

VOTE NO ON ISSUE 24

CHANGES PROPOSED BY THE CITY OF LAKEWOOD TO THE CURRENT CHARTER'S ARTICLE XIII

The chart below provides a side-by-side comparison of the Proposed Charter's Section 7.3(c)(1)-(4), which would replace language in the current Charter's Article XIII, Section 2(a)-(c). **The City has represented the "substantive content" of Proposed Section 7.3(c) is "the same" as the current Charter's Article XIII.*** When the below provisions in the current Charter and the Proposed Charter are examined, ***the Proposed Charter's substantive content is clearly not the same*** as that in the current Charter.

Important language that protects property owners has been removed from the Proposed Charter. The bold highlighted language in the current Charter (left-hand column below) protects property owners by requiring the City's Board of Zoning Appeals to: (1) strictly apply code provisions; (2) make specific findings; and (3) fully set forth and fully describe Board's reasons when it decides to grant a variance from zoning code requirements. **These important safeguards have been removed from the Proposed Charter** (right-hand column below).

EXISTING LANGUAGE IN 2ND AMENDED CHARTER (CURRENT CHARTER) ARTICLE XIII. BOARD OF ZONING APPEALS SECTION 2. POWERS AND DUTIES.	PROPOSED LANGUAGE IN 3RD AMENDED CHARTER ARTICLE SEVEN. BOARDS AND COMMISSIONS 7.3 BOARD OF ZONING APPEALS (c) Powers and Duties.
<i>Compare important protections highlighted below which have been removed from Proposed Charter in right-hand column</i>	
The Board of Zoning Appeals shall: 1. Hear and decide appeals from any regulation, order, decision, requirement, or determination made by administrative officials or agents in the application of ordinances governing zoning in the City. 2. Hear and decide all appeals made for variances in the application of ordinances governing zoning in the City. No variance in the strict application of the ordinances of the City shall be granted by the Board of Zoning Appeals unless it finds:	The board shall hear and decide all appeals made for variances in the application of ordinances governing zoning in the city, except that no variance shall be granted unless the board finds:

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EXISTING LANGUAGE IN 2ND AMENDED CHARTER (CURRENT CHARTER) <i>Compare important protections highlighted below which have been removed from Proposed Charter in right-hand column</i>	PROPOSED LANGUAGE IN 3RD <u>AMENDED</u> CHARTER
(a) That there exists practical difficulty or unnecessary hardship, fully described in the findings of the Board that would deprive the owner of the reasonable use of the land or building involved;	(1) there exists practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved:
(b) That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of the ordinances of the City would deprive the applicant of the reasonable use of such land or buildings;	(2) there are special circumstances or conditions applying to the land or buildings and not applying generally to land or buildings in the neighborhood, and that the circumstances or conditions exist so that strict application of the provisions of the ordinances the city would deprive the applicant of the reasonable use of the land or buildings;
(c) That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance granted by the Board is the minimum variance that will accomplish this purpose;	(3) the granting of variance is necessary for the reasonable use of the land or building and that the variance granted by the board is the minimum variance that will accomplish this purpose; and

*See p. 12 of the City's "Final Report With Section by Section Comparison of Proposed Third Amended Charter of Lakewood with Second Amended Charter of Lakewood" (available at onelakewood. com). The City mischaracterizes the changes proposed to the current Charter's Article XIII by describing Proposed Section 7.3(c) as follows: "**Substantive content the same** but organized into subsections and edited for clarity." (Emphasis added). As shown above, the substantive content of Section 7.3(c) is clearly *not* the same as the current Charter's Article XIII, and the proposed changes constitute more than mere "organizational" edits made for purposes of "clarity."