

7.4.4 Medical Hardship Waiver: The B.O.Z.A. shall have the power to grant a temporary waiver of provisions of the zoning resolution in cases where an extreme medical hardship can be shown to exist. This waiver would allow for the temporary placement of one (1) single-wide manufactured home, or one (1) manufactured home on a lot, tract, or parcel that contains an existing dwelling, manufactured home, or single-wide manufactured home. This waiver may only be granted in zone districts that allow single-wide manufactured homes or manufactured homes. The B.O.Z.A. may terminate a hardship waiver if the circumstances of hardship change or if an alternative form of relief for the applicant becomes available. Medical hardship waivers shall be granted for a time period not to exceed one (1) year. Extensions may be granted on a case-by-case basis and shall be done on a yearly basis on a date specified by the B.O.Z.A.

7.6.2 Medical Hardship Waiver: At least ten (10) copies of the following submittal requirements shall be provided to the Department, accompanied by a non-refundable Board of Zoning Adjustment (BOZA) 7 – 7.10 Section 7 – Page 5 application fee, as established by the Board. The submittal shall be at least twenty (20) working days prior to the regularly scheduled B.O.Z.A. meeting.

7.6.2.1 A completed B.O.Z.A. application.

7.6.2.2 A statement on a form provided by the Department from a doctor licensed to practice in the State of Colorado indicating the medical need for a hardship waiver and the requirement of daily assistance.

7.6.2.3 A letter from the applicant requesting the waiver, explaining the circumstances of the waiver, and listing the occupants of both living units.

7.6.2.4 A notarized letter on a form provided by the Department from the property owner indicating their knowledge of how the medical hardship waiver is administered and stating that the temporary single-wide manufactured home or the temporary manufactured home shall be removed within ninety (90) days of the date the hardship ceases or the B.O.Z.A. terminates the waiver.

7.6.2.5 An improvement location certificate or a survey plat for the property evidencing the location of existing improvements and all proposed I improvements. The certificate or plat shall be performed, signed, and sealed by a professional land surveyor registered with the State of Colorado.

7.6.2.6 A complete building permit application.

7.6.2.7 Extensions of a medical hardship waiver extensions: Extensions may be granted in one (1) year increments provided the following is submitted to the Department by the submittal deadline of the monthly B.O.Z.A. meeting for the month in which the waiver is to expire:

7.6.2.7.1 A letter from the applicant stating that the circumstances found to constitute the hardship still exist and have not materially changed;

7.6.2.7.2 A letter from a doctor advising the B.O.Z.A. on the status of the medical hardship.

7.6.2.7.3 In addition to the above, no extension will be granted until the Department performs an on-site inspection to determine if the applicant is in compliance with the conditions of the waiver for which extension is being sought.

7.7 ADDITIONAL REQUIREMENTS FOR VARIANCE OR MEDICAL

HARDSHIP WAIVER: In granting a variance, the B.O.Z.A. may impose additional requirements on the applicant as a condition of approval.

7.8 Attendance of Applicant: All applicants and/or their representative must attend the B.O.Z.A. meeting at which their request is to be heard. In addition, the B.O.Z.A. may Board of Zoning Adjustment (BOZA) 7 – 7.10 Section 7 – Page 6 require the presence of the applicant at its meeting for which a hardship waiver extension is to be considered.

7.10 Appeal of a decision by the B.O.Z.A.: Any further appeal from the decision of the B.O.Z.A. shall be made to the Court, as provided by court rule or state statute.