



AGENDA
Regular Meeting of the
BOARD OF ADJUSTMENT
Council Chambers/Virtual Meeting
April 16, 2024

To follow immediately after the Planning Commission Meeting

1. CALL TO ORDER
2. ROLL CALL OF BOARD OF ADJUSTMENT
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES – February 20, 2024
5. OLD BUSINESS - NONE
6. PUBLIC HEARINGS - NONE
7. OTHER MATTERS
 - A. Presentation – Bylaw Amendments for Board of Adjustment (Attachment A).
8. ADJOURNMENT

Agenda prepared by Desirae A. Lovato, City Development, for Mike Garrot, Planning Director.

To Attend Virtually:

- Call 1-719-359-4580 and enter Meeting ID Number: 886 1706 1986
- Click the [link here](https://thorntonco.zoom.us/j/88617061986) or type in the URL below into your internet browser: <https://thorntonco.zoom.us/j/88617061986>
- Scan the QR Code to the right to attend virtually



**CITY OF THORNTON
BOARD OF ADJUSTMENT
BYLAWS**

**Approved by City Council
October 24, 2023**

Revised: _____, 2024

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[\(4.04.24 Draft\)](#)

BOARD OF ADJUSTMENT

BYLAWS

ARTICLE I – NAME

- Section 1. The name of this organization shall be the Thornton Board of Adjustment, established by the City Council, City of Thornton, Colorado.
- Section 2. This Board was initially created by Ordinance Number 3659, as approved by the Thornton City Council on August 8, 2023. This Board exists pursuant to and shall perform its duties in accordance with the requirements of the City Charter and Section ~~2-82-2-88~~ of the Thornton City Code as from time to time amended.

ARTICLE II – PURPOSE

- Section 1. The Board shall assist in the orderly development of the city by providing review on planning, zoning, and development related matters.
- Section 2. The Board shall have the specific duties contained in ~~Section 18-33 Sections 18-34 and 18-35 and other applicable provisions of Chapter 18 of the City Code~~, as may be amended by Thornton City Council.

ARTICLE III – MEMBERSHIP

- Section 1. The Board shall consist of ~~no more than~~ nine (9) registered electors of the City appointed by the City Council and shall consist of the same individuals appointed to the Planning Commission.
- Section 2. The Board shall consist of at least ~~one (1) member~~ two (2) and not more than (3) members from each ward. At least two (2) members of the Board shall have professional expertise in relevant fields such as urban planning, architecture, land use, transportation, engineering, environmental science, or land use law, demonstrating a comprehensive understanding of planning principles, practices, and/or the ability to analyze and evaluate development proposals. Individuals currently employed or working as or with a real property developer shall not be permitted to serve as a member of the Board.

~~Section 3. In the event no applications for the initial appointment of members or to fill a vacancy on the Board are received which will result in Board membership that meets the criteria contained in Section 2, the priority shall be to maintain nine (9) members on the Board and Council may appoint new members to serve limited, two year terms to ensure the Board consists of nine (9) members.~~

Section ~~4.3~~. Members shall be appointed to serve four-year over-lapping terms ending March 1 of even numbered years, with the exception of ~~members appointed pursuant to Section 3 above and~~ initial members. With the appointment of initial members, four (4) members shall be appointed for two-year terms with the remainder of the members appointed to four-year terms. During the term of office, appointed members shall not be city officers, employees, nor shall they hold an elected position within the City.

Section ~~5.4~~. If a member does not attend two consecutive meetings or more than 50 % of the meetings within a one-year period, without being excused by the Chairperson, the Board may recommend that member resign or may request that the City Council consider the member's removal from the Board and seek a replacement for that individual.

Section ~~6.5~~. A vacancy shall exist when any member of the Board dies, resigns, is removed, is not reappointed, ceases to be a qualified elector of the City, or becomes an elected official or an employee of the City. Any vacancy shall be filled for the unexpired term of the Board member whose place has become vacant. Vacancies shall be filled according to the Code and these bylaws.

