

**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