

BOARD OF ADJUSTMENT APPEALS SUBMITTAL REQUIREMENTS

REVISED AUGUST 2022

**LARIMER COUNTY COMMUNITY DEVELOPMENT
PLANNING DEPARTMENT**

CONTACT INFO:

LARIMER.ORG/PLANNING
200 W. OAK ST., 3RD FLOOR
(970) 498-7683

APPEALS PROCESS - BOA



Community Development Mission:

We provide quality service to our customers and the community – residents and visitors of Larimer County. Using public and private partnerships we protect health, safety and welfare, enhance quality of life, maintain property values, find creative development solutions, and plan for the future.

1. Applicability

a. The Board of Adjustment is authorized to hear and decide appeals (Article 6.7.2.C.1) where:

i. A person is aggrieved by their inability to obtain a building permit as a result of an error by an administrative officer or agency in the administration or enforcement of:

1) The minimum setback or structure height requirements of Article 2.0, Zoning Districts; or

2) §2.9.4.E, Setbacks from All Roads, Streets, and Highways, and §2.9.4.F, Setbacks from Streams, Creeks, and Rivers.

ii. An officer, department, board, or bureau of the county is affected by the grant or refusal to grant a building permit as a result of an error by an administrative officer or agency in the administration or enforcement of the requirements listed in §6.7.2.C.1.a.i above; or

iii. A person asserts that there is an error in any order, requirement, decision, or refusal made by an administrative officer or agency in the administration or enforcement of the requirements listed in §6.7.2.C.1.a.i above.

b. The Board of Adjustment is authorized to hear appeals on decisions made by the Director on minor modifications (Article 6.7.1.C.3.d). All other appeals of the Director's interpretations of the provisions of this Code or application of the provisions of this Code are expressly reserved to the County Commissioners.

| |
|---|
| 1. Application Submittal & Processing (pre-application conference required) |
| 2. Staff & Referral Agency Review- minimum 14-day referral period after project has been assigned |
| 3. Scheduling & Notice of Public Hearing (within 60-days of a complete submittal) |
| 4. Review & Decision |
| 5. Post-Decision Actions |

THINGS TO CONSIDER



Customer Responsibilities:

The submittal requirements listed in this packet are intended to collect all of the information required for Larimer County staff and review agencies to fully evaluate the proposal. Additional information may be requested from the applicant during the review process if necessary to address specific issues that arise. For certain application types, a resubmittal fee may apply. In the event you are unfamiliar with any submittal requirements and need assistance, please seek the help of a third party consultant. Please see the attached “Road Map to Process Time” for more information.

Please Note: All surrounding property owners within a minimum of 500 feet of the property boundary lines will be notified of this request. Once submitted to the County, all application materials become a matter of public record.

Pre-Submittal Meeting:

Depending on the complexity of the case and the application type, a pre-submittal meeting may be required prior to submitting an application. Submitting an application without a pre-submittal meeting may result in substantial delays in application processing or application rejection. *Application types that may require a pre-submittal meeting are: Special Review, 1041, L&E, Rezoning, Variance, Site Plan Review, Preliminary Plat, Final Plat*

Water Verification:

It is the applicant’s responsibility to verify an adequate water source is available. If water is to be obtained from a public water supply, contact the appropriate water district. A cistern is not an adequate water source. Refer to the Land Use Code for specific requirements to this proposal.

Sanitary Sewer or Septic Verification:

It is the applicant’s responsibility to verify an adequate sewage disposal is available. If an on-lot septic system is to be used, contact the Larimer County Department of Health and Environment. If a public sewage system is to be used, contact the appropriate sanitation district. Refer to the Land Use Code for specific requirements to this proposal.

Floodplain:

If the property is within or partially within a FEMA and/or locally designated floodplain, additional standards and restrictions may apply. Contact the floodplain administrator for more information.

THINGS TO CONSIDER



Mineral Interest Notification:

Only applicable to Rezoning, Zoning, Special Review, Minor Land Division, Preliminary Plat, Administrative Subdivision

Thirty (30) days prior to the Board of County Commissioner hearing, notification must be provided to Mineral Interest Owners and Lessees as required by State Statute 24-65.5 notifying them of the proposed development. Furthermore, a signed certification must be received by the Larimer County Planning Department prior to the hearing that such notification was provided (see attached notification form). Failure to receive this certification will result in the hearing being rescheduled to a later date.

Use Specific Standards:

In addition to review criteria, refer to the Land Use Code for use-specific standards applicable to the proposed use. Use specific standards may be found in Article 3.0 or Article 13 for the Estes Valley.

Expiration of Pre-Application Meeting Packet:

Pre-applications expire six months from the date of the meeting. If you have not submitted an application within six months of the pre-application meeting, check with the planner to see if a new meeting will be required.

O&E Expiration:

An Ownership and Encumbrance Report (O&E) is valid for six months.

