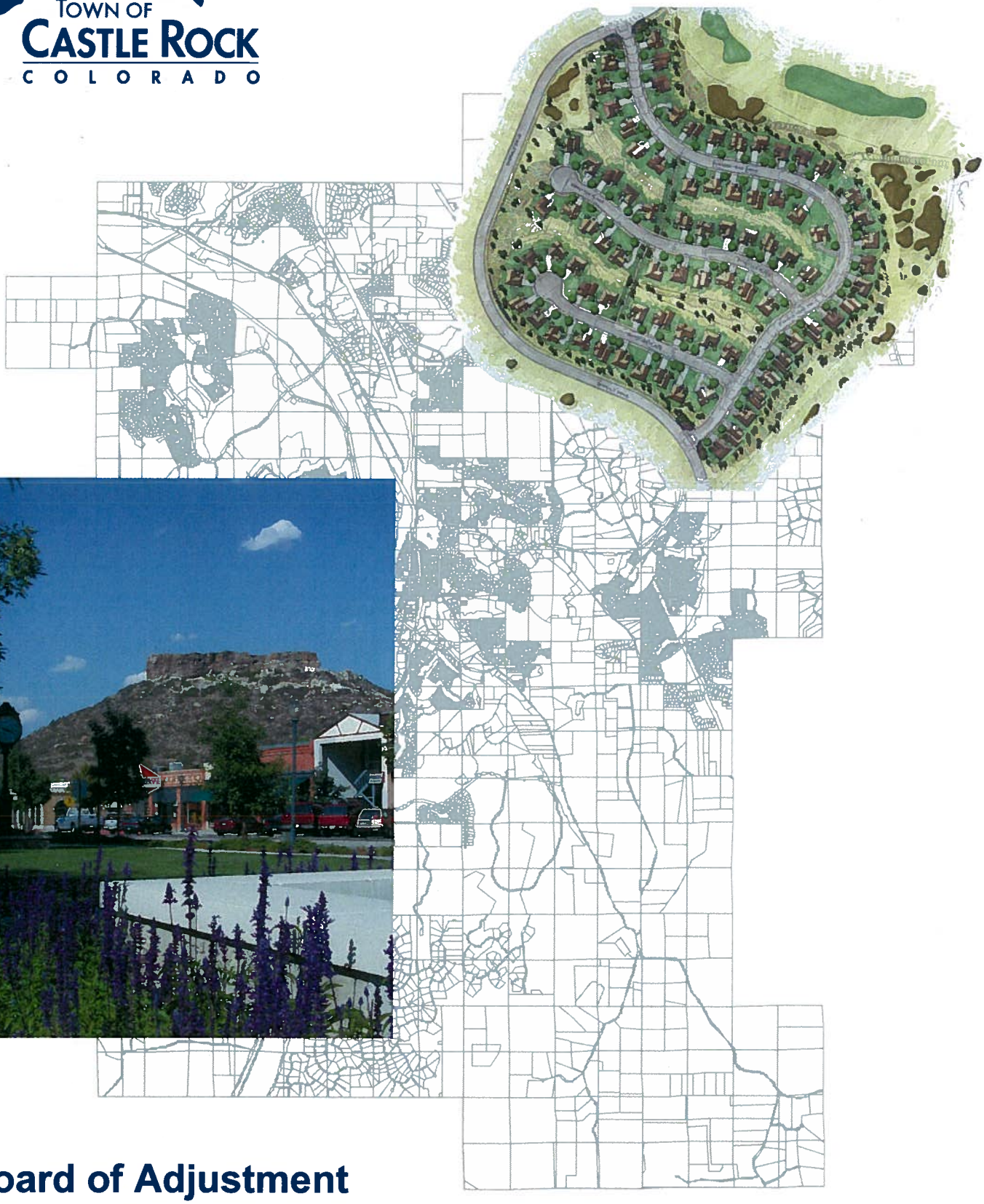
TOWN OF
CASTLE ROCK
COLORADO



Board of Adjustment Application Guide

TOWN OF CASTLE ROCK COLORADO

LAND DEVELOPMENT APPLICATION

NAME OF PROJECT: _____ PROJECT NO. _____

PROPERTY ADDRESS / GENERAL LOCATION: _____

LEGAL DESCRIPTION: _____

_____

_____

PLEASE CHECK THE TYPE OF APPLICATION:

- o SKETCH PLAN
- o ANNEXATION
- o ZONING/REZONING
- o PLANNED DEVELOPMENT PLAN
- o PDP AMENDMENT
- o SITE DEVELOPMENT PLAN
- o SDP- USE BY SPECIAL REVIEW
- o SDP-AMENDMENT
- o WIRELESS USE BY SPECIAL REVIEW
- o DOWNTOWN FAÇADE/VARIANCE
- o PLAT
- o CONSTRUCTION DOCUMENTS
- o GESC
- o ZONING/SIGN VARIANCE
- o TEMPORARY USE PERMIT
- o OTHER: _____

SUMMARY DATA:

Present Zoning/Use _____

Proposed Zoning/Use _____

Area in Acres _____

Proposed # of Lots/DUs _____

Proposed Building Sq. Ft. _____

PROPERTY OWNER INFORMATION:

Name _____

Company _____

Address _____

_____

Fax _____

Phone _____

Email _____

_____

Signature of Property Owner

_____

Name (Please Print)

REPRESENTATIVE INFORMATION:

Name _____

Company _____

Address _____

_____

Fax _____

Phone _____

Email _____

_____

Signature of Representative

_____

Name (Please Print)

Staff Use Only

Date Received: _____

Application Fee Received: _____

Staff Contact:: _____

Achieving the Community Vision through Excellence, Dedication and Service

TOWN OF CASTLE ROCK COLORADO

BOARD OF ADJUSTMENT FAQ

DISCLAIMER: Nothing contained herein should be construed as any form of legal advice nor does the information contained herein constitute legal advice. Anyone desiring legal advice should contact independent counsel.

