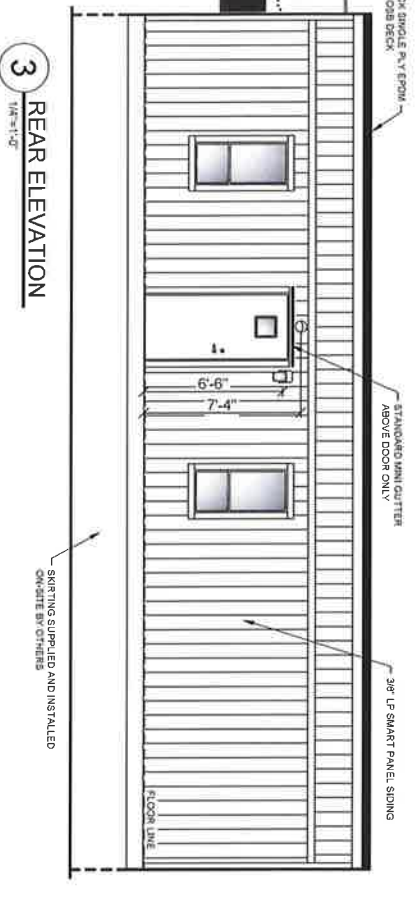




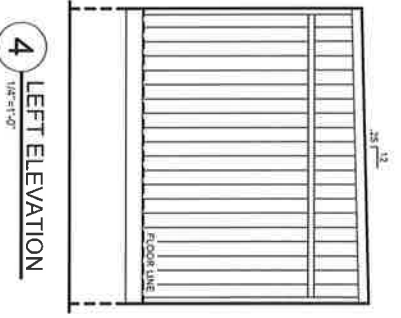
**1**  
FRONT ELEVATION  
1/8"=1'-0"



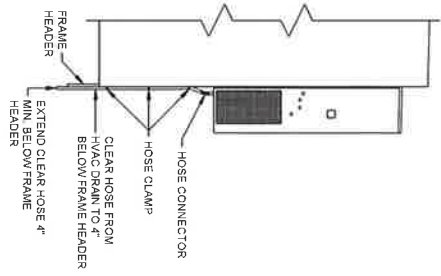
**2**  
RIGHT ELEVATION  
1/8"=1'-0"



**3**  
REAR ELEVATION  
1/8"=1'-0"



**4**  
LEFT ELEVATION  
1/8"=1'-0"



**INDICOM BUILDINGS, INC.**  
721 S. WHEELER BLVD - WHEELER, TN 37398  
PH: 817-442-1213 FAX: 817-442-2751

**SUNBELT MODULAR, INC.**

THESE DRAWINGS REMAIN THE PROPERTY OF INDICOM BUILDINGS, INC. AND ARE NOT TO BE USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION.

DEALER: AMERICAN PORTABLE BUILDINGS  
PROJECT: SAGUACHE OFFICE

PROJECT #: 22-123  
STATES: CO  
SERIAL NUMBERS: C0228882  
DRAWN BY: DCW  
PLOT DATE: 2/6/2023  
REV # / DATE:

**APPROVED**

ROGER DE CHAVEZ, P.E.  
CORPORATE ENGINEER  
SUNBELT MODULAR, INC.  
5301 W. MADISON AVE  
PHOENIX, AZ 85043  
(602) 447-6660

