



Your guide to the Jefferson County Colorado Board of Adjustment Hearings

The County appreciates your interest and involvement in the Board of Adjustment hearing process. Following is information regarding the hearing procedure, as well as general information about the Board of Adjustment. It is intended to provide a better understanding and awareness of the Board's authority, function, and responsibility.

The Jefferson County Board of Adjustment is a seven-member Board, appointed by the Board of County Commissioners. Board members are not County employees; they are Jefferson County citizens selected from the community at large, and represent a variety of occupations and interests.

Purpose

The purpose of the Board of Adjustment is to grant relief from the strict application of the Jefferson County Zoning Resolution, where compliance with the regulations would create undue hardship or exceptional difficulty. Relief can be granted only if the Board finds an adequate hardship and further, that the request will not impair the general intent and purpose of the Zoning Resolution. Property owners may request a hearing before the Board when they are unable to meet the standards established by the zone district which governs their property, and must present a valid hardship, i.e., topography, lot size, or other unique site constraints.

The Board is empowered to hear the following types of cases:

- * appeals where the applicant alleges there is an error in any order, requirement, decision, or refusal made by an administrative official or agency related to the Jefferson County Zoning Resolution;

- * requests for interpretations of the zoning maps;
- * requests for variances and/or special exceptions for lot area, setbacks, height, parking area, access standards, etc.;
- * requests to allow certain types of home occupations;
- * requests to allow the temporary use of trailers, buildings, etc.; and
- * consideration of requests dealing with floodplains and geologic hazards.

The Board of Adjustment cannot grant a variance to allow a land use which is not authorized by the applicable zone district, and therefore, the granting of a request before the Board *does not constitute a change to the zone district*. A rezoning is required to change land use.

Authority

The Board of Adjustment is a decision-making authority, and decisions of the Board are final. Possible recourses are to:

- * request a rehearing before the Board to present new evidence; or
- * seek private legal counsel and appeal directly to the District Court.

Hearings

Hearings are usually held on the 1st and 3rd Wednesdays of each month at 9:00 a.m. (See the website “Agendas/Cases/Meetings” for hearing schedule) in Hearing Room One, located at 100 Jefferson County Parkway, Golden, Colorado. Special hearings are held at the discretion of the Chairman, and at a time determined by the Board.

When a hearing before the Board of Adjustment is requested, the property owner is required to post a public notice sign, provided by the County, in a conspicuous location on their property in order to alert neighbors and other concerned parties of the upcoming hearing. State Statute mandates that the public notice sign be posted a minimum of 15 days prior to the scheduled date of hearing. Each member of the Board, as well as the Staff Planner who is processing the case, personally visits and inspects each site, and proper posting is verified at the time of hearing.

Hearings of the Board of Adjustment are open to the public, and interested citizens may voice their concerns in either of two ways: by means of personal testimony at the hearing, or in writing. Each method carries equal weight, and all correspondence received is entered into the record and becomes a part of the permanent file. Decisions are made on a case-by-case basis, and therefore, variances granted by the Board of Adjustment do not set precedent.

Procedure

The Chairman will call the hearing to order and announce the first case. Cases are generally heard in the order presented on the agenda, and the current agenda is posted at the entrance to the Hearing Room for your review. The applicant and/or representative will come forward, be sworn in, and verify proper posting of the property in question. *Each individual presenting testimony to the Board will be sworn in prior to testifying.*

The County staff member reviewing the case will first read his/her comments into the record and present any findings to the Board. Next, all pertinent correspondence is addressed. The applicant then presents his/her case, stating the reason(s) the variance has been requested and answering any questions from the Board.

Testimony will then be called for from either proponents or opponents of the request. Each person wishing to present testimony shall have the right to be heard, however, please keep the following in mind:

- 1. Please state your name and mailing address for the record, speaking **clearly and into the microphone.****
- 2. When giving testimony, it is required that you speak directly into the microphone so that your testimony will be on the record. Please do not make comments from the audience area of the Hearing Room; it is necessary that you come forward to one of the microphones provided, even if your comments are brief.**
- 3. When testifying, please address the Board directly. No dialogue should take place between applicants and opposition. Any questions or concerns you have should be brought to the attention of the Board and they, in turn, may question the other party.**
- 4. Please ensure that all comments relate *only to the case before the Board.* The Board of Adjustment does not have authority to settle civil disputes or issues not related to the specific variance request. Also, please refrain from giving repetitive**

testimony. The Board will welcome comments such as "I agree with the previous speaker", or "I am also very concerned about the traffic impact", rather than giving lengthy testimony on an issue which has already been established.

Fees

Fees are on-line at our web site or call 303-271-8700. Make checks payable to Jefferson County Treasurer.

County Staff

The Board is supported by the Zoning Administrator, a Case Planner, an Attorney, and an Administrative Coordinator; all of whom are full-time employees of Jefferson County.

Board Of Adjustment Selection

The Board of Adjustment (BOA) is established pursuant to the Colorado State Statute, and all Board members are appointed by the Board of County Commissioners. Regular members are appointed for three-year terms. Associate members are appointed for one-year terms. All members are eligible for reappointment when their term expires. Anyone interested in serving on the Board of Adjustment is welcome to submit written personal data and qualifications to the Board of County Commissioners.

Home addresses and telephone numbers of Board members are not available to the public, and the most effective means of communication is through the offices of the Planning and Zoning Department. Please address any correspondence to:

*Jefferson County Board of Adjustment
c/o Debbie McIntyre, Secretary to the Board
100 Jefferson County Parkway, #3550
Golden, CO 80419-3550*