



BOULDER COUNTY PUBLIC HEALTH  
ONSITE WASTEWATER SYSTEM (OWS)  
VARIANCE APPLICATION PROCEDURE

Application for an OWS variance does not guarantee that the variance will be granted. Be advised that a variance will not be granted under the following circumstances:

- to mitigate a construction error
- where the property can accommodate a conforming OWS
- where a minimum 4' separation to groundwater or bedrock would be reduced
- where the variance requested is for setbacks to features outside the subject property
- where granting the variance will result solely in economic gain

A variance from the horizontal setback from a well must also meet the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors.

To apply for an OWS variance:

- 1) Complete the attached application form. Include site specific information justifying the need for a variance. There is a \$250.00 fee due with this application.
- 2) Provide technical justification by a Colorado Registered Professional Engineer or Professional Geologist, which indicates the specific conditions which exist and/or the measures which will be taken to result in no greater risk than that associated with compliance with the required setbacks. This justification should include:
  - a) a discussion of alternatives considered in lieu of the requested variance.
  - b) technical support for the selected alternative, which may include a testing program that confirms the variance does not increase the risk to public health or the environment.
  - c) a statement of the hardship which creates the necessity for the variance

The applicant has the burden of proof that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting the standard being varied. The local board of health, the health officer, or the environmental health specialist has the ability to impose requirements and conditions on any variance granted.

The applicant will be notified in writing of the decision regarding the request for a variance after the board of health hearing. The notice of a denial of a variance will include those reasons which form the basis for the denial. The notice of an approval of a variance will include any conditions of the approval. The variance (and any conditions) must be recorded on the deed to the property. Any expenses associated with the recording will be the responsibility of the applicant obtaining the variance.