



Board of Adjustment (BOA) Procedural Guide

Department of Planning Services
1402 N. 17TH Avenue, P.O. Box 758, Greeley, CO 80632
www.weld.gov | (970) 400-6100 | Fax (970) 304-6498

Please indicate the type of Appeal (check one) and provide the specific appeal information as well as the completed application materials listed below.

Application Submittal Requirements

- ☐ Appeal of an Administrative Decision as explained in Section 23-6-20 of the Weld County Code.
 - ☐ A specific citation of the section of Chapter 23 which is the subject of disagreement, a written description of the grounds for the appeal and the reasons held by the appellant for the favored interpretation.
- ☐ Appeal for Interpretation of Zone District Boundaries or Lot Lines as explained in Section 23-6-30 of the Weld County Code.
 - ☐ Written and graphic materials serving as evidence sufficient to document the location of the zone district boundary or lot line alleged to be true and proper by the appellant.
- ☐ Appeal for Variance as explained in Section 23-6-40 of the Weld County Code.
 - ☐ A plot plan showing the location of existing features, such as structures, fences, streams, public or private rights-of-way and streets/roads, access, etc. The plot plan shall include all proposed structures.
 - ☐ A copy of a deed, purchase contract or other legal instrument indicating that the applicant has an interest in said property.
 - ☐ A statement that demonstrates that special conditions and circumstances exist which are peculiar to the lot, structure or building involved and which are not applicable to other lots, structures or buildings in the same zoning district.
 - ☐ A statement that demonstrates that literal interpretation of the provisions of this Chapter would deprive the appellant of rights commonly enjoyed by other property owners in the same zoning district under the terms of this Chapter.
 - ☐ A statement that demonstrates that the special conditions or circumstances do not result solely from the actions of the appellant.
 - ☐ A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date. (See attached.)
 - ☐ Evidence that demonstrates that the variance requested is the minimum variance that will make possible the reasonable use of the lot, building or structure.

All appeals listed above also require the following:

- ☐ Application form. (See attached).
- ☐ Authorization form, if applicable. (See attached).
- ☐ Incorporation documents if the owner is a business entity (LLC, etc.), or trust documents.
- ☐ One digital or electronic copy of completed application materials, if required.
- ☐ Any other relevant information which may be required by the Department of Planning Services.
- ☐ Application fee (see below.)
- ☐ Investigation fee, due only if this is a violation case. (50% of the application fee.)

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Application Type	Fee*
➤ Appeal of an Administrative Decision	\$250.00
➤ Appeal for Variance	\$1,100.00

Fees are non-refundable and due when the application is determined to be complete. Fees are set by the Board of County Commissioners. County Staff are not authorized to negotiate fees and cannot, under any circumstance, waive, reduce, or amend the fees set forth in the Weld County Planning Fee Schedule.

*A 2.8% service fee will be included with credit card payments.

It is the applicant's responsibility to meet the application requirements outlined in Article VI of Chapter 23 of the Weld County Code (available online at www.weldgov.com). No appeal application shall be assigned a case number to be reviewed until all required items on the submittal checklist have been completed and submitted to the Department of Planning Services.

The Department of Planning Services is responsible for reviewing and processing the application in accordance with Article VI of Chapter 23 of the Weld County Code. The planner will post one or more notification signs on the property. For variances, the planner will also mail notice to owners of property within 500 feet of the subject property.

The Board of Adjustment will hold a public hearing and make a decision concerning the application in accordance with Article VI of Chapter 23 of the Weld County Code. For appeals of administrative decisions and interpretation of zone district boundaries or lot lines, the concurring vote of 4 of the 5 members of the Board of Adjustment is necessary in order to decide in favor of the appellant. For variances, the concurring vote of 3 of the 5 members of the Board of Adjustment is necessary in order to decide in favor of the appellant. A quorum of 4 of the 5 members must be present in order for the Board to hear the case.

The applicant should attend all hearings scheduled for consideration of the application in order to present the proposal and answer any questions. The applicant is also encouraged to communicate with the planner assigned to process and review the application once it has been submitted in order to keep up to date with any developments pertaining to the application.

For variances, it is also recommended that the applicant contact owners of property within at least 500 feet of the subject property about the proposed use prior to applying. Do not attempt to contact Board of Adjustment members about your project.

Staff are available to assist the applicants through this process. For questions, please visit the Department of Planning Services at 1402 N. 17th Avenue, Greeley, Colorado or call us at (970) 400-6100.

