

**TOWN OF CASTLE ROCK  
BOARD OF ADJUSTMENT  
BYLAWS**

The Board of Adjustment of the Town of Castle Rock has been established by the Town Council to hear various matters, set forth in Chapter 17.06 of the Castle Rock Municipal Code. The Board of Adjustment is empowered to promulgate its own rules and regulations necessary to carry into effect the provisions of Title 17 and Title 19 of the Castle Rock Municipal Code. Pursuant to the authority granted to the Board of Adjustment by the Castle Rock Municipal Code Section 17.06, the Board of Adjustment hereby adopts the following bylaws to govern its conduct and procedures.

**Article 1 – Authorization**

**A. Purpose**

The Board of Adjustment shall have the following powers and duties, all of which shall be exercised, subject to the laws of the State and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of Titles 17 and 19 of the Castle Rock Municipal Code, the policies of the Town Council, and in accordance with the public interest and the most appropriate development of the neighborhood.

**B. Powers**

The Board of Adjustment shall have the following powers:

1. 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;
2. To hear and decide appeals on specific cases for a variance to the following:
  - a. Minimum area of lot;
  - b. Minimum width of lot;
  - c. Maximum height of buildings;
  - d. Minimum front yard;
  - e. Minimum side yard;
  - f. Minimum rear yard;
  - g. Minimum off-street parking requirements;

- h. Title 19 Sign Code Regulations, except as limited under subsection 19.04.080.H, CRMC;
- i. Minimum landscape requirements;
- j. Maximum fence height; and
- k. Title 17.58 (Illumination) of this Title.

3. To hear and decide appeals for reasonable accommodation, including but not limited to reasonable accommodation for persons with a disability.

### **C. Making Decisions**

In making its decision on a variance application, the Board shall consider the following and find:

- a. The strict enforcement of the provisions of this Code will result in practical difficulties or unnecessary hardship to the applicant, inconsistent with the intent and purpose of this Code;
- b. The practical difficulties or unnecessary hardship were not created by the applicant;
- c. Unique physical conditions or exceptional topography exist on the subject property and similar unique conditions do not exist on neighboring properties;
- d. The property is unable to be reasonably developed in conformity with the provisions of this Code due to unique physical conditions or exceptional topography;
- e. The variance, if granted, will not substantially alter the character of the neighborhood in which the property is located, or impair the use or development on adjacent property; and
- f. The variance, if granted, will not create an adverse effect on public health, safety and welfare or cause harm to adjacent properties.

### **D. Decision of the Board**

The decision of the Board shall be final, subject to judicial review.

## **Article 2 - Organization**

### **A. Officers**

The officers of the Board of Adjustment shall be the Chair and a Vice-Chair. In the absence of both the Chair and Vice-Chair, the members present at such meeting may

designate a Chair pro-tem to preside over the meeting. The Chair and Vice-Chair shall be elected by majority vote from the Board at the first meeting held in June of each year. Terms for officers shall be for one year.

The Chair shall be the executive officer of the Board and shall preside over all meetings of the Board, call special meetings and workshop sessions of the Board as needed, sign documents of the Board, cancel regular meetings, and see that all actions of the Board are properly taken.

The Vice-Chair shall be empowered with the same duties and authorities as the Chair in the absence of the Chair.

#### **B. Staff**

The Development Services Department, under the direction of the Development Services Director, shall provide necessary technical and advisory support to the Board and, through the Town, shall retain needed outside consultants to assist the Board.

#### **C. Membership**

The Board shall consist of five members, all of whom shall be residents of the Town of Castle Rock. The members shall be appointed by the Town Council pursuant to Chapter 17.06 of the Castle Rock Municipal Code. Each publicly appointed member shall serve staggered terms for a period of two years. All terms shall run from June 1 through May 31 of the second year. Citizens are eligible to serve a maximum of 3 terms for a total of six years. All members of the Board shall serve without compensation.

#### **D. Removals and Vacancies**

Members shall serve at the pleasure of the Town Council and may be removed with or without cause by majority vote of the Town Council at any time for any reason. Vacancies which may occur shall be filled by the Town Council for the remainder of the unexpired term.

#### **E. Personal Conduct**

Each member of the Board shall exhibit the highest degree of professionalism and commitment to public service possible through the thorough and impartial examination of all matters before the Board. Members shall make every effort to avoid any appearance of conflict or impropriety in their dealings with the public and each other. Members shall avoid using their position on the Board in matters related to personal gain.