ARTICLE IV – OFFICERS

Section 1. The officers shall consist of the Chairperson and Vice-Chairperson.

Section 2. Duties of the Chairperson:

- (a) To preside at all meetings of the Board.
- (b) To call special meetings in accordance with the Bylaws.
- (c) To sign all documents of the Board.
- (d) To see that all actions of the Board are properly taken.
- (e) To represent the Board in an official capacity.

Section 3. During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

Section 4. In the absence of both the Chair and the Vice-Chairperson, the Recording Secretary shall call the Board to order and shall call the roll of members. If there is a quorum, the Board shall elect an acting officer to conduct the meeting and that acting officer shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

Section 5. The Board shall elect officers during its first regular meeting in April, or at the next regular meeting following the permanent vacancy of the Officer's seat. Such election shall be the final item on the meeting agenda. The terms

for the officers shall be for one year. A member may hold the office of Chairperson or Vice-Chairperson more than once during the member's term but may not hold either position for more than two consecutive terms. The members should rotate the officer positions whenever possible. Any person so elected, notwithstanding the expiration of the term of election, shall serve as an officer until a successor is elected. In the event no members of the Board accept nominations for an officer position, the [Development Director](#)~~Recording Secretary~~ shall inform the City Council. The officers are voting members of the Board and are accorded the same rights and privileges accorded other members.

ARTICLE V – MEETINGS

- Section 1. The Board shall meet as needed after the conclusion of a regularly scheduled meeting of the Planning Commission. When a scheduled meeting falls on a holiday which is officially recognized by the City, an election day, or there is a conflict with a City Council meeting, the staff shall reschedule the meeting. The place of meeting shall be the City Council Chambers in the Civic Center building located at 9500 Civic Center Drive, Thornton, Colorado unless otherwise designated.
- Section 2. Special meetings may be called by the Recording Secretary or by the Chairperson, with at least twenty-four (24) hours written notice to each member of the Board, served personally or electronically, or by other technology.
- Section 3. A simple majority of the appointed ~~membership~~ members shall constitute a quorum at all meetings. In the absence of a quorum a lesser number may adjourn any meeting to a later time or date.
- Section 4. Study Sessions are informal meetings during which general topics are discussed which contribute to the information and education of the Board. Study Sessions are open to the public. No business shall be conducted, and no formal action shall be taken at a Study Session.
- Section 5. Participation by the Board in regular and special meetings and study sessions shall be in-person. However, if extenuating circumstances do not permit in-person attendance, members may participate virtually by electronic or telephonic means (“Electronic Participation”) on an infrequent or occasional basis. In such instances, the member shall endeavor to provide the Recording Secretary notice of intent to use Electronic Participation twenty-four hours in advance of a public meeting. For purposes of this policy, “infrequent or occasional” shall mean no more than four different meeting dates within one calendar year. Should Electronic Participation be required for reasons protected by state or federal law, that required accommodation shall take precedence over this rule.

- (a) The member using Electronic Participation shall maintain a good connection such that they are able to hear the proceedings and are able to be heard when speaking during the proceedings.
- (b) The member using Electronic Participation may vote and participate in all legislative matters, including votes to go into executive session.
- (c) The member using Electronic Participation may not participate or vote in a quasi-judicial public hearing and does not count for purposes of establishing a quorum for that hearing. However, the member may maintain the electronic connection and monitor and listen to the hearing.
- (d) The members may only attend executive sessions in person and may not use Electronic Participation.
- (e) When any member is using Electronic Participation, all votes shall be conducted by roll call.
- (f) If the [Development Director, in consultation with the](#) Chairperson determines that meeting in person is not practical or prudent because of a health, weather or other emergency affecting the City, the regularly scheduled meeting may be conducted entirely as a remote meeting or cancelled. If the meeting is conducted entirely remotely, members are able to participate and vote in quasi-judicial matters.
- (g) If the decision is to conduct a fully remote meeting, the [Recording Secretary](#) shall provide notice to the Board and the public as soon as such decision is made, but no later than three (3) hours before the time the meeting is scheduled to begin. If the meeting is cancelled, the items will be rescheduled to another meeting.

