

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4766

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING ZONING BOARD OF APPEALS MEMBERSHIP

**Recitals:**

The Zoning Board of Appeals (ZBOA) has the power and duty to decide requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations, relief from the nonconforming provisions, and variances to any provision of the Code not otherwise assigned to another review body. A variance is a departure from the dimensional or numerical requirements of the Code. A variance is not a right and may only be granted if the applicant establishes that strict adherence to the Code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district.

The 2010 Zoning and Development Code established the authority for the Director to grant Administrative Adjustments, including a 10% deviation from any bulk standard and consideration of the placement of accessory structures, subject to specific criteria, resulting in a significant reduction in the number of Variance requests. Since 2010, the Board has only met 3 times, with the last one being in 2013.

The current Code calls for the Zoning Board of Appeals to consist of five members, including the Chairman of the Planning Commission, the two designated Planning Commission alternates and two at-large members. The two at-large member seats are currently vacant. Given the infrequency of Variance requests and the need for the ZBOA to meet and the difficulty in recruiting members and keeping them adequately trained, staff recommends reducing the number of Board members from five to three, to be comprised of the Chairman of the Planning Commission and the two designated Planning Commission alternates.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

**Section 21.02.030 *Zoning Board of Appeals* is amended as follows (additions underlined, deletions struck through):**

**21.02.030 Zoning Board of Appeals (ZBOA).**

(a) **Composition.** The Zoning Board of Appeals for the City shall consist of three members, each of whom shall be a City resident and shall represent the interests of the City as a whole. The City Council shall consider citizens with experience in the fields of

engineering, law, surveying, development, planning, architecture and construction, as well as citizens at large.

(b) **Identity of Members.** The membership of the Board shall be comprised of the Chairman of the Planning Commission and the two designated Planning Commission alternates.

(c) **Term.** Members of the Board shall serve terms of four years coincident to their terms on the Planning Commission. Members are limited to two consecutive terms.

(d) **Vacancies.** All vacancies shall be filled by appointment of the City Council. A member's seat on the Board shall be vacant when the member ceases to reside in the City.

(e) **Removal.** The City Council may remove any member of the Board after public hearing for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for the removal prior to said public hearing.

(f) **Meetings.** The Board shall meet at least once a month, provided there is business to be brought before the Board. Special meetings may be held as provided by rules of procedure adopted by the Board. Two members constitute a quorum.

(g) **Voting.** A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.

(h) **Compensation.** Members shall be compensated as the City Council deems appropriate by resolution.

**All other parts of Section 21.02.030 shall remain in effect and are not modified by this text amendment.**

INTRODUCED on first reading the 20<sup>th</sup> day of September, 2017 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the 4<sup>th</sup> day of October, 2017 and ordered published in pamphlet form.



\_\_\_\_\_  
President of the Council

ATTEST:



\_\_\_\_\_  
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4766 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 20<sup>th</sup> day of September, 2017 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 4<sup>th</sup> day of October, 2017, at which Ordinance No. 4766 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 6<sup>th</sup> day of October, 2017.

*W Winkelman*

\_\_\_\_\_  
City Clerk

Published: September 22, 2017  
Published: October 6, 2017  
Effective: November 5, 2017