Land Use Code:

Please view the Land Use Code here: <https://www.larimer.org/planning/regulations>

Submittal Requirements

Separate Electronic PDFs of ALL Submittal Materials (must be in PDF format and named as listed below)

| Item | Description: | Required | Staff sign- off |
|------|--|----------|-----------------|
| 1. | Application Form – must be signed by all property owners and the applicant. | | |
| 2. | Application Fee- Current fee at time of submission | | |
| 3. | Appeal Request – detailed description of what is being appealed. Please see below for details. | | |
| 4. | Legal Description – the legal description of the property. | | |
| 5. | Other - information as deemed necessary by the project planner. | | |

Item #3 Appeal Request Details

| Appeal Request | Description |
|---|--|
| Appeals of administrative decisions and Planning Director decisions on Minor Modifications. | A statement of the decision being appealed, the date of the decision and facts, legal authority or other evidence that supports the decision was in error. |

APPEALS PROCESS - BOA



Procedural Details

| | |
|---|---|
| Applicability for Appeals to the Board of Adjustment Article 6.7.2.C.1. | <ul style="list-style-type: none">i. A person is aggrieved by their inability to obtain a building permit as a result of an error by an administrative officer or agency in the administration or enforcement of:<ul style="list-style-type: none">1) The minimum setback or structure height requirements of Article 2.0, Zoning Districts; or2) §2.9.4.E, Setbacks from All Roads, Streets, and Highways, and §2.9.4.F, Setbacks from Streams, Creeks, and Rivers.ii. An officer, department, board, or bureau of the county is affected by the grant or refusal to grant a building permit as a result of an error by an administrative officer or agency in the administration or enforcement of the requirements listed in §6.7.2.C.1.a.i above; oriii. A person asserts that there is an error in any order, requirement, decision, or refusal made by an administrative officer or agency in the administration or enforcement of the requirements listed in §6.7.2.C.1.a.i above.b. The Board of Adjustment is authorized to hear appeals on decisions made by the Director on minor modifications. All other appeals of the Director's interpretations of the provisions of this Code or application of the provisions of this Code are expressly reserved to the County Commissioners. |
| Procedure for Appeals to the Board of Adjustment Article 6.7.2.C.2. | <p>a. Initiation of Appeal A written application must be submitted to the Community Development Department within 30 days of the order, requirement, decision, or refusal made by the administrative official or agency. The application must be on a form provided by the Community Development Department. A fee established by the County Commissioners must be paid when the appeal is submitted.</p> <p>b. Scheduling Upon receipt of a complete application, the Director will schedule a hearing before the Board of Adjustment no later than 60 days after receipt of the application pursuant to §6.3.7.</p> <p>c. Notice Notice of the time and place of the appeal hearing must be published in a newspaper of general circulation at least 10 days before the hearing date. Notice by first-class mail must be sent to property owners in the vicinity of the proposal as determined by the Director.</p> <p>d. Action by the Board of Adjustment At the appeal hearing, the Board of Adjustment will take relevant evidence and testimony from the appellant, the administrative officer or agency, and any interested party. At the conclusion of the hearing, the Board of Adjustment will affirm, affirm with modifications, or reverse the determination made by the administrative officer or agency. A concurring vote of four members of the Board of Adjustment is necessary to reverse any order, requirement, decision, or refusal of the administrative official or agency or to decide in favor of the appellant.</p> <p>e. Burden of Proof An order, requirement, decision, or refusal of the administrative officer or agency shall not be reversed unless the appellant shows a preponderance of evidence that such order, requirement, decision, or refusal is erroneous.</p> |



LAND USE APPLICATION

Applicant Information

Applicant Name:

Applicant Company:

Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Property Owner Information

Property Owner Name:

Property Owner Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Property Owner Information

Property Owner Name:

Property Owner Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Engineer/Surveyor Information (please list which profession)

Name:

Company:

Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Assessor's Parcel Number(s): _____

SIGNATURES REQUIRED BY ALL PROPERTY OWNERS AND THE APPLICANT

I hereby certify that I am the lawful owner of the parcel(s) of land that this application concerns and consent to the action. I hereby permit county officials to enter upon the property for the purposes of inspection relating to the application. Building Permits will not be processed while this application is in process.

Property Owner(s) Printed Name

Date: _____

Property Owner(s) Signature

Date: _____

Property Owner(s) Printed Name

Date: _____

Property Owner(s) Signature

Date: _____

In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Larimer County Land Use Code (which can be viewed at larimer.org)

Applicant Signature

Date: _____

PRE-APPLICATION WORKSHEET

Project Case Number: _____

Project Address (if available): _____

Assessor's Parcel Numbers (list all parcels that pertain to the project): _____

Pre-Application Conference Date: _____ Planner: _____

Pre-Application Conference attended by: _____

Proposed Request: _____

Plan Area (if applicable): _____

Lot Size(s): _____

Related Files: _____

Current Zoning: _____

Setback Information:

Zoning Setbacks: _____

Highway or County Road Setback(s): _____

Streams, Creeks, or River Setback(s): _____

Building Envelope: _____ Flood: _____

Plat Notes: _____

Utilities: Water: _____ Sewer: _____ Fire: _____

Any Additional Information: _____

Development Review Process: _____ Application Review Phase: _____

| | | | | |
|--------------------|-------------|-------------------|----------------|----------------|
| Received By: _____ | Date: _____ | Sign Given: _____ | Paid \$: _____ | Check #: _____ |
|--------------------|-------------|-------------------|----------------|----------------|