

Guide to Appeals

INTRODUCTION

The Douglas County Department of Community Development (DCD) is committed to providing open, transparent application processes to the public. This Guide has been developed to assist anyone interested in accessing the materials necessary to apply for an appeal. The information in this packet is a summary of Section 26A of the Douglas County Zoning Resolution (DCZR).

WHAT IS AN APPEAL AND WHEN IS IT NECESSARY?

An appeal may be made by any person aggrieved by a final administrative determination by the Director of Community Development regarding, or enforcement of, the provisions of the DCZR. Appeals are heard by the Board of Adjustment.

ARE THERE ANY APPEAL LIMITATIONS?

An appeal must be made in writing and submitted to the Planning Services Division within 30 days of an administrative decision.

WHAT CRITERIA MUST BE MET?

- An appeal may be granted by the Board of Adjustment only if it is determined that the administrative official has made an error in the interpretation or application of the DCZR or Planned Development plan, or similar regulatory document.
- An appeal may be granted provided that no substantial detriment to the public good is created and that the intent and purpose of the DCZR are not impaired.
- All three members of the Board of Adjustment must agree on the vote in order to reverse any order, requirement, decision, or determination of any such administrative official.

APPEAL FEES

Appeal	\$500
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Make checks payable to Douglas County

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Step 1

Pre-application Meeting

Step 2

Application*

Step 3

10-14 Day Referral

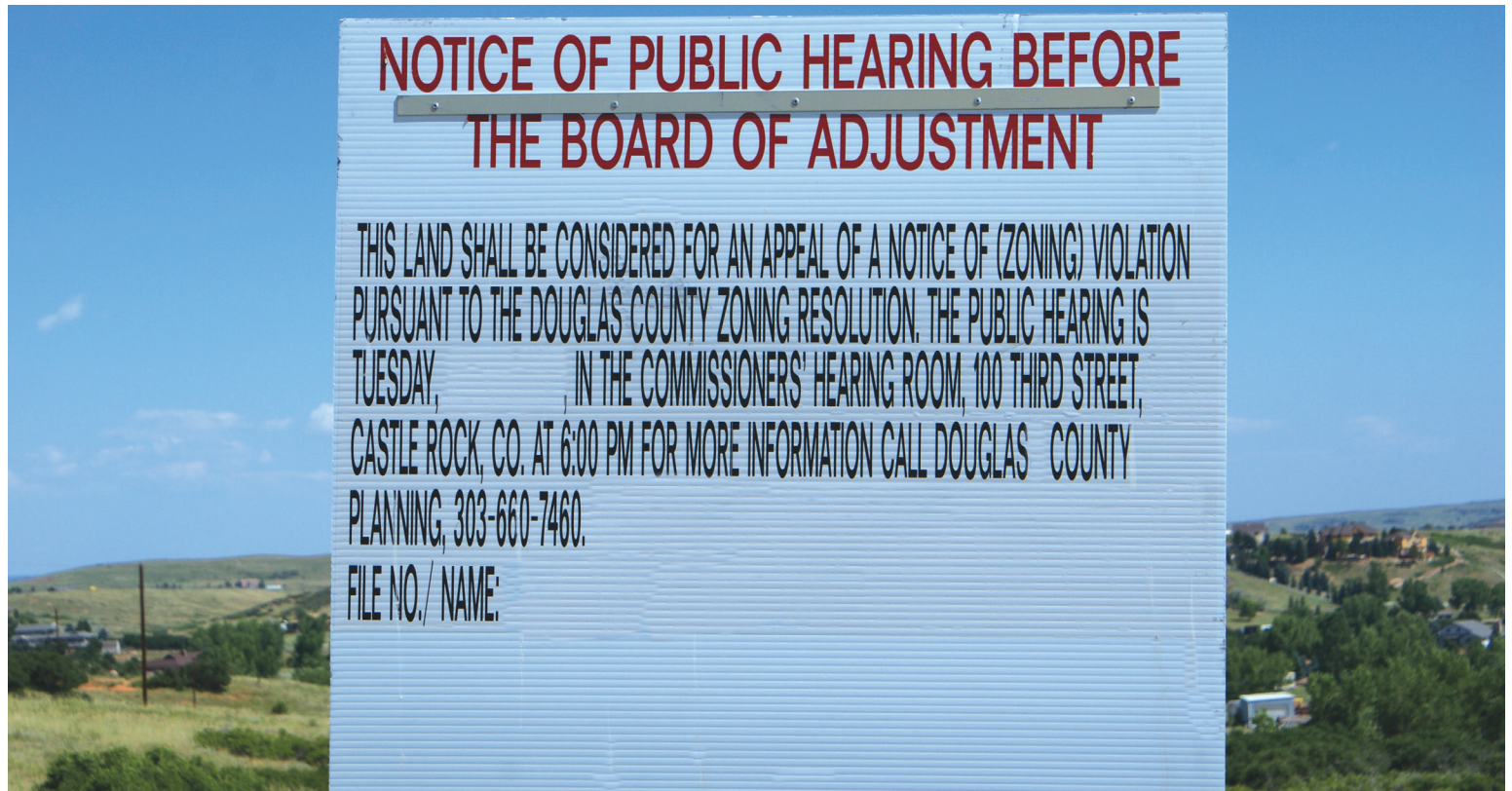
Step 4

14-Day Public Notice

Step 5

Board of Adjustment

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Steps 1-5 of the Appeal Process

STEP

1

Pre-application Meeting

COUNTY STAFF'S GOAL FOR COMPLETION: 1 DAY

Call 303-660-7460 to schedule a meeting to discuss your needs, ask questions and learn about the process.

Application

COUNTY STAFF'S GOAL FOR COMPLETION: 2 DAYS

Once an application for an appeal is submitted and a planner is assigned, the applicant will be contacted. The application will be reviewed to determine if additional information is needed. An appeal must be made in writing and submitted to the Planning Services Division within 30 days of an administrative decision.