Members shall comply with the Code of Conduct, Castle Rock Municipal Code Chapter 2.05.



**F. Application of Laws**

The Board shall conform to all Castle Rock Municipal codes and regulations, as well as any Colorado statute which may apply to members' conduct or activity, or the Board as a whole.

**Article 3 - Procedure**

**A. Regular Meetings**

Regular meetings shall be held on the first Thursday of each month, excluding holidays. All regular meetings will be held at 6:00 p.m. at Town Hall, 100 N. Wilcox Street, Castle Rock, Colorado, unless otherwise designated. All meetings shall be open to the public. In the event the Board has no hearings scheduled for any regular meeting, the Development Services Director or designee may cancel the regular meeting. The Board shall have a minimum of one regular meeting per year.

**B. Special Meetings**

Special meetings may be called by the Development Services Director or designee, Chair or two members of the Board. The Chair or two members calling the special meeting shall fix the place and time for the special meeting, and shall give the members 24 hours' notice of the special meeting, as provided below in Article 3 (C).

**C. Notice of Meetings**

Notice to the members of each regular meeting shall be deemed given by these Bylaws. Notice to the public of regular or special meetings shall be given in compliance with the Colorado Open Meetings Law, C.R.S. Section 24-6-401, *et. seq.*, as from time to time amended. Notice of special meetings shall be given to members at least 24 hours in advance by either (1) announcing the special meeting at a regular meeting; or (2) transmitting electronic mail or fax, in all cases directed to the member at his or her residence or place of business.

**D. Quorum**

A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting, provided that if less than a majority of the members are present at said meeting, a majority of the members who are present may adjourn the meeting to another time without further notice.

**E. Manner of Acting**

The concurrence of three members present at a meeting at which a quorum is present shall be the act of the Board.

## **F. Minutes and Records**

Minutes of all meetings of the Board shall be kept. The Development Services Department shall maintain all of the records of the Board and shall transmit them timely to the Board for their review and approval.

## **G. Executive Sessions**

The Board may go into executive session for any reason allowed under the Colorado Open Meetings Law, C.R.S. Section 24-6-401, *et. seq.*, as from time to time amended. Executive sessions shall be called in the matter set forth in the Colorado Open Meetings Law.

## **H. Hearing Procedures**

The Board shall follow the following procedure for all public hearings:

1. Call to order.
2. State brief purpose of the hearing and identify the applicant. Ask for proof of public notice and read it into the minutes.
3. Ask for staff report.
4. Ask for applicant's comments including a description of any displayed graphic materials.
5. Open the Public Hearing and announce the following procedures for taking public comment:
  - a. Any person wishing to speak shall be given an opportunity to make their statements. Persons wishing to speak should place their name on the public hearing sign-up sheet. The order of public testimony will be taken from the sign-up sheet, unless a compelling reason is given to take a person's testimony at an earlier point.
  - b. Before speaking, please identify yourself for the record by stating your name, place of residence, your association with the action before the Board, and any financial or personal interest you may have in that action. If you do not live within the municipal limits of Castle Rock, please state so for the record. Provide your testimony. In the interest of time, please indicate that you agree with another's testimony rather than restating it.
  - c. If you have any material to support your testimony such as pictures, petitions and maps, please present them to the Chair so that they may become part of the record.
6. Allow the applicant an opportunity to present any rebuttal testimony or evidence in response to public comment, testimony, or questions.
7. The Board shall then be given an opportunity to ask questions of the applicants, staff, or any public presenting testimony.

8. Close the public hearing. Once the public hearing is closed, the Board may discuss the application for purposes of preparing a motion on the application.
9. Board motion and vote – the Board may act on the item being heard by recommending approval, approval with conditions, denial, or continuation to a date certain.

#### **I. Robert's Rules**

Any matter not addressed by these Bylaws shall be governed by Robert's Rules of Order.

#### **Article 4 - Amendments**

These Bylaws may be amended by an affirmative vote of four members of the Board during a regular or special meeting. There shall be at least a five day period between the initial proposal of an amendment and the final vote of the amendment.

#### **Article 5 - Approvals**

The above Bylaws for the Town of Castle Rock Board of Adjustment have been duly considered and reviewed and are hereby adopted by the Board of Adjustment this \_\_\_\_ day of June 7, 2018.

**ATTEST:**

\_\_\_\_\_  
Vice-Chair

**BOARD OF ADJUSTMENT**

\_\_\_\_\_  
Chair