

ORDINANCE NO. 482

AN ORDINANCE TO AMEND SUBDIVISION (c) OF SECTION 10  
ORDINANCE NO. 432, AND TO AMEND THE ZONING MAP  
ACCOMPANYING SAID ORDINANCE AND BEING A PART THEREOF

BE IT ORDAINED By the City Council of the City of Grand Junction, Colorado, that Subdivision (c) of Section 10 of Ordinance No. 432, and the zoning map accompanying said ordinance, being an ordinance providing for zoning the City of Grand Junction, Colorado, regulating and restricting the height and sizes of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and uses of buildings, structures and land for trade, industry, residence and other purposes, and providing for the appointment of a Board of Adjustment, be and they are hereby amended as follows:

SECTION 10.

(c) BOARD OF ADJUSTMENT. A Board of Adjustment is hereby established. The word "Board" when used in this section shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members appointed by the City Council for a term of three (3) years each. Any vacancies in said Board caused by death, resignation or refusal to act shall be filled by the City Council.

MEETINGS. Meetings of the Board shall be held at least once every six months or at the call of the Chairman or any two members of the Board, and at such other times as the Board may determine. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of four members shall be necessary to constitute a quorum.

SALARIES. Each member of the Board shall be paid Five (\$5.00) Dollars per meeting for each meeting, either regular or special, actually attended. Such compensation shall be limited to the sum of Sixty (\$60.00) Dollars for each year for each member, and the salary shall begin as of the date of October 1st, 1930.

APPEAL. Appeals from any ruling of the Building Inspector to the Board of Adjustment may be taken by any person aggrieved or by the City of Grand Junction or any officer, department, board or bureau of said City, within such time as shall be prescribed by the Board by general rule. The appellant shall file with the Building Inspector and with the Board of Adjustment a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the actions appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

JURISDICTION. In specific cases the Board of Adjustment may authorize by permit a variation of the application of the Use, Height and Area District regulations herein established in harmony with their general purpose and intent as follows:

1. Permit a temporary building for Commerce or Industry in a Residence District which is incidental to the residential development, such permit to be issued for not more than a period of one (1) year.
2. Permit the reconstruction, within twelve months, of a building located in a District restricted against its use, which has been destroyed by fire or other calamity to the extent of not more than sixty (60) per cent of its value; provided that when such reconstruction becomes involved in litigation, the time required for such litigation shall not be counted as a part of the twelve (12) months allowed for reconstruction.
3. Permit the extension of a Use, Height, and Area District for a distance of not more than twenty-five feet, where the boundary line of a district divides a lot in a single ownership at the time of the passage of this ordinance.
4. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the District Map, fixing the several districts accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the District Map aforesaid.

5. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board of Adjustment shall have power in passing upon appeals to vary and modify the application of any of the regulations or provisions of this ordinance relating to the Use, Construction or Alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

6. To exempt from the operation of this ordinance any building or structure as to which satisfactory proof shall be presented to the Board of Adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public

SECTION 1. That portion of Residence "D" District as shown on the District map and described as follows: The South 95 feet of Lots 13, 14, 15, and 16, of Block 147, is hereby changed to Business "B" District.

Passed and adopted this 17th day of December, A. D. 1930.

/s/ Fred A. Rogers  
President of the Council

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY THAT The foregoing ordinance, being Ordinance No. 482, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 4th day of June, A. D. 1930, and that the same was published in the Daily Sentinel a newspaper published and in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 18th day of December, A. D. 1930.

/s/ Helen C. Tomlinson  
City Clerk

Published June 6th, 1930  
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