



Planning Division  
Community Development Department  
THE CITY AND COUNTY OF BROOMFIELD

**APPLICATION CHECK-LIST FOR APPEALS AND VARIANCES**

The Broomfield Municipal Code (BMC) addresses the procedure for appeals and variances by the Planning and Zoning Commission under Chapter 2-40. The public notice requirements are addressed in Chapter 17-52. The referenced BMC sections are attached.

**Pre-Application Meeting**

- Meet with Planning Division staff member to review application process and submittal.

**Timing and Executed Forms**

- Appeals must be filed no later than 30 days from the date of the decision/determination being appealed.
- Completed Development Application, signed and notarized by the property owner. See attached form.

**Fee for Processing (payable to the City and County of Broomfield)**

- \$ 25 application fee
- \$100 public notice fee
- \$ 50 optional fee for address records search service to facilitate public notification to surrounding properties within 500' of the subject property.

**Supporting Documentation**

- Plot plan or improvement survey plat for lot showing scaled drawing of the proposed improvements with dimensions noted.
- Recommend statement of approval or consent by adjacent property owner(s) and any homeowners association.

**Written Justification**

- Written description of proposal including the following information:
  - A. Summary of variance or appeal request.  
*For example: The request is for a variance to reduce the required \_\_\_-foot rear yard setback by \_\_\_-feet for the purpose of constructing a \_\_\_\_\_.*
  - B. Summary description of the zoning requirement for which the variance is requested. You may wish to contact a planner to assist with this description.  
*For example: The rear yard setback requirement is \_\_\_-feet as set forth in \_\_\_\_\_ (document name or code reference).*
  - C. Summary justification/hardship. Explain why the request is needed.
  - D. Summary statement regarding any negative impact on the neighborhood or public good.

**Public Notice**

- Applicant shall comply with Chapter 17-52 of the Broomfield Municipal Code regarding notices.

**Public Hearing**

- Hearings are typically scheduled for the second and fourth Mondays of the month.



Application for Development Review

This form is intended to be used along with additional information applicable to the particular request.

PROJECT CASE NO
DATE OF SUBMITTAL
FEE PAID:
PROJECT NAME
4. TYPE OF REQUEST

PLEASE TYPE

- 1. Applicant/Developer:
Person to Contact:
Address:
Telephone:
Fax Number:
E-Mail:
2. Property Owner (Per Current Title Policy):
Person to Contact:
Address:
Telephone:
Fax Number:
E-Mail:
3. Planner/Architect/Engineer:
Person to Contact:
Address:
Telephone:
Fax Number:
E-Mail:

- X Appeals and Variances
Conceptual Review
Comprehensive Plan Amendment
PUD - PUD Plan
PUD - PUD Plan Amendment
Rezoning
ROW / Easement Vacation
Sign Code Exception
Site Development Plan with Agreement\*
Site Development Plan Amendment - Hearing
Site Development Plan - Admin. Modification
Subdivision - Final Plat with Agreement\*
Subdivision - Preliminary Plat
Subdivision - Replat
Subdivision - Minor
Use by Special Review
Vesting Rights
Urban Renewal Site Plan
Other
\*See Owner/Developer Information Form for Subdivision Improvement Agreements.

- 5. Property Address and General Location:
6. Legal Description (attach on disk Word 6.0 if longer than one page)
7. Area of Property: Acres/Square Feet
8. Current Zoning:
9. Current Land Use:
10. Proposed Zoning:
11. Summary of Proposal:
12. Estimated Project Valuation for land: \$ and new construction \$

As owner of the aforementioned property, I hereby consent to the submission of this Application for Development Review and authorize the applicant to act on my behalf with regard to this application.

13. Owner
By
STATE OF )
) ss.
COUNTY OF )

The foregoing instrument was acknowledged before me this day of , 20,
by.

Witness my hand and official seal.

Signature
Notary Public
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**Appeals and Variances**  
**Chapter 2-40, Broomfield Municipal Code**

**2-40-060 Powers and duties generally.**

The planning and zoning commission shall also have the following powers and duties:

(A) To hear and decide appeals from, and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of the regulations established by this title.

(B) To authorize variances from the terms of title 17, B.M.C., where, by reason of exceptional conditions, the strict application of any regulation enacted in this title would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the owner of such property, provided that such relief may be granted without substantial detriment to the neighborhood or to the public good and without substantially impairing the intent and purposes of title 17, B.M.C., and provided that no variance shall authorize any use other than the use permitted in the zoning district, except as authorized in subsection (C) below.

