



**MORGAN COUNTY**  
**PLANNING, ZONING & BUILDING DEPT.**  
 231 Ensign, P.O. Box 596  
 Fort Morgan, Colorado 80701  
**PHONE (970) 542-3526 FAX (970) 542-3509**  
**E-mail: pcherry@co.morgan.co.us**

Filing Deadline \_\_\_\_\_

Meeting Date \_\_\_\_\_

Administrative Review

## VARIANCE TO ZONING REGULATIONS APPLICATION

### APPLICANT

### LANDOWNER

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Phone ( ) \_\_\_\_\_

Phone ( ) \_\_\_\_\_

Email \_\_\_\_\_

Email \_\_\_\_\_

### TECHNICAL INFORMATION

Address or general location of property \_\_\_\_\_ Zone District \_\_\_\_\_

Size of property (Sq. Ft. or Acres) \_\_\_\_\_

Complete Property Legal Description and Parcel #. If necessary, attach to application and label "Exhibit 2": \_\_\_\_\_

Legal: Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ S \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_  $\frac{1}{2}$   $\frac{1}{4}$   $\frac{1}{4}$

Parcel #: \_\_\_\_\_ - - -

Is property located within 1320' (1/4) of a livestock confinement facility? \_\_\_\_\_

### APPLICANT'S STATEMENT

It is acknowledged that any drainage associated with this property in the past, present or future is the responsibility of the landowner and not that of Morgan County. I/we certify that the information and exhibits I/we have submitted are true and correct to the best of my knowledge. Application must be signed by landowner.

\_\_\_\_\_  
 Applicant Signature Date \_\_\_\_\_

\_\_\_\_\_  
 Landowner Signature Date \_\_\_\_\_

\_\_\_\_\_  
 Applicant Signature Date \_\_\_\_\_

\_\_\_\_\_  
 Landowner Signature Date \_\_\_\_\_

OFFICE USE ONLY:		<input type="checkbox"/> Administrative	<input type="checkbox"/> Board of Adjustments
Date Received _____	Received By _____	Fee Payment \$ _____	Ck/CC # _____
Taxes: _____	Floodplain: _____	Fee Paid By _____	
Comments / Other Permits Required _____			
_____			
ZV permit # _____			



# REQUEST FOR VARIANCE

- ADMINISTRATIVE
- BOARD OF ADJUSTMENTS

## TYPE OF VARIANCE

- \_\_\_\_\_ Minimum Area of Lot (see list of additional attachments) \_\_\_\_\_
- \_\_\_\_\_ Minimum Width of Lot \_\_\_\_\_
- \_\_\_\_\_ Maximum Height of Fence, Sign or Structure \_\_\_\_\_
- \_\_\_\_\_ Minimum Front Yard \_\_\_\_\_
- \_\_\_\_\_ Minimum Side Yard \_\_\_\_\_
- \_\_\_\_\_ Minimum Rear Yard \_\_\_\_\_
- \_\_\_\_\_ Other: Variance from Section # \_\_\_\_\_ of Morgan County Zoning Regulations.

## LIST OF ATTACHMENTS

- \_\_\_\_\_ Exhibit A: Proof of ownership: current, within last 6 months, title insurance commitment or Ownership & Encumbrance (O&E).
- \_\_\_\_\_ Exhibit B: Site plan prepared to appropriate scale showing the location of existing structures, fences, natural features, streets, rights-of-way, easements, greenbelt areas, boundary lines and lot lines. The site plan will graphically display the design standards, such as setbacks, which are the subject of application request. Minimum lot size variance requires a survey as per Sections 8-175 and 8-180 of the Morgan County Subdivision Regulations.
- \_\_\_\_\_ Exhibit C: Write a statement that encompasses all of the following concepts:
  - (1) Discuss fully, the special conditions and circumstances exist which are peculiar to the lot, structure, or building involved and which are not applicable to other lots, structures, or buildings in the same zoning district.
  - (2) Name and explain in detail the interpretation of the provisions of the Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
  - (3) Write a statement that explains the special conditions or circumstances do not result solely from the action of the applicant.
  - (4) Write an explanation that provides evidence that the variance requested is the minimum variance that will make possible the use of the lot, building, or structure.
- \_\_\_\_\_ Exhibit D: Approval of project from adjoining landowners (administrative review only).
- \_\_\_\_\_ Exhibit E: Approval of project from Property Owners Association and/or Home Owners Association.



