

PITKIN COUNTY
BOARD OF ADJUSTMENT
PITKIN COUNTY LAND USE CODE

Section 2-10-30

(a) Establishment

There is hereby established the Pitkin County Board of Adjustment.

- (1) The Board of Adjustment shall be composed of five members.
- (2) The term of each member shall be two (2) years. The Board of County Commissioners shall establish staggered terms for the members.
- (3) The Board of County Commissioners may in its discretion appoint up to five (5) alternate Board of Adjustment members.
- (4) Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners.
- (5) Vacancies on the Board of Adjustment shall be filled by the appointment of an alternate member who shall have served a minimum of one (1) year prior to appointment as a regular member. If there is no such alternate member, the Board of County Commissioners shall appoint other alternate members, as necessary. If there are no available alternate members, vacancies may be filled by the Board of County Commissioners in the same manner as original appointments.
- (6) In the event that any regular member is temporarily unable to act owing to absence, illness, conflict of interest, or other cause, such position shall be filled during such temporary disability by an alternate member in accordance with the by-laws, if applicable, or by order of the chairperson.
- (7) Each member and alternate shall be a resident of the County.

(b) Organization

The Board of Adjustment may adopt by-laws approved by the Board of County Commissioners to establish its organization and procedures. A copy of such by-laws shall be available in the Community Development Department. The Board of Adjustment shall elect a chairperson from its members to serve a one-year term.

(c) Conduct of Business

Meetings of the Board of Adjustment shall be held at the call of the chairperson and at such other times as the Board of Adjustment in its rules or by-laws may specify. The chairperson or acting chairperson may administer oaths and compel the attendance of witnesses by application to the district court. The court, upon proper showing may issue subpoenas and enforce obedience by contempt proceedings. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record.

(d) Powers and Duties

The Board of Adjustment is authorized to hear requests for Variances from the structure height or Yard and Road setback provisions established by this Land Use Code, pursuant to the procedures established in Sec. 2-40-110. The powers currently delegated to the Board of Adjustment by the Board of County Commissioners are summarized in Table 2-1.

Section 2-40-110

VARIANCES OF STRUCTURE HEIGHT OR SETBACK

(a) Authority

The Board of Adjustment has the power to grant variances from the strict application of the provisions of the height and Road and Yard setback provisions of this Land Use Code pursuant to the standards in this section.

(b) Approval Criteria

The Board of Adjustment shall only approve a variance where, by reason of unusual narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of unusual topographic conditions or other situation or condition of such piece of property, the strict application of the height or Road and Yard setback regulations of this Land Use Code would result in peculiar practical difficulties to, or undue hardship upon, the owner of such property, and the granting of relief from the strict application of this Land Use Code will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the Pitkin County Comprehensive Plan and this Land Use Code.

(c) Limitations

The Board of Adjustment shall have no power to vary from the limitations on use, lot area requirements, floor area ratio requirements, stream setbacks, or any requirements of this Land Use Code other than heights, and Road and Yard setback requirements.

(d) Votes Required

The concurring vote of four (4) members of the Board of Adjustment in the case of a five (5)-member Board and three (3) members in the case of a four (4)-member or three (3)-member Board shall be necessary to reverse any order, requirement, decision, or determination or to decide in favor of the applicant.

SECTION 2-40-120

VARIANCE OF SIGN SETBACK OR NUMBER

(a) Authority

The Board of Adjustment has the power to grant variances from the strict application of the provisions of this Land Use Code in the following specific situations: (1) setbacks variances for signs located within the sign setback areas required by Sec. 7-60-50(a)(2); and (2) a variance for one additional identification sign on a site, provided that the total square footage of both identification signs does not exceed ten (10) square feet.

(b) Criteria

The Board of Adjustment shall only approve a proposed sign variance if it meets the limitations stated in subsection (a) above and: (1) the variance is reasonably necessary to inform the public about the activity or development referenced on the sign, and (2) a sign erected without the requested variance would not adequately inform the public about the activity or development referenced on the sign, and (3) the requested sign variance will not create adverse impacts on traffic safety, and (4) the requested variance will not create any adverse impacts on any Scenic View Protection Area, as defined in Sec. 7-20-120.

Section 10-60

JUDICIAL REVIEW BY THE BOARD OF COUNTY COMMISSIONERS

There is hereby granted to the Board of County Commissioners authority to initiate and pursue judicial review of any final action of any administrative official, the Board of Adjustment and Planning and Zoning Commission taken pursuant to the provisions of this Land Use Code.