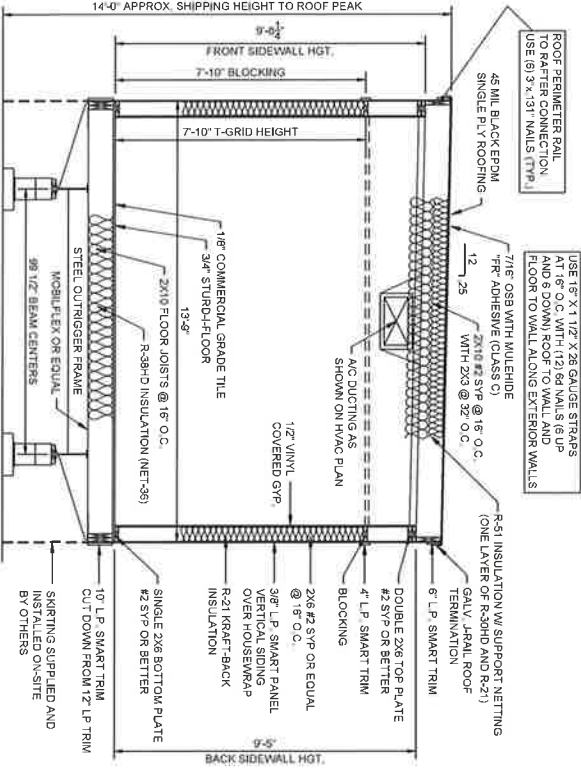
State of Colorado  
Division of Housing  
Mar/21/2023

Approved Plans  
AC Items

**3**  
OF  
**7**

SHEET:





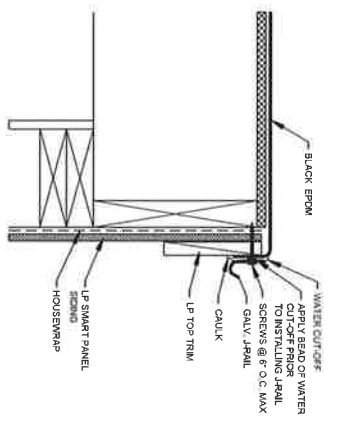
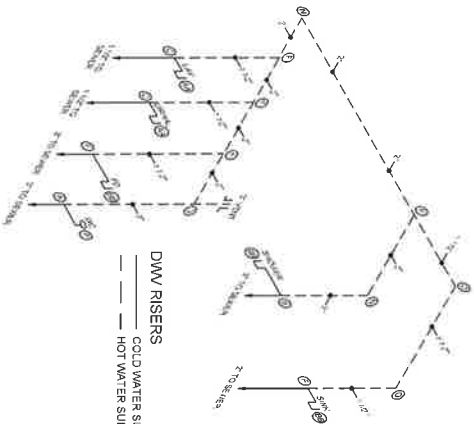
**1 BUILDING CROSS SECTION**  
3/8"=1'-0"

FOUNDATION TO BE CONSTRUCTED IN ACCORDANCE WITH THE INDCOM STATE PACKAGE OR DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER, CIVIL, IN ACCORDANCE WITH THE IRC SECTIONS 1203.1 AND 1203.5, RESPECTIVELY.

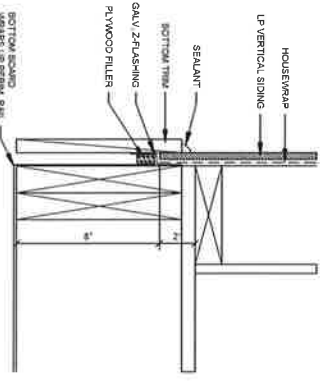
**PLUMBING LEGEND**

1	3\"/>
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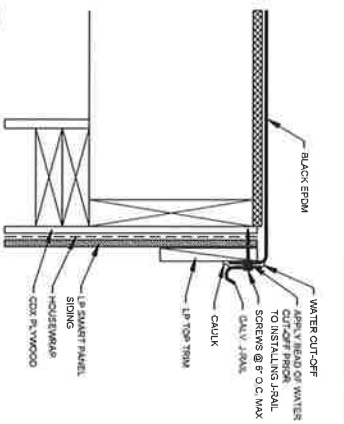
D/W/R RISERS  
--- COLD WATER SUPPLY  
- - - HOT WATER SUPPLY



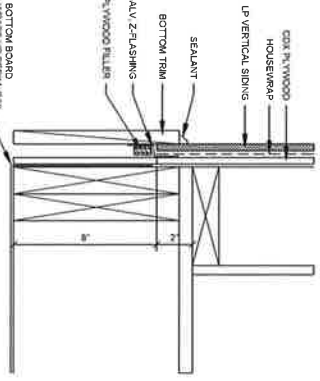
**2 TRIM DETAIL AT SIDEWALL ROOF**  
NTS