# REQUEST FOR VARIANCE

- \_\_\_\_\_ Exhibit F: If an irrigation ditch is on or next to property – **proof of contact** with Ditch Company.
- \_\_\_\_\_ Exhibit G: Morgan County Right to Farm Policy
- \_\_\_\_\_ Exhibit H: Non-refundable processing fee made payable to Morgan County Planning.  
 \_\_\_\_\_ \$500.00 - Full Review – OR –  
 \_\_\_\_\_ \$150.00 - Administrative Review
- \_\_\_\_\_ Exhibit I: Additional information as required by staff.  
 \_\_\_\_\_  
 \_\_\_\_\_

## ADDITIONAL ATTACHMENTS FOR MINMUM LOT SIZE

- \_\_\_\_\_ Exhibit J: “Will Serve Letter” for waste disposal system.
- \_\_\_\_\_ Exhibit K: Contract for service for public water system; or copy of well permit.
- \_\_\_\_\_ Exhibit L: Legal access - copy of permit for driveway from state highway department or from Morgan County Road and Bridge Dept. (and other easements/right-of-ways as applicable) required for new and existing access.
- \_\_\_\_\_ Exhibit M: Soil map from Morgan County Soil Conservation Service.
- \_\_\_\_\_ Exhibit N: Revegetation plan.
- \_\_\_\_\_ Exhibit O: Notification to all mineral rights owners and/or lessees. Provide names and address, copy of letter sent 30 days prior to submission or a list owners/lessees showing 3 sources of attempts to locate.
- \_\_\_\_\_ Exhibit P: Recording fee for covenants made payable to Morgan County Clerk & Recorder  
 \_\_\_\_\_ \$13.00 first page  
 \_\_\_\_\_ \$5.00 each additional page      \_\_\_pgs x \$5 = \$\_\_\_\_\_

*Property taxes must be current at the time of processing.*



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**MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE**

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Morgan County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Morgan County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying sometimes at night or in the early morning; dust from animal pens, field work, harvesting, and gravel roads; odor from animal confinement operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers, including aerial spraying; and movement of livestock or machinery on public roads. Under the provisions of the State of Colorado's "Right to Farm" law (Section 35-3.5-101 and following, C.R.S.), all normal and non-negligent agricultural operations may not be considered nuisances.

Also public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level, mail delivery may not be as frequent, utility services may be nonexistent or subject to interruption, law enforcement, fire protection and ambulance service will have considerably longer response times, snow may not be removed from county roads for several days after a major snow storm. First priority for snow removal is that school bus routes are normally cleared first.

Children are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farm and oilfield equipment, ponds, and irrigation ditches, electrical service to pumps and oil field operations, high speed traffic, noxious weeds, livestock, and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and protection of the farmer's livelihood.

All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, keeping livestock and pets under control. There may be provisions of which you are unaware. For example, because Colorado is a Fence Law State, owners of property may be required to fence livestock out.

Information regarding these topics may be obtained from the Colorado State University Cooperative Extension Office, the County Planning and Zoning Department, and the County Attorney.

**RECEIPT AND STATEMENT OF UNDERSTANDING**

I hereby certify that I have received, read, and understood the Morgan County Statement of Policy and Notice regarding Right to Farm.

I further state that I am aware that the conditions of living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado law that a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.