Section 6. Any regular or special meeting which has been opened by the Chairperson may be continued to a special meeting, the next regularly scheduled meeting or any other regularly scheduled meeting. Such continuance to a time and place shall not require additional public notice.

Section 7. On the Friday preceding any Board meeting, an agenda showing the order of business, copies of communications, staff reports with supporting documents, and other items relating to the meeting shall be made available for each member of the Board. If the materials will not be available by the Friday preceding the meeting, the Recording Secretary shall notify the Board when the materials will be available.

ARTICLE VI – CONDUCT OF MEETINGS

Section 1. All business of this Board shall be conducted under Robert’s Rules of Order or alternative rules as adopted and approved by City Council for their use. In the absence of a bylaw to govern a point of procedure, the adopted and approved rules shall govern.

Section 2. The Chairperson shall decide all questions of order, subject to appeal to the Board. If a member transgresses the rules of the Board, the Chairperson shall call the member to order, in which case the member shall relinquish the floor unless permitted to explain. Any member may appeal a ruling of the Chairperson to the Board. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the Chairperson may briefly explain the reason for the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chairperson shall then put the question, "Shall the decision of the Chairperson be sustained?" If a majority of the members present vote "Yes," the ruling of the Chairperson is sustained; otherwise, it is overruled.

Section 3. The Chairperson shall preserve decorum during a meeting by administering the following:

- (a) Persons other than Board members should not address the Board prior to recognition by the Chairperson;
- (b) Board members shall not be excused while in meeting without permission of the Chairperson.
- (c) The Chairperson shall have the right to eject, after reasonable warning, any person disrupting a meeting.

Section 4. The Board may act only on motion or by resolution. Resolutions and motions shall pass by the affirmative vote of a majority of the members of the Board present, provided a quorum exists. If a resolution or motion does not receive an affirmative motion of a majority of the members present, the measure fails. Should any Board member being present refuse to vote on any measure, the Board member's vote shall be recorded in the affirmative, but no such vote shall be recorded if the Board member refuses to vote because of a conflict of interest.

Section 5. The Board and its members are subject to the Thornton Code of Ethics in Chapter 2, Article V, Division 2 of the Thornton City Code and the Boards, Commissions and Committees Code of Conduct adopted by City Council, as from time to time amended.

Section 6. Any provision of these bylaws not governed by the Charter or Code, may be temporarily suspended at any meeting of the Board by a majority vote of all members of the Board.

ARTICLE VII – CITY STAFF

Section 1. Recording Secretary. The Development Director of the City of Thornton shall assign employee(s) to serve as Recording Secretary of the Board. The Recording Secretary shall:

- (a) Prepare, keep and submit for approval to the Board meeting minutes;

- (b) Correct the minutes as needed and present to the Chair for signature, attesting to the signature thereof; and
- (c) Provide for publication of all official notices of the Board.

Section 2. City Development Representative. The City Development Director or a designee shall attend all meetings. The City Development Director or designee and staff members may make recommendations to the Board and may take part in discussions on all matters coming before the Board but shall have no vote in matters before the Board.

Section 3. City Attorney. The City Attorney or a designee thereof shall attend all public hearing meetings. Any Boardmembers may at any time call upon the City Attorney for an oral or written opinion to decide any question of law. The City Attorney shall be the parliamentarian.

ARTICLE VII - AMENDMENT OF BYLAWS

Section 1. These Bylaws may be amended by City Council. City Council shall submit any proposed amendments to the Commission for review and recommendation using the same procedures as described below. After review and recommendation by the Commission, the proposed amended Bylaws shall be referred to City Council for final action.

