

RESOLUTION 92- 16
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT REGARDING AN APPEAL FROM
THE ZONING BOARD OF APPEALS AND REMANDING THE
MATTER BACK TO THE BOARD FOR A NEW HEARING

WHEREAS, on November 14, 1991, the Zoning Board of Appeals, after notice and hearing, denied a setback reduction variance for a carport addition at 1513 Constitution Avenue ("the requested variance"); and

WHEREAS, on November 25, 1991, Ed and Thelma Fleener ("the appellants") filed a Notice of Appeal, appealing the aforesaid decision of the Zoning Board of Appeals; and

WHEREAS, on January 7, 1992, the City Council, after notice and hearing in accordance with Chapter 2, Article II, Division 3 of the City Code, considered said appeal; and

WHEREAS, upon hearing and after full consideration of the record on appeal, and after hearing argument thereon, the Council made the following findings of fact:

1. The grounds for appeal as stated in the appellants' Amended Notice of Appeal substantially conform to the requirements of Section 2-48 of the Code; and
2. With respect to the merits of the appeal, the Zoning Board of Appeals failed to afford the appellants a fair hearing in that:
 - a. the Board failed to consider the requested variance in the context of previously granted variance requests for other carports;
 - b. the Board failed to properly consider all evidence relevant to its decision, including the location of other existing improvements on the appellants' lot; and
 - c. the Board failed to adequately consider the fact that the appellants' lot is an older corner lot, which fact may present "peculiar and exceptional practical difficulties" to the appellants within the meaning of Section 29-41 of the City Code.

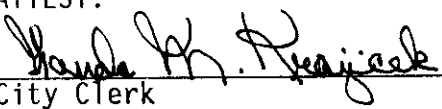
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the decision of the Zoning Board of Appeals of November 14, 1991, denying a setback reduction variance for a carport addition at 1513 Constitution Avenue, is hereby overturned, and the matter is remanded to the Zoning Board of Appeals for a new hearing.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 21st day of January, A.D. 1992.



Mayor

ATTEST:



City Clerk