**4 TRIM DETAIL AT SIDEWALL FLOOR**  
NTS



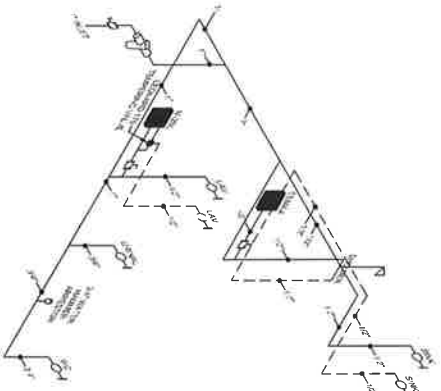
**3 TRIM DETAIL AT ENDWALL ROOF**  
NTS



**5 TRIM DETAIL AT ENDWALL FLOOR**  
NTS

**NOTES**

1. ALL PLUMBING VENTS MUST TERMINATE MIN. 10 FEET ABOVE THE ROOF.
2. ALL SHOWER VALVES SHALL BE INSTALLED UNDER THE SHOWER PAN.
3. ALL SHOWER VALVES SHALL BE INSTALLED UNDER THE SHOWER PAN.
4. ALL SHOWER VALVES SHALL BE INSTALLED UNDER THE SHOWER PAN.
5. ALL SHOWER VALVES SHALL BE INSTALLED UNDER THE SHOWER PAN.
6. ALL SHOWER VALVES SHALL BE INSTALLED UNDER THE SHOWER PAN.



SUPPLY RISERS  
--- COLD WATER SUPPLY  
- - - HOT WATER SUPPLY

State of Colorado  
Division of Housing  
Mar/21/2023



Approved Plans  
AC Items  
Subject to field inspection

**INDICOM BUILDINGS, INC.**  
721 N. BURLISON BLVD - BUILDSPOK, TX 76028  
PH 817-447-4213 FAX 817-447-2754

**SUNBELT MODULAR, INC.**

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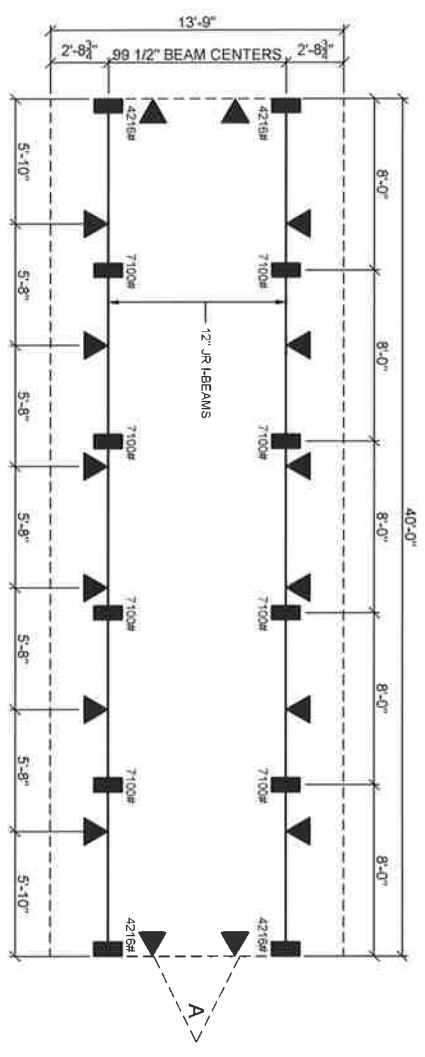
DEALER: AMERICAN PORTABLE BUILDINGS  
PROJECT: SAGUACHE OFFICE

PROJECT #: 22-123  
STATES: CO  
SERIAL NUMBERS: C0228682  
DRAWN BY: DCW  
PLOT DATE: 2/6/2023  
REV # / DATE:



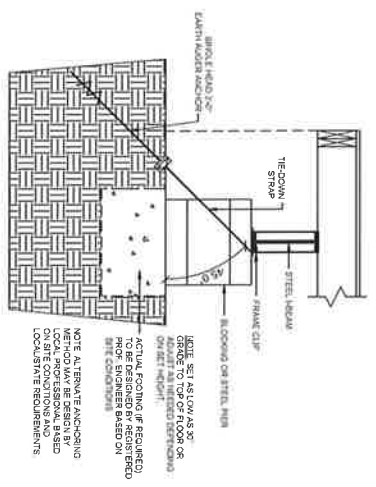
ROGER DE CHAVEZ, P.E.  
CORPORATE ENGINEER  
SUNBELT MODULAR, INC.  
5307 W. MADISON AVE  
PHOENIX, AZ 85043  
(602) 447-4500

SHEET: **5**  
OF **7**



**1** SUGGESTED BLOCKING PLAN  
1/4"=1'-0"

ASSUMED SOIL BEARING PRESSURE = 2500 PSF



**2** SUGGESTED ANCHORING METHOD  
3/4"=1'-0"

- INDICATES SUGGESTED MAXIMUM I-BEAM BLOCKING SPACING - PIERS AND FOOTINGS DESIGNED BY LOCAL PROFESSIONAL IN ACCORD WITH ALL LOCAL AND STATE REQUIREMENTS BASED ON SITE CONDITIONS.
- INDICATES REQUIRED FRAME-TIE GROUND ANCHOR (MIN. 4725 LBS. HOLDING STRENGTH) LOCATION FOR ALL WIND LOADS - NOTE: ALTERNATE ANCHORING DESIGN MAY BE MADE BY REGISTERED PROFESSIONAL ENGINEER.

NOTE: SET AS LOW AS POSSIBLE TO TOP OF FLOOR OR ON NEXT LEVEL - SEE ARCHITECT'S DRAWINGS FOR CONSTRUCTION DETAILS.  
 ACTUAL FOOTING IS REQUIRED TO BE DESIGNED BY REGISTERED PROFESSIONAL ENGINEER.  
 NOTE: ALTERNATE ANCHORING METHOD MAY BE DESIGNED BY REGISTERED PROFESSIONAL ENGINEER BASED ON SITE CONDITIONS AND LOCAL/STATE REQUIREMENTS.

**INDICOM BUILDINGS, INC.**  
 721 N. HURLESON BLVD • HURLESON, TX 76028  
 PH 817-447-1213 FAX 817-447-2751

THESE DRAWINGS REMAIN THE PROPERTY OF INDICOM BUILDINGS INC. AND ARE NOT TO BE USED IN ANY MANNER WITHOUT PERMISSION.

DEALER: AMERICAN PORTABLE BUILDINGS  
 PROJECT: SAQUACHE OFFICE

PROJECT #: 22-123  
 STATES: CO  
 SERIAL NUMBERS: COZ28862  
 DRAWN BY: DCW  
 PLOT DATE: 2/6/2023  
 REV # / DATE:

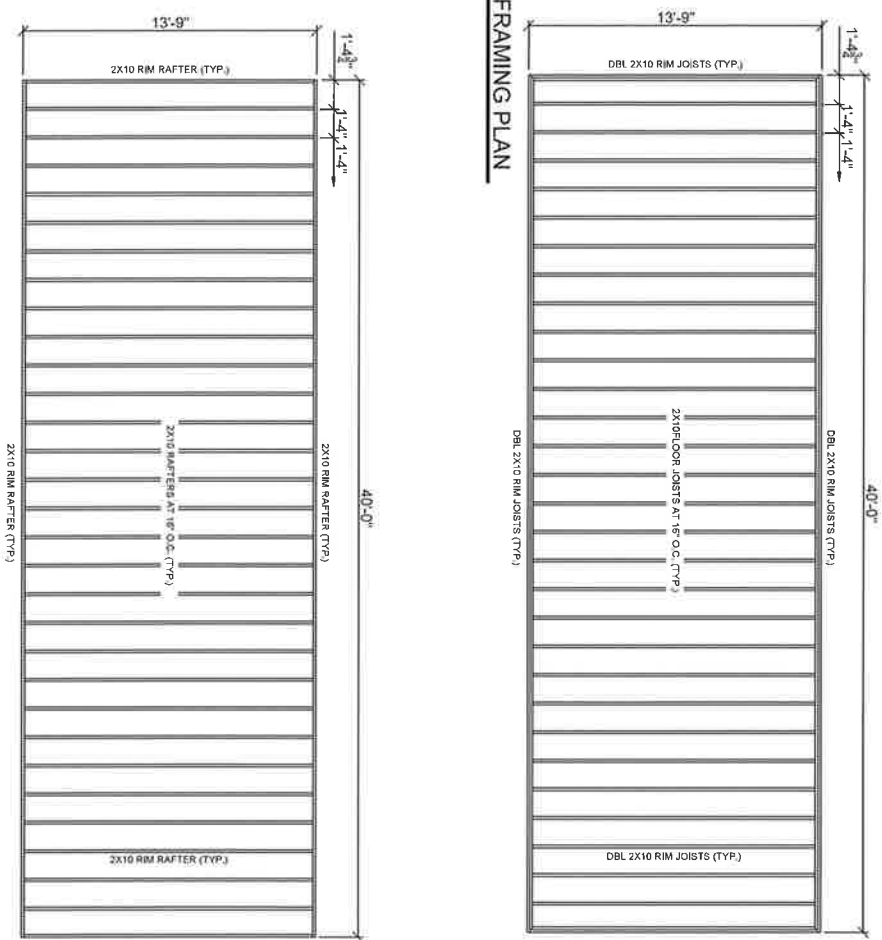
**SUNBELT MODULAR, INC.**

APPROVED  
 REGISTERED PROFESSIONAL ENGINEER  
 ROGER DE CHAVEZ, P.E.  
 CORPORATE ENGINEER  
 SUNBELT MODULAR, INC.  
 5301 W. MADISON AVE.  
 PHOENIX, AZ 85043  
 (602) 447-2680

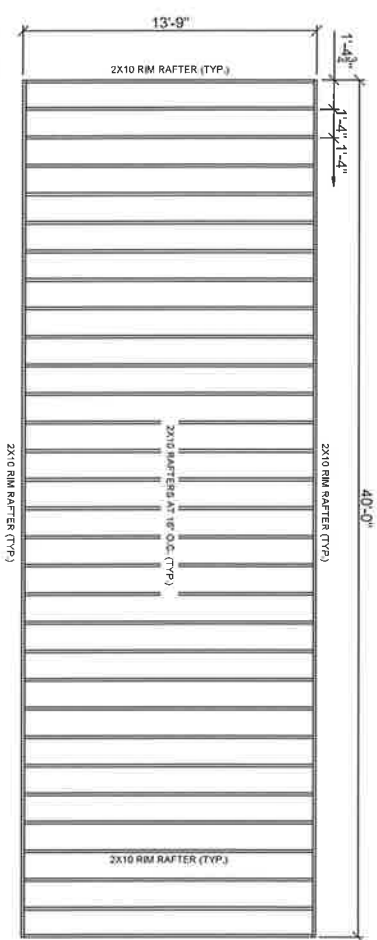
State of Colorado  
 Division of Housing  
 Mar/21/2023  
 Approved Plans  
 AC Items

SHEET: **6** OF **7**

**1** FLOOR FRAMING PLAN  
1/4"=1'-0"



**2** ROOF FRAMING PLAN  
1/4"=1'-0"



**INDICOM BUILDINGS, INC.**  
721 N. W. BULSON BLVD - BURLESON, TX 76028  
PH 817-447-1213 FAX 817-447-2751

**SUNBELT MODULAR, INC.**

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INDICOM BUILDINGS, INC. AND  
ARE NOT TO BE USED IN  
ANY MANNER WITHOUT THE  
WRITTEN PERMISSION.