Submittal Checklist (summarized from Section 2604A of the DCZR)

- Pre-application meeting
- Completed Land Use Application form
- Application fee
- Narrative letter:
 - Explain the request
 - Explain how the administrative official has made an error in his or her interpretation

The planner will provide the applicant with a letter stating when the hearing date has been set and let them know about their public notice responsibilities.

10-14 Day Referral, if necessary

REFERRAL PERIOD: 10-14 DAYS

The planner prepares referral packets containing an application, narrative, referral response request and any additional information and sends it to agencies that may be affected by the request, such as the fire district, Building Division, Department of Public Works Engineering, homeowners' associations, health department, utility company, etc. The referral period provides an opportunity for various agencies to comment on the application.

The planner forwards referral comments to the applicant as they are received so the applicant can begin addressing any comments. The planner can assist in facilitating meetings and discussions between the applicant and referral agencies, if necessary.

14-Day Public Notice

APPLICANT'S REQUIREMENT: 14 DAYS

At least 14 days prior to the hearing, the applicant completes the public notice (signs and letters) as stated in the requirements of Section 2605A of the DCZR. The applicant must provide the planner with a Certificate of Mailing and Affidavit of Sign Posting as proof that this has been completed at least 7 days prior to the hearing (Section 2605A of the DCZR).

Board of Adjustment Hearing

COUNTY STAFF'S GOAL FOR COMPLETION: 3 DAYS

Board of Adjustment hearings are generally held the third Tuesday of the month at 1:30 p.m. in the Commissioners' Hearing Room. The planner prepares the staff report, attachments, presentation, and provides copies to all necessary parties prior to the hearing. At the hearing, the applicant should be prepared to present pertinent information and address any questions about the proposed appeal.

The Board of Adjustment evaluates the application, referral agency comments, staff report and public testimony, and will approve the appeal, approve it with conditions, table it for further study, or deny it based on the evidence presented in compliance with the applicable criteria.

STEP

2

STEP

3

STEP

4

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