

February 4, 2021

Fred Starr
Community Development Director, Town of Erie, CO
645 Holbrook
PO Box 750
Erie, CO 80516

Re: Application for an Appeal of an Asserted Error to the Board of Adjustment
Precious Metal Converter, LLC, Town of Erie Business License

Sent via email to FStarr@ErieCO.gov

Dear Mr. Starr:

Pursuant to the Town of Erie, Colorado, Unified Development Code ("UDC") § 10.7.22, this letter serves as an application for an appeal of the decision of the Town of Erie, Colorado, Community Development Director regarding the business license and permitted business use of Precious Metal Converter, LLC ("PMC"). Specifically, PMC applies to appeal to the Town of Erie Board of Adjustment the erroneous interpretation and decision to deny PMC's application to update its business license with the Town of Erie to include NAIC Code 522298, which encompasses consumer cash lending secured by personal property, known as pawning.

While we appreciate that § 10.3.1.C. of the UDC states "use of a property for any other use not specifically permitted in Table 3.1 ... is prohibited", we note that § 10.3.1.D. requires the Community Development Director (CDC) "to provide an interpretation as to the zoning classification into which [an unlisted] use should be placed." PMC's business is a mix of buying / selling precious metals and pawn broking. Accordingly, PMC should have been classified by the CDC as "General Retail", "Bank", and / or "Financial Institution", all terms as defined and used in the UDC. We note that all three of these classifications are permitted by right under the UDC.

We likewise appreciate that CRS § 31-23-301 permits the Town of Erie to enact and enforce local zoning ordinances, but we note that the standard by which this activity is to be conducted under Colorado law is health, safety, morals, or general welfare and there is no evidence that a wholesale ban on pawn broking relates to this standard. In sum, the Town of Erie does not have the authority to prohibit pawn broking, pursuant to CRS § 31-23-301 because there is no evidence that doing so relates to health, safety, morals, or general welfare.

I look forward to hearing from you regarding the date and time of the public hearing of this appeal before the Board of Adjustment and please note that we would appreciate having this scheduled as soon as possible because PMC is daily incurring additional expenses due to the denial of its application to update its description of business activities.

Best regards,



Matt Smith
CO Attorney # 45496

Matt Smith, Esq.
Matthew.Brian.Smith@gmail.com
303.641.0002

CC: Kendra L. Carberry, Town of Erie Attorney
Hoffman, Parker, Wilson & Carberry P.C.
Via email to KLC@HPWClaw.com

Town of Erie Business License
Via email to UtilityBilling@erieco.gov

Tyrone Fay, owner PMC
Via email to TyroneFay@hotmail.com

Matt Smith, Esq.
Matthew.Brian.Smith@gmail.com
303.641.0002