***To Be Signed by Landowner***

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Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Printed Name \_\_\_\_\_

---

Address \_\_\_\_\_



**Road and Bridge Department**  
**REQUEST FOR DRIVEWAY ACCESS LETTER**

Requested By: Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Present Driveway Location: \_\_\_\_\_

New Driveway Location: \_\_\_\_\_

If this letter is to be mailed to an address different from above indicate:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Submit this request to: Morgan County Road and Bridge Department  
Attn: Richard Early – Bridge Manager  
17303 Co Rd S  
P.O. Box 516  
Fort Morgan, CO 80701  
(970) 542-3560 • Fax (970) 542-3569

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**For Office Use Only**

Determination: \_\_\_\_\_

GPS Coordinates, Centerline of Driveway in relation to road: Latitude: \_\_\_\_\_

Longitude: \_\_\_\_\_

Maximum Width of Driveway: \_\_\_\_\_ Feet

Culvert Required: YES / NO *If yes,* Size: \_\_\_\_\_ Inch

Driveway Address Code: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Completed by: \_\_\_\_\_

Date: \_\_\_\_\_

## **Morgan County Zoning Regulations excerpt Chapter 5**

### **5-185 Variance Applications**

Variance applications shall consist of the following:

- (E) A site plan drawn to appropriate scale showing the location of existing structures, fences, natural features, streets and rights-of-way, boundary lines, and lot lines. The site plan will graphically display the design standards, such as setbacks, which are the subject of variance or disagreement. Drawing sheet size shall be a minimum of eighteen by twenty-four inches (18" x 24").

### **5-220 Criteria for Reviewing Appeals and Variances**

The Board of Adjustment shall make decisions concerning appeals and applications for variances regarding application of the Zoning Regulations from the testimony and evidence presented utilizing the following criteria.

- (A) Relief from the provision of these Regulations may not be granted when the hardship is brought about through the actions of the appellant or applicant.
- (B) Nor may relief be granted when the result of granting the requested relief is detrimental to the public good or when relief is contrary to the purpose and intent of these Regulations.
- (C) In granting any variances, the Board of Adjustment may prescribe appropriate conditions, safeguards and permit time limits in conformity with these Regulations. Violations of such conditions, safeguards, and time limits when made part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under Chapter 6 of these Regulations.
- (D) No nonconforming use of neighboring lots, structures, or buildings in the same district, and no permitted or nonconforming use of lots, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (E) Criteria for review of variance to the floodplain regulations are contained in Section 3-740 and following.
- (F) The appellant has prepared a complete and well documented application.
- (G) A variance granted regarding the maximum number of residences per parcel which is requested for medical care of a family member shall be for a period of time and not in perpetuity. The recipient of such a variance shall be required to certify annually to the Planning Administrator that the additional residence is still occupied by either the family member needing medical care or the caregiver.

### **5-225 Implementation of Variances**

Upon the granting of a variance by the Board of Adjustment, the successful applicant shall have six (6) months from the date of issuance of the variance to commence implementation of the variance allowed. The Planning Administrator shall inspect all variances implementation projects to determine that they conform to the intent of the variance. Should a variance not be implemented in the time period allowed, the variance will be null and void upon action of the Planning Administrator. A one-time extension of the implementation period for a maximum of six (6) months may be granted by the Planning Administrator at the request of the variance holder.

