



Estes Valley Appeals



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WHAT IS AN APPEAL?

An appeal is a written request challenging a land use decision.

Appeals are made when you think the decision was made in error, and want to challenge the decision to the appropriate authorities. These include the Board of Adjustment, the Planning Commission, the Town Board or Board of County Commissioners, and the District Court.

Each written notice of appeal must state specific grounds for the appeal and cite all relevant Sections of the Estes Valley Development Code (EVDC). The Board hearing the appeal will consider only those matters specified in the written request.

WHO CAN FILE AN APPEAL?

Parties-in-interest can file an appeal. Only the following are considered *parties-in-interest*:

1. The Applicant;
2. Any party holding a proprietary or possessory interest in the property;
3. Owners of property located within five (500) feet of the boundaries of the subject property, except for appeals of separate lot determinations

WHO CAN APPROVE AN APPEAL?

It depends on the type of appeal:

1. Appeals to final decisions made by Staff in administering or interpreting the EVDC are taken to the Board of Adjustment.
2. Appeals to decisions made by the Board of Adjustment are taken to a Colorado court of competent jurisdiction.
3. Appeals to final decisions made by Staff on use classifications and separate lot determinations are taken to either the County Commission or the Town Board, as applicable.

4. Appeals to a final decision made by the Estes Valley Planning Commission are taken to either the County Commission or the Town Board, as applicable.
5. Appeals to final decisions made by the County Commission or the Town Board are taken to a Colorado court of competent jurisdiction.
6. Appeals from issuance of a notice of violation or stop work order are taken to a Colorado court of competent jurisdiction.

WHEN CAN I FILE AN APPEAL?

Appeals must be filed within thirty days after the final decision being appealed.

Appeals submitted after this thirty-day period cannot be accepted.

The hearing before the appropriate Board or Commission will be held within sixty (60) days of filing the written request.

WHERE DO I FILE AN APPEAL?

It depends on the type of appeal:

1. Appeals to staff decisions are submitted to the Community Development Department.
2. Appeals to Board of Adjustment decisions are made to District Court.
3. Appeals to the Estes Valley Planning Commission decisions are submitted to the Community Development Department.
4. Appeals to the Town Board of Trustees decisions are submitted to the Town Clerk.
5. Appeals to the Board of County Commissioners decisions are submitted to the Community Development Department.

Note: This information was summarized from EVDC Section 2.1.B *Code Administration and Review Roles* and Section 12.1 *Appeals*. These regulations can be accessed online at www.estes.org