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SAN JUAN COUNTY Ordinance 120 Cannabis Regulation - Variance Petition

To request a variance from Cannabis Regulation Ordinance 120, please complete the information below and pay the Variance Application Fee. Please attach any supporting documentation. A public hearing will be scheduled, and petitioner *must* appear in person at the hearing.

Petitioner Information

Name <i>(individual or sole proprietor use first and last; all other business types use legal business name)</i> <i>*Must match state license/application*</i>	
Business Mailing Address	Physical Address <i>(where Variance is being sought)</i>
Email Address	Phone Number

Petition Details – Business Information

Type of State Cannabis License: <i>(i.e. Retail, Manufacturer, Producer, Producer Microbusiness, Retailer, Vertically Integrated, Consumption Area, etc.)</i>
Has above license been approved by the state? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate state license number. If not, please explain.
What type of Cannabis related business will be operating at this location? <i>(i.e. retail, indoor production, outdoor production, consumption, etc.)</i>
Describe the neighborhood and area surrounding the proposed business in detail. <i>(Residential homes, industrial buildings, farmland, etc.)</i>

Describe the proposed business area, such as fences, security cameras, other security measures, access to the business by workers and or customers, ingress and egress, etc. Describe the layout and uses of buildings. Please attach any supporting documentation such as a site plan.

Petition Details – Variance Information

Identify the Section(s)/ Subsection(s) of San Juan County Cannabis Ordinance 120, from which a variance is sought. (e.g. *Section 3. Location – Subsection (A) Minimum Distance 300 ft.*)

State in detail the extent to which the petitioner wishes to vary from the section(s)/subsection(s) listed above (e.g. *There are 3 residences within 300 feet of the business. The nearest residence is 240 feet away, so petitioner wishes to vary from the requirement of Section 3(A) by 60 feet.*)

Explain in detail how the petitioner will ensure that the proposed activity will not negatively impact public health and safety or be injurious to the surrounding neighborhood.

Procedure and Criteria

Based on the evidence collected at the hearing, the hearing officer shall make written findings of fact and conclusions based on the following criteria, which shall include a recommendation to the Board whether the requested variance should be granted. The Hearing Officer's written report shall be submitted to the Board of County Commissioners who shall make a determination based on all of the evidence in the report. The Board may grant the variance, in whole or in part, or subject to conditions if a positive finding of fact can be made concerning each of the following, or, if a positive finding of fact cannot be made, if the Board specifically describes the circumstances that would outweigh the strict requirement of a positive finding of fact and determines that the variance will not be a public detriment.

The burden is on the applicant to show that all of the following criteria have been met in order for a variance to be granted. Please address each criteria below by explaining in detail how/why the criteria is met:

(a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved that are not self-imposed, self-created or otherwise the result of actions by the applicant.

(b) That the applicant demonstrates that the request is a minimum easing of the Ordinance requirements, making possible the reasonable use of the land, building or structure;

(c) That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Ordinance, and is not injurious to the neighborhood or otherwise detrimental to the public welfare;

(e) That the applicant would suffer an unnecessary hardship if the variance requested were denied. The granting of a variance should not be substantially based upon lack of reasonable economic return.

Empty rectangular box for additional information or comments.

SIGNATURE

It shall be unlawful for any applicant to knowingly provide any false, misleading, or materially inaccurate information on this application. I hereby certify under penalty of perjury that the statements made herein are to the best of my knowledge, true, correct and complete and that I have authority to sign on behalf of the named petitioner.

Print Name / Title	Signature	Date
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