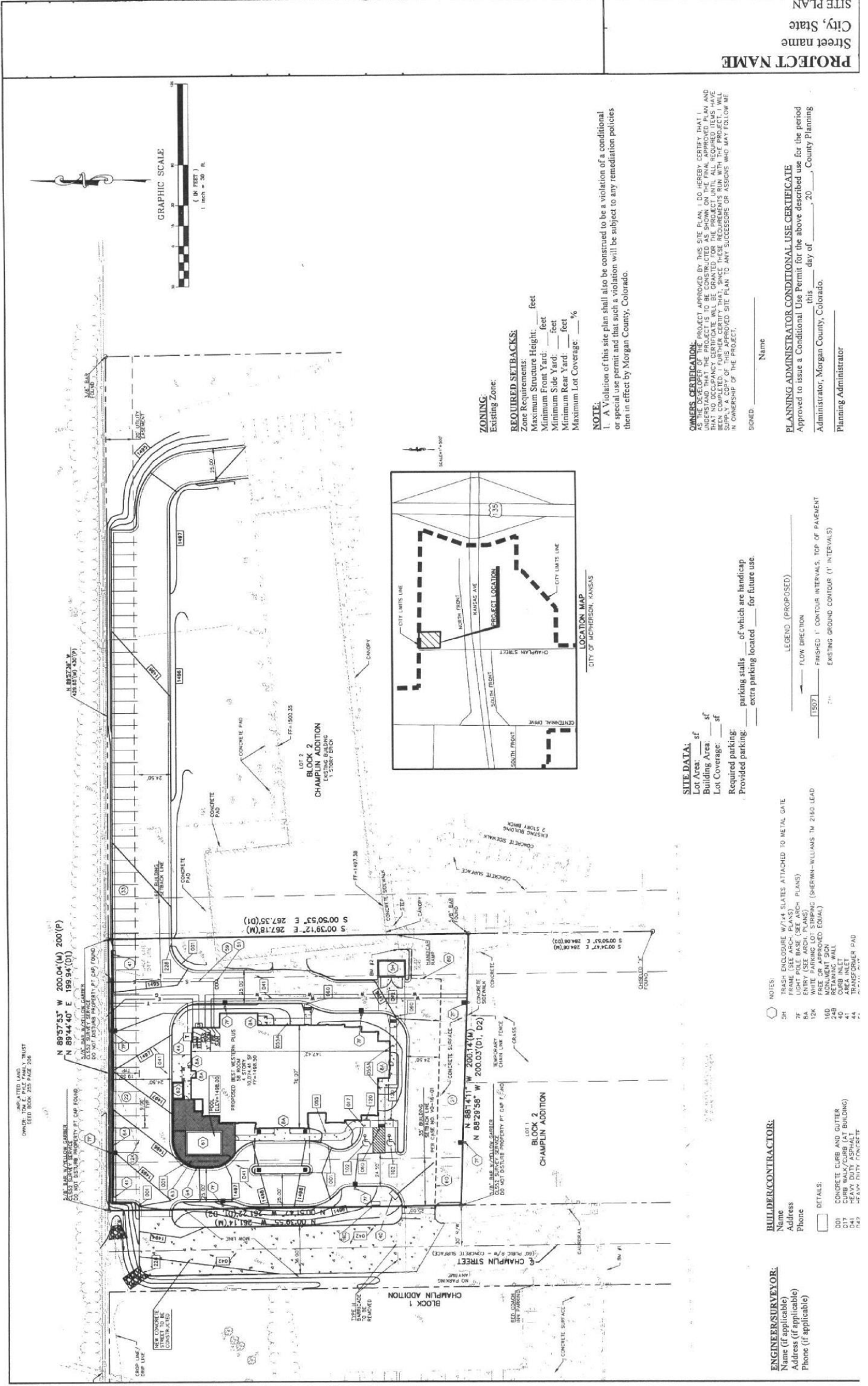
## **Morgan County Subdivision Regulations excerpt Chapter 8**

### **8-170 Procedure**

The applicant, who shall be the fee title owner of the affected property, shall discuss the planned minor subdivision with the Staff and then submit, at least twenty (20) days prior to a regularly scheduled meeting to the County Planning Commission or duly authorized staff, the required fees, a Plat and the appropriate number of copies of and all information to enable the Planning Commission to determine compliance with these Regulations and together with three (3) copies of the following documentation:

- (A) A title insurance commitment or policy including a schedule of exceptions to title, or an attorney's title opinion addressed to the County, dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in the dedication. If the Board of County Commissioners grants approval to such Plat, it may be a condition to such approval that said title insurance commitment, policy or attorney's title opinion be updated to no more than five (5) days prior to the date of such final approval by the Board of County Commissioners. It is the responsibility of the applicant to keep title policies current.
- (B) Documented proof of availability of dependable sewer and potable water sufficient to serve the minor subdivision.
- (C) Documented proof of legal access if the subject property does not have direct contiguous access to a public road or street.
- (D) Any other special reports required by Staff or the Planning Commission.
- (E) Any proposed Subdivision Improvements Agreement.