DEALER:  
AMERICAN PORTABLE  
BUILDINGS  
PROJECT:  
SAGUACHE OFFICE

PROJECT #: 22-123  
STATES:  
CO

SERIAL NUMBERS:  
C0228892  
DRAWN BY:  
DCW

PLOT DATE:  
2/6/2023  
REV # / DATE:



ROGER DE CHAVEZ, P.E.  
CORPORATE ENGINEER  
SUNBELT MODULAR, INC.  
5301 W. MADISON AVE  
PHOENIX, AZ 85043  
(602) 447-6593

State of Colorado  
Division of Housing  
Mar/21/2023  
Approved Plans  
AC Items

Subject to field inspection

SHEET: **7**  
OF **7**

## **ARTICLE 3 Manufactured Homes, Mobile Homes, Mobile Home Parks and RV Parks**

### **Sec. 18-3-10. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Camping trailer* means a vehicle that meets the definition of *camping trailer* set forth in the American National Standards Institute's (ANSI's) Standard A119.2 or any amendment thereto.

*Fifth wheel trailer* means a vehicle that meets the definition of *fifth wheel trailer* set forth in the American National Standards Institute's (ANSI's) Standard A119.2 or any amendment thereto.

*Manufactured home* means a single-family dwelling which is partially or entirely manufactured in a factory; is not less than 864 square feet; is installed on an engineered permanent foundation; has brick, wood or a cosmetically equivalent exterior and a pitched roof, consisting of any pre-constructed building unit or a combination of pre-constructed building units that include electrical, mechanical or plumbing services that are fabricated, formed or assembled at a location other than the site of the completed home, that are designed for residential occupancy in either temporary or permanent locations and are certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 USC, § 5401, et seq., as amended; is constructed in compliance with the aforementioned Federal Act; does not have motive power; and is not licensed as a recreational vehicle.

*Mobile home* means a single-family dwelling, consisting of not less than 700 square feet, built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner, with or without a permanent foundation, which is capable of being drawn over public highways as a unit or in sections by special permit.

*Mobile home park* means a parcel of land used for the continuous accommodation of two or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his or her agents, lessees or assigns.

*Motor home* means a motor vehicle designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

*Recreational park trailer* means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that is built on a single chassis mounted on wheels, and that has a gross trailer area of not more than 400 square feet or 37.15 square meters in the set-up mode.

*Recreational vehicle* means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. *Recreational vehicle* includes camping trailers, fifth wheel trailers, motor homes, travel trailers and truck campers.

*RV park* means any auto or tourist camp, park or campsite, tourist court, auto court, auto hotel or trailer coach court owned, operated, controlled or leased by any person for the purpose of renting, leasing or otherwise providing parking sites or spaces for any motor vehicle, trailer, semi-trailer, trailer coach, camping trailer, fifth wheel trailer, motor home, recreational park trailer, recreational vehicle, travel trailer or truck camper,

---

irrespective of the number of parking sites or spaces provided. The term does not include mobile home parks with respect to spaces rented for parking and hooking up of trailer coaches or mobile homes for use as residences.

*Travel trailer* means a vehicle that meets the definition of *travel trailer* set forth in the American National Standards Institute's (ANSI's) Standard A119.2 or any amendment thereto.

*Truck camper* means a vehicle that meets the definition of *truck camper* set forth in the American National Standards Institute's (ANSI's) Standard A119.2 or any amendment thereto.