- **What does the Board of Adjustment do?**
  The Board of Adjustment hears and decides **exceptions** (also known as **variances**). Variances provide relief from certain requirements of the Town Zoning or Sign codes. The Board may grant variances in cases where owners of a property would suffer practical difficulty or unnecessary hardship if the Zoning or Sign Ordinance were strictly enforced. The property must have an exceptional shape, topography issues, or some other exceptional situation or condition in order to be eligible for a variance. The Board can also hear **variances** and **appeals** to the interpretation of the Town's Sign code.

- **What types of variances can the Board of Adjustment approve?**
  The Board may authorize **variances** regarding:
  1. Minimum lot area
  2. Minimum lot width
  3. Maximum building height
  4. Minimum front yard setback
  5. Minimum side yard setback
  6. Minimum rear yard setback
  7. Minimum off-street parking requirements
  8. Title 19 – Sign Code Regulations, except for maximum permitted sign area, which must be approved by Town Council as well as the Board of Adjustment
  9. Minimum landscape requirements
  10. Maximum fence height
  11. Chapter 17.58 - Illumination Code

  The Board is not authorized to grant any other variances. The Town of Castle Rock Board of Adjustment **does not** grant use variances, which allow uses other than those listed in the Zoning Code.

- **What's the difference between a sign code variance and a sign code appeal?**
  A variance to the sign code is a request to allow setbacks, sign height, sign area or sign separation that are different from what the code requires. An appeal may be made to review any order, requirement, decision or determination made by any administrative official enforcing any provision of this sign code.

- **Is there a time limit for an appeal?**
  An appeal to an administrative decision must be made within thirty (30) days of the date of such decision or knowledge of the decision, actual or implied.

- **How much does a variance cost?**
  The Application fee for a variance request is referenced in the Development Services Fee Schedule. The applicant is also responsible for the costs associated with the public notice in the newspaper and with certified mail to every property owner within 300 feet of your property.

- **How much does a sign code appeal cost?**
  The application fee for an appeal to the interpretation of the sign code is referenced in the Development Services Fee Schedule.

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- **What are my chances of getting a variance?**
  We cannot speculate on a situation without having a complete application. Bear in mind that the Zoning Code is presumed to be valid. You must not only prove that there is something exceptional about the property, but also prove that the peculiarity creates a practical difficulty or unnecessary hardship if the Zoning Code were strictly enforced.

- **How can I tell is my property is exceptional?**
  The property has to be different that the properties in close proximity. Some items to consider:
  - Shape of lot – Is the lot shape different or unique when compared to others?
  - Topography (slope) of lot – Are there unusual terrain or site constraints not shared by other lots in the area?
  - Building/land – Is there anything unique about the building or land?
  - Peculiar to property – Is the condition shared by surrounding properties?
  - Time – Would the condition continue with a new property owner, or is it unique to the current owner?

- **How does the Board make a decision on an application?**
  In making its decision, the Board considers Hardship, Harm and Harmony. For further information, please see Section 17.06-020 of the Town's Municipal Code

- **What situations are *not* appropriate for variances?**
  - *Self-Inflicted Hardship* – the applicant intentionally or negligently violated code
  - *Personal Hardship* – examples include hobbies or needs of an individual using the property
  - *Economic Hardship* – the property can still be used, but it would be costly to meet the code requirements
  - *Aesthetics* – the appearance of the property would be improved by not following the code
  - *Inconvenience* – meeting the code would be inconvenient or would not allow the owners their "preferred" alternative

- **What else should I consider before I apply for a variance?**
  Variances are intended to put a property into the same or equal position as other properties in the neighborhood. If a variance would give you greater rights than other properties in the area, then the variance is not appropriate.

- **Do I need to hire legal counsel or other professionals in order to apply for a variance?**
  Legal counsel is not required in order to apply for a variance. However, there may be instances where a trained professional such as a lawyer, an architect or a building contractor can help clarify your position.

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In accordance with Chapter 17.06 of the Castle Rock Zoning Ordinance, the following requirements must be met before the application is considered complete:

- ❑ **Strongly Recommended:** Pre-Application Meeting with Planning Staff

  Date: ___ / ___ / _____ Planner: _____

- ❑ Board of Adjustment application, completed and signed.

- ❑ Planning review fee (Please refer to current Development Services Fee Schedule)

For Variances:

- ❑ Five (5) copies of a site plan folded to 8.5" x 11". If the drawing is larger than 11" x 17", we require an 11" x 17" or smaller copy as well. The site plan must include the proposed new construction, existing structures/features and dimensions to property lines.

- ❑ A description of present and intended uses for the property. The project description must include the following topics:

  1. Describe the exceptional situation or condition that exists on the property.
  2. Describe the difficulty or hardship that would be created by a strict enforcement of the code.
  3. Describe why the approval of your variance would not create an adverse impact on public health, safety and welfare.

- ❑ Additional information you believe is relevant. This can include building elevations, photo simulations, grading and drainage plans, charts, tables, etc.

For Sign Code Appeals:

- ❑ A description of how and why the administrative decision/interpretation by a Town official is incorrect and should be overruled by the Board of Adjustment. The description also needs to include the date of the decision being appealed.