# EXAMPLE



**PROJECT NAME** \_\_\_\_\_  
 Street name \_\_\_\_\_, State \_\_\_\_\_  
 CITY PLAN

**ZONING:**  
 Existing Zone: \_\_\_\_\_

**REQUIRED SETBACKS:**  
 Zone Requirements:  
 Maximum Structure Height: \_\_\_\_\_ feet  
 Minimum Front Yard: \_\_\_\_\_ feet  
 Minimum Side Yard: \_\_\_\_\_ feet  
 Minimum Rear Yard: \_\_\_\_\_ feet  
 Maximum Lot Coverage: \_\_\_\_\_ %

**NOTE:**  
 1. A Violation of this site plan shall also be construed to be a violation of a conditional or special use permit and that such a violation will be subject to any remediation policies then in effect by Morgan County, Colorado.

**OWNER'S CERTIFICATION:**  
 AS THE DEVELOPER OF THE PROJECT APPROVED BY THIS SITE PLAN, I DO HEREBY CERTIFY THAT I AM THE OWNER OF THE PROJECT AND THAT I AM NOT PROVIDING ANY INFORMATION OR DATA THAT NO OCCUPANCY CERTIFICATE WILL BE GRANTED FOR THE PROJECT UNTIL ALL REQUIRED ITEMS HAVE BEEN COMPLETED. I FURTHER CERTIFY THAT, SINCE THESE REQUIREMENTS' RISK WITH THE PROJECT, I WILL SUPPLY A COPY OF THIS APPROVED SITE PLAN TO ANY SUCCESSORS OR ASSIGNS WHO MAY FOLLOW ME IN OWNERSHIP OF THE PROJECT.

SIGNED \_\_\_\_\_ Name \_\_\_\_\_

**PLANNING ADMINISTRATOR-CONDITIONAL USE CERTIFICATE**  
 Approved to issue a Conditional Use Permit for the above described use for the period of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ County Planning Administrator, Morgan County, Colorado.  
 Planning Administrator \_\_\_\_\_

**SITE DATA:**  
 Lot Area: \_\_\_\_\_ sf  
 Building Area: \_\_\_\_\_ sf  
 Lot Coverage: \_\_\_\_\_ %  
 Required parking: \_\_\_\_\_ parking stalls of which are handicap  
 Provided parking: \_\_\_\_\_ extra parking located \_\_\_\_\_ for future use.

**NOTES:**

- 3H TRASH ENCLOSURE W/14 SLATES ATTACHED TO METAL GATE
- 3F FRAME (SEE ARCH. PLAN)
- 3A ENTRY (SEE ARCH. PLAN)
- 12K WHITE PARKING LOT STRIPING (SHERWIN-WILLIAMS TM 2160 LEAD FREE OR APPROVED EQUAL)
- 14D CURB INLET
- 14B CURB INLET
- 41 REPAIR/REPLACE
- 44 HEAVY DUTY ASPHALT
- 45 HEAVY DUTY CONCRETE

**LEGEND (PROPOSED)**

- FLOW DIRECTION
- 1507 FINISHED 1" CONTOUR INTERVALS, TOP OF PARCELS
- 710 EXISTING GROUND CONTOUR (1" INTERVALS)

**ENGINEER/SURVEYOR:**  
 Name (if applicable) \_\_\_\_\_  
 Address (if applicable) \_\_\_\_\_  
 Phone (if applicable) \_\_\_\_\_

**BUILDER/CONTRACTOR:**  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_

**DETAILS:**

- DDI CONCRETE CURB AND GUTTER
- D41 REPAIR/REPLACE
- D41 HEAVY DUTY ASPHALT
- D45 HEAVY DUTY CONCRETE