Section 2. The Board may recommend amendment of the Bylaws to the City Council by a majority vote of those present at the meeting. The amendment shall not be effective until it is approved by the City Council. Any recommendation for amendments shall be submitted in writing at the meeting preceding action on the amendment and the amendment shall be placed on the agenda under new business. This requirement shall be waived only by unanimous consent with the recorded vote of all members.

ARTICLE VIII – PUBLIC HEARINGS

Section 1. The Board shall schedule and hold public hearings as required by the Thornton City Code in order to receive testimony and evidence for the Board's consideration.

Section 2. Notice of the Public Hearing will be provided to the public pursuant to the applicable Thornton City Code provisions. The Public Hearing shall be conducted as an administrative Public Hearing where the strict rules of evidence shall not apply but shall be used as a guide for the admittance of evidence. The Applicant has the burden to establish to the satisfaction of the Board by preponderance of the evidence that the Applicant's request is appropriate under applicable Thornton City Code provisions. All Board actions on applications shall be in the form of a resolution which states the findings the Board has made in support of its action.

- Section 3. The Chairperson shall declare the public hearing opened and the Recording Secretary may administer an oath to any persons indicating they intend to introduce evidence or testimony into the record.
- Section 4. Every person who wants to testify before the Board shall be recognized by the Chairperson and shall be sworn before any testimonial evidence is taken. Any materials presented to the Board during the Public Hearing must be identified and entered into the record as an exhibit with a specific number. The Chairperson shall interrupt the testimony, if necessary, in order to accomplish such identification. All materials shall become the property of the City and remain with the Recording Secretary.
- Section 5. Proponents and opponents who wish to speak during the public comment portion of the Public Hearing shall limit their remarks to three minutes.
- Section 6. After all evidence has been taken, the Chairperson shall declare the public hearing closed and the matter will be taken up for consideration by the Board.
- Section 7. The Chairperson may reopen a public hearing or reopen the floor for purposes of taking additional evidence under the following circumstances: a public hearing has been opened and continued to a date certain; a public hearing has been closed and the action continued to another date with proper notice; the floor has been closed and the Board wishes to take additional evidence prior to a vote; or reconsideration of a vote. The Chairperson may limit the scope of such evidence to be taken.

City of Thornton
Board of Adjustment Meeting
Minutes
February 20, 2024

ROLL CALL: Those Present were: Chair Anna Sparks; Vice-Chair Rahem Mulatu; and Commission Members Bruce Thomas; Nora Brandon, Andrew Bryant; Jeff Tompkins, Julorie Davidson, and Randall Stutz. Absent – Commissioner Jacque Phillips

STAFF MEMBERS PRESENT - Jessica Whitney, Senior Assistant City Attorney; Warren Campbell Planning Manager; Karen Widomski, Long Range Planning Manager; Gohlub Vang and Desirae Lovato, Recording Secretaries.

The meeting was called to order at **7:02 p.m.**

APPROVAL OF AGENDA:

MOTION WAS MADE BY MR. THOMAS AND SECONDED BY MR. STUTZ TO APPROVE THE AGENDA. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS – NONE

OTHER MATTERS:

Ms. Lovato introduced elections of the Chairperson.

MOTION WAS MADE BY MS. BRANDON TO NOMINATE MS. SPARKS AS CHAIR AND SECONDED BY MR. STUTZ. MOTION PASSED UNANIMOUSLY.

Ms. Lovato introduced elections of the Vice Chairperson.

MOTION WAS MADE BY MS. SPARKS TO NOMINATE MS. MULATU AS VICE CHAIRPERSON AND WAS SECONDED BY MR. TOMPKINS. THE MOTION PASSED UNANIMOUSLY.

MOTION WAS MADE BY MR. STUTZ AND SECONDED BY MR. BRYANT TO NOT HOLD ELECTIONS IN APRIL OF 2024. MOTION PASSED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 7:12 P.M.

BOARD OF ADJUSTMENT OF THE
CITY OF THORNTON, COLORADO

Anna Sparks, Chairperson

ATTEST:

Recording Secretary

S:\CDV\Administration\Planning Commission and BOA