



APPEALS AND VARIANCES

Community Development Department • Planning Division

Project Name/Address*: _____

Project Case No.*: _____ **Submittal Date*:** _____ **Fee*:** _____

**To be completed by City staff*

The Broomfield Municipal Code (BMC) Section 2-40-070 addresses the procedure for appeals and variances by the Neighborhood Board of Adjustment *(reprinted on the last page of this application)*.

A minor variance request must meet the BMC requirements of Sec. 17-50-090. Minor variances are an administrative process with no public hearings. Broomfield can only grant a minor variance if it is found that granting the variance conforms to the intent of subsection 2-40-070(B), which sets for the criteria for granting of variances *(reprinted on the last page of this application)*.

Type of Request (choose ONE)

Appeal - within 30 days from the date of the decision/determination being appealed.

Variance

Minor Variance (select the time that applies and provide required information)

Maximum lot area reduction of 10% or less.

Required lot area = _____, Proposed lot area = _____

Maximum floor area reduction of 5% or less.

Required floor area = _____, Proposed floor area = _____

Reduction of yards and open areas by permitting portions of a building to extend into and occupy not more than 10% of the distance of a required yard.

Required yard = _____, Proposed yard = _____

Minor Variances that exceed these requirements must be reviewed by the Planning & Zoning Commission and are not eligible for review as a "minor variance". Other modifications to site development plan requirements of a PUD zone that are not listed above may qualify for review through a Site Development Plan Administrative Modification (such as minor changes to landscaping, grading, and architectural requirements).

Property Location:

Address: _____

Parcel Number: _____

General Location: _____

Applicant Information:

Applicant: _____ Person to Contact: _____

Address: _____

Phone: _____ E-Mail: _____

Owner Information: (per current title policy)

Applicant: _____ Person to Contact: _____

Address: _____

Phone: _____ E-Mail: _____

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.

Owner: _____ **Signature:** _____

Please Print

Applicants must submit the following information in order for the application to be deemed complete and accepted. All information must be submitted following the specifications listed in the Submittal Guidelines document.

Pre-Application Meeting - Date: _____ Planner: _____
(It is highly recommended to check in with a member of the Planning staff prior to variance submittal via email, phone or at the planning counter. This provides an opportunity for the applicant to discuss the proposal and receive direction from staff.)

Fee for Processing, Noticing, and Recording - **No Fees for Eligible Minor Variance*
(Check made payable to: The City and County of Broomfield)

\$25 = application fee

\$100 = notice and publication fee. (required)

- Applicants will be required to provide envelopes and postage at the direction of the case planner.
- Applicants will be required to post a public notice sign at the subject property at the direction of the case planner. This sign is provided by the Planning Division but will require stakes.

APPLICATION SUBMITTAL DOCUMENTS:

- Submit disc(s) or flash drive(s) with a pdf of all items listed on the checklist below. All files must be named and organized in accordance with the Submittal Guidelines.

Application Packet (mm-dd-yyyy)

Plan (mm-dd-yyyy)

A plot plan or improvement plat for the lot showing a scaled drawing of the proposed improvements with dimensions noted.

Statement of Approval or Consent (mm-dd-yyyy)

Approval or consent by adjacent property owner(s) and any homeowners association (i.e. emails or letters).

Written Justification (mm-dd-yyyy)

Written description of the proposal including the following information:

- *Summary of variance or appeal request.*
- *Summary description of the zoning requirement for which the variance is requested.*
- *Summary justification/hardship. Explain why the request is needed.*
- *Summary statement regarding any negative impact on the neighborhood or public good.*

_____ (mm-dd-yyyy) - other requirement(s) as requested

To be completed by Planning:

INCOMPLETE APPLICATION AND APPLICANT INFORMED ON: _____ (date)

APPLICATION COMPLETE AND ACCEPTED ON: _____ (date)

Appeals and Variance Requests
Code Requirements (BMC Sections 17-50-090 and 2-40-070)

Section 17-50-090 Minor Variances

- A. When in the public interest, the city manager or his or her authorized representative, without publishing, posting, or mailing of notice and without public hearing, may consider and render decisions on minor variances involving slight modifications to the provisions of this title, but being limited to the following:
 - 1. Reduction of lot area or minimum floor area by not more than the following amounts:
 - a. Maximum lot area reduction of ten percent;
 - b. Maximum floor area reduction of five percent;
 - 2. Reduction of yards and open areas by permitting portions of a building to extend into and occupy not more than ten percent of the distance of a required yard.
- B. In granting a minor variance, the city manager or his or her authorized representative shall make a finding that the granting of this variance conforms to the intent of subsection 2-40- 070, which sets forth the criteria for the granting of variances.

Section 2-40-070 Planning & Zoning Commission; Powers, duties, and procedures to grant variances and make adjustments to zoning

The Neighborhood Board of Adjustment 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, BMC.; Noise; Visual impact; Dust; Odors; Traffic; and 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 BMC.
- 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](#), B.M.C.
 - 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](#), B.M.C.
 - 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 Neighborhood Board of Adjustment 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.
- 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.