

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 2822
AMENDING SECTION 10-1-1.B OF THE ZONING AND DEVELOPMENT CODE OF
THE CITY OF GRAND JUNCTION
VARIANCE CRITERIA

RECITALS:

Section 10-1-1.B.2 of the Zoning and Development Code, criteria for deciding variance requests, does not allow the Board of Appeals sufficient flexibility to exercise its common sense and discretion, especially in circumstances where an applicant desires a minor change to a setback requirement and the affected neighbors endorse the change. Under the existing language applicable to such situations, the applicant cannot prevail in a request to vary, for example, a setback. The proposed text amendment would give the Board flexibility in deciding variances.

Also, the Code does not list specific criteria for deciding variance requests to section 4-9 or regulations in Chapter Five of the Code for which no specific appeal process is stated. It appears the intent was to apply the criteria list in section 10-1-1.B.2 for those types of appeals. The proposed text amendment would also clarify the criteria as being specific to appeals to those sections as well as appeals to bulk requirements.

Planning Commission recommended approval of the proposed text amendments at their March 7, 1995 hearing.

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

That section 10-1-1.B.2 of the Zoning and Development Code is hereby amended to read as follows:

Amending the last sentence of section 10-1-1.B.2 before the listed criteria to read:

The Board may grant a variance from the bulk requirements of the zoning districts, **section 4-9 or for those regulations in chapter 5 of the code for which no specific appeal process is stated** only when the applicant establishes that all of the following criteria are satisfied:

and,

Adding a sentence after section 10-1-1.B.2.e to read as follows:

In considering variance requests to the bulk requirements of the zone districts, if all of the criteria listed in this subsection are not met, yet the board finds that the variance request would harm no one and would be a general benefit to the neighborhood or community, a variance may be permitted.

Introduced on first reading this 15th day of March, 1995.

PASSED and ADOPTED on second reading this 5th day of April, 1995.

/s/ R.T. Mantlo
Mayor

ATTEST:

/s/ Stephanie Nye
City Clerk