Contact Information and Office Locations

Weld County Planning, Building and Development Review

1402 N 17th Avenue

PO Box 758

Greeley, CO 80632

(970) 400-6100

www.weld.gov/Government/Departments/Planning-and-Zoning

www.weld.gov/Government/Departments/Building

Weld County Department of Public Health and Environment

Weld County Septic Permits

On Site Waste Water Systems (OWTS)

1555 N 17th Avenue

Greeley, CO 80631

(970) 304-6415

www.weld.gov/Government/Departments/Health-and-Environment

Colorado Department of Transportation (CDOT)

10601 W. 10th Street

Greeley, CO 80634

(970) 353-1232

www.codot.gov/

Division of Water Resources

Water Wells

1313 Sherman St. Ste. 821

Denver, CO 80203

(303) 866-3581 ext. 0

1809 56th Avenue

Greeley, CO 80634

(970) 352-8712

<https://dwr.colorado.gov/>

Well Permitting Information:

<https://dwr.colorado.gov/services/well-permitting>

Soil Conservation Districts

Boulder Valley and Longmont – (303) 776-4034

Brighton & Southeast Weld – (303) 659-0525

Centennial – (970) 522-7440 ext. 3

Greeley – (970) 356-6506

Larimer (Big Thompson & Ft. Collins) – (970) 295-5658

Morgan – (970) 867-9659 ext. 4

Platte Valley – (303) 857-6721

Southeast Weld – (303) 659-7004 ext. 101

West Adams – (303) 659-2080

www.coloradoacd.org

Colorado Geological Survey

Division of Minerals and Geology

1313 Sherman Street

Room 715

Denver, CO 80203

(303) 384-2643

www.coloradogeologicalsurvey.org

Board of Adjustment (BOA) Application

Planning Department Use: _____	Date Received: _____
Amount \$ _____	Case # Assigned: _____
Application Received By: _____	Planner Assigned: _____

Please indicate the type of Appeal (check one):

_____ Appeal of an Administrative Decision. Code section: _____

_____ Appeal for Interpretation of Zone District Boundaries.

_____ Appeal for Interpretation of Lot Lines.

_____ Appeal for Variance. Code section: _____

Property Information *(Attach additional sheets if necessary.)*

Is the property currently in violation? ☐ No / ☐ Yes Violation Case Number: _____

Site Address: _____

Parcel Number: _____ - _____ - _____ - _____ - _____

Legal Description: _____ Section: _____, Township _____ N, Range _____ W

Zoning District: _____ Acreage: _____ Within subdivision? ☐ No / ☐ Yes Townsite? ☐ No / ☐ Yes

If yes, subdivision or townsite name: _____

Floodplain ☐ No / ☐ Yes Geological Hazard ☐ No / ☐ Yes Airport Overlay ☐ No / ☐ Yes

Property Owner(s) *(Attach additional sheets if necessary.)*

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

Applicant/Authorized Agent *(Authorization must be included if there is an Authorized Agent.)*

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

I (We) hereby depose and state under penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my (our) knowledge. All fee owners of the property must sign this application, or if an Authorized Agent signs, an Authorization Form signed by all fee owners must be included with the application. If the fee owner is a corporation, evidence must be included indicating the signatory has the legal authority to sign for the corporation.

_____ Signature	_____ Date	_____ Signature	_____ Date
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_____ Print	_____ Print
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Departments of Planning
Building and Development Review
1402 N 17th Avenue, P.O. Box 758
Greeley, CO 80632

Authorization Form

I, (We), _____, give permission to _____
(Owner – please print) (Authorized Agent/Applicant–please print)

to apply for any **Planning, Building, Access or Grading** permits on our behalf, for the property located at (address or parcel number) below:

Legal Description: _____ of Section _____, Township _____ N, Range _____ W

Subdivision Name: _____ Lot _____ Block _____

Property Owners Information:

Address: _____

Phone: _____ E-mail: _____

Authorized Agent/Applicant Contact Information:

Address: _____

Phone: _____ E-Mail: _____

Correspondence to be sent to: Owner _____ Authorized Agent/Applicant _____ by: Mail _____ Email _____

Additional Info: _____

I (We) hereby certify, under penalty of perjury and after carefully reading the entire contents of this document, that the information stated above is true and correct to the best of my (our) knowledge.

Owner Signature Date _____ Owner Signature Date _____

Subscribed and sworn to before me this _____ day of _____, 20 _____ by _____.

My commission expires _____

Notary Public

**Affidavit of Interest Owners
Surface Estate**

I, the undersigned, certify that the attached list is a true and accurate list of the names, addresses, and corresponding Parcel Identification Numbers assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the subject property(ies). This list was compiled from the records of the Weld County Assessor, or a person qualified to do the task, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Department of Planning Services.

Subject Property(ies): _____

Signature Date