(Ord. No. 2005-2, § 1, 6-6-2005; Ord. No. 2008-8, § 1, 7-21-2011; Ord. No. 2008-9, § 1, 7-21-2008; Ord. No. 2015-4, § 1, 11-16-2015)

### **Sec. 18-3-20. Regulations.**

- (a) No manufactured home or mobile home shall be introduced into or placed within the Town whose construction standards do not meet or exceed those mentioned in Section 18-3-10 above.
- (b) No manufactured home or mobile home shall be introduced into or placed within the Town, which is manufactured earlier than 20 years prior to its introduction or placement into the Town.
- (c) A manufactured home must be set on an excavated, backfilled, engineered foundation enclosed at the perimeter. Such foundation shall meet or exceed the standards established by the State for the placement of manufactured homes.
- (d) The foundation for a manufactured home and mobile home shall be similar in appearance and durability to a masonry foundation of a site-built dwelling. The foundation shall provide an anchoring system for the manufactured home or mobile home that is totally concealed under the structure.
- (e) The manufactured home or mobile home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls, which provides a constant, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.
- (f) The manufactured home or mobile home must have a pitched roof with a pitch of at least nominal 3:12. The roof must be covered with shingles, shakes or tile. Eaves of roofs must extend at least one foot from the inner section of the roof and the exterior walls.
- (g) The manufactured home or mobile home must have windows that are wood, vinyl coated or anodized. It must have color-coordinated body and trim. Colors of both the factory components and the site-built components shall be the same.
- (h) The main entrance of the manufactured home or mobile home must face or be oriented toward an adjacent street.
- (i) The transportation mechanisms, including the wheels, axles and hitch, must be removed from the manufactured home or mobile home.
- (j) The manufactured home or mobile home must meet or exceed all equivalent performance-engineering standards to the same extent required for other single-family housing units.
- (k) All manufactured homes or mobile homes shall be inspected by a registered inspector for the State prior to issuance of a certificate of occupancy by the Town acting through its Town Clerk/Treasurer and/or Building Official.
- (l) Only one single-family dwelling of any type shall be placed per lot. Lots shall be determined in accordance with the County Assessor's office.

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(m) The setbacks from lot lines for placement of mobile or manufactured homes shall be a minimum of ten feet on each side (front, rear and sides).

(Ord. No. 2005-2, § 1, 6-6-2005; Ord. No. 2008-9, § 2, 7-21-2008; Ord. No. 2011-1, § 2, 3-21-2011; Ord. No. 2015-4, § 1, 11-16-2015)

**Sec. 18-3-30. Nonconforming structures.**

Any manufactured home or mobile home existing in the Town on June 23, 2005, which does not conform to the specifications and requirements of this Article may not be moved from one location in the Town to another and may not be modified, enlarged or altered except in a manner conforming to the requirements of this Article.

(Ord. No. 2005-2, § 2, 6-6-2005; Ord. No. 2008-9, § 3, 7-21-2008; Ord. No. 2015-4, § 1, 11-16-2015)



### HELP IN RESPONDING TO THE STANDARDS QUESTIONS

We believe the following will help you in responding to the 8 standards questions the Board of Adjustments must determine are true before it may grant a variance. It is important to present factual information and evidence to support your belief that your property does not have parity with other properties. To gain that parity, your property must have relief from a specific provision of the ordinance. The suggestions below are by no means the only or valid justifications for a variance on your property. These examples are provided to allow you to consider the uniqueness of your property in your response to the standards questions. The Board of Adjustments considers each variance on its unique merits.

**Use your own words and remember it is up to you to make your case. There are no assurances that your variance will be granted.**

**1. There exist exceptional or extraordinary physical circumstances of the subject property such as, but not limited to, streams, wetlands, or slope, and such physical circumstances are not applicable to other land in the same district.**

The special physical conditions of the land must directly affect, create, or contribute to the need for the variance. You must explain to the Board what those special conditions are. Examples are listed below and one or more or something similar may apply to your property:

- A. Physical features peculiar to this lot or tract not applicable to the adjacent lots:
  - 1. Steep slopes impact \_\_ % of lot
  - 2. Water bodies, water courses, wetlands, floodplain impact \_\_ % of lot
  - 3. Avalanche hazard zones, unstable soil conditions impact \_\_ % of lot
  - 4. Other physical defects:
- B. Platting features peculiar to this lot or tract not applicable to the adjacent lots:
  - 1. the lot is not platted
  - 2. the lot is oddly shaped
  - 3. the lot has more than two street frontages or no street frontage
  - 4. the lot is impacted by many or wide easements for utilities, driveways, drainage
- C. Features peculiar to this lot or tract not applicable to the adjacent lots:
  - 1. the lot is impacted by extraordinary setbacks
  - 2. the lot is non-conforming in area, width, or depth

**2. Because of these physical circumstances, the strict application of this code would create an exceptional or undue hardship upon the property owner and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.**

You need to explain what is precluding you from complying with the Town of Saguache Municipal Code. There must be a connection between what you allege is the physical defect explained in standard 1 above and why your neighbors or others in the same neighborhood can do what you cannot do without the need for the variance. Three examples are below.

- A. This property is unusual and unique because
- B. The property owner cannot use the property in manner to gain a reasonable use in comparison with the adjacent properties because \_\_\_\_\_
- C. The hardship in developing this property is to the extent that no reasonable use of the property is possible or at least that adverse economic impact is substantial

**3. The hardship is not self-imposed, and special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute inconvenience.**

You must explain why the need for the variance is due to circumstances that are beyond your control; and that your request for a variance is not solely to make it more convenient for you to use the property.

Examples are listed below and one or more or something similar may apply to your property:

- A. The special conditions and circumstances are:

1. the structure has non-conforming rights
2. the lot is non-conforming in area, width or depth
3. the design of the structure in relationship to the land limits the options

B. The special conditions and circumstances are more than an inconvenience or financial burden because:

1. removing the encroachment would severely damage the structure
2. removing the encroachment would render the structure unusable
3. the sewer and or water tap cannot be moved
4. the physical features of the lot limit construction locations and options
5. the access to the lot cannot be physically relocated

C. I (we) considered all the possible conforming alternatives and I (we) are not able to:

1. redesign the structure because \_\_\_
2. move the structure because \_\_\_
3. acquire the abutting property because \_\_\_

**4. The variance, if granted, will not adversely affect the use of adjacent property as permitted under the municipal code**

Your use of the property and the variance, if granted, will not make your property, or your neighbors, incompatible with what Town of Saguache municipal codes; and does not devalue or prevent full use of your neighbor's property. Examples are listed below and one or more or something similar may apply to your property:

A. The variance will not give

1. this property special privileges to me above my neighbor.
2. increase traffic in the neighborhood
3. change the character of the neighborhood
4. negatively impact the abutting property owners
5. violate the spirit of the municipal code of the Town of Saguache
6. place the public health, safety, or welfare at risk

B. The encroachment is not visually evident

C. There have been no registered complaints

D. No code enforcement actions have occurred

E. The nonconforming use or structure can be made more conforming, if variance is granted.

**5. The variance, if granted, is in keeping with the intent of the municipal code, will not change the character of the neighborhood in which the property is located.**

You may not be using the variance to request a use on your property that is not allowed in the underlying municipal codes. Even though granting the variance allows you to deviate from the Code, the variance must not change the intent of the Code or change the character of neighborhood. An example is listed below:

A. The land use will not change as a result of this variance in accordance with the Town of Saguache Municipal Code Chapter 15,

**6. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the Municipality of Town of Saguache, Colorado**

The variance does not alter Fire Department safety standards, traffic clear vision areas, Department of Health and Human Services standards for air or water quality, or noise levels; etc.

**7. The variance granted is the minimum variance that will make possible a reasonable use of the land.**

You must explain why this variance will give this property parity with its neighbors and nothing more. That you are asking for the least relief from the municipal code that is possible to allow a reasonable use of the property. That you are not advocating for rights superior to your neighbors or others in the same neighborhood. That you have no other conforming alternatives, such as re platting, vacate easements or rights-of-way, moving the structure, or remodeling the structure, In other words, a variance is the last resort to allow a reasonable use of the property,