

RESOLUTION 93-198
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS REGARDING
THE APPEAL FROM A DECISION OF THE ZONING BOARD OF APPEALS
RELATING TO THE VARIANCE REQUEST OF JEROME B. ROSELLE

WHEREAS, on October 14, 1993, the Zoning Board of Appeals ("the Board") denied the variance request of