(C) To authorize, as variances, alterations in nonconforming buildings or uses, provided that the commission determines:

(1) That the total area (and volume in the case of buildings) devoted to the altered nonconforming use will not be greater than the total area devoted to the current nonconforming use, and

(2) The altered nonconforming building or use will not have any greater adverse impact on the neighborhood than the current nonconforming building or use. The factors which the commission may consider include, but shall not be limited to:

- a. The purpose of [title 17](#), B.M.C.;
- b. Noise;
- c. Visual impact;
- d. Dust;
- e. Odors;
- f. Traffic; and
- g. Impact on public services.

(D) To perform each and all of the duties specified in section 31-23-307 C.R.S., together with all other duties or authority which may hereafter be conferred upon it by the laws of the state or ordinances of the city.

(E) The commission shall not be authorized to vary the terms of the sign code but may grant special exceptions as set forth in sections 17-44-320 through 17-44-370.

(F) When acting pursuant to this section, the commission shall hold a public hearing on all applications and appeals subject to the following:

(1) Notice shall be given in accordance with the provisions of chapter 17-52.

(2) Unless otherwise stated in the commission's minutes, all uses permitted by variance pursuant to subsections (B) and (C) above shall be commenced within six months of the time such variance is granted, otherwise the variance shall be null and void.

(3) A fee of \$25.00 shall be charged for all appeals and variance requests, which fee shall be paid by the applicant or appellant in addition to the notice fees required by chapter 17-52.

(4) The concurring vote of four members of the commission shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant in order to effect any variance.

(G) Every appeal to the planning and zoning commission shall be filed not later than thirty days from the date of the order, requirement, decision, or determination being appealed. The commission shall have no jurisdiction to hear any appeal not brought within thirty days from the date of such order, requirement, decision, or determination.

**Appeals and Variances**  
**Chapter 2-40, Broomfield Municipal Code**

(H) The order, requirement, decision, or determination by an administrative official shall become a final order of the commission upon the happening of any one of the following events:

- (1) The failure of the applicant to appeal the order, requirement, decision, or determination of the administrative official to the commission within the time period prescribed in [subsection \(G\) above](#).
- (2) The failure of the applicant to appeal the order of the commission to the district court in accordance with Colorado law.

**Public Notice Requirements**  
**Chapter 17-52, Broomfield Municipal Code**

**17-52-010 Uniform notice requirement established.**

Whenever, pursuant to this [title 17](#) or pursuant to [title 16](#), a public hearing before the city council or planning and zoning commission is held, public notice shall first be given as provided in this chapter. Failure to give full notice as required by the terms of this chapter due to a clerical or administrative oversight or omission shall not affect the validity of any hearing or decision. The provisions of this chapter shall not apply to amendments to [title 16](#) or [title 17](#).

**17-52-020 Notice; contents.**

At a minimum, every type of notice required by this chapter shall contain the following information:

- (A) The name of the body before which the hearing is to be held;
- (B) The date, time, and place that the hearing will be held;
- (C) The legal description of the property with regard to which the hearing will be held; and
- (D) The action or decision which is requested or proposed.

**17-52-030 Notice; publication.**

Notice shall be given by publication one time in a newspaper of general circulation in the city at least five days before the hearing.

**17-52-040 Notice; mail.**

Notice shall be given by first-class mail to the record owners of the property with regard to which the action or decision is proposed or requested and to the record owners of property within 500 feet thereof. The record owners must be determined as of not more than sixty days prior to the date notice is sent. The notices shall be sent at least ten days before the hearing. The applicant shall obtain and submit to the city the names and addresses of the record owners of the property with regard to which the action or decision is proposed or requested and of property within 500 feet thereof.

**17-52-050 Notice; posting.**

Notice shall be given by posting on the property or on a public right-of-way abutting the property. Each sign shall be at least twenty-two inches by twenty-eight inches in size. Posting shall be in at least one location, but the city manager or the director of community development may require such additional posting as they deem desirable. Posting shall be complete at least ten days before the hearing. Posting shall be the responsibility of the applicant, who shall submit an affidavit of posting immediately after posting the notice. All notices posted pursuant to this chapter shall be removed by the applicant within forty-eight hours after the hearing.

**17-52-060 Notice; computation of time.**

In computing any period of time prescribed for the giving of notice, the day of the hearing shall not be included. The day of the publication, mailing, or posting shall be included. Saturdays, Sundays, and legal holidays shall be counted as any other day.

**17-52-070 Notice; fees.**

Fees for giving public notice as required by this chapter shall be \$100.00 per application or proposal and shall be paid by the applicant for, or proponent of, the action being requested or proposed. These fees are in addition to any application fees, and shall be paid at the time the application is presented to the city.

**17-52-080 Continuation of hearing.**

A hearing, once commenced, may be continued to a date, time, and place certain by the body before whom it is being held without any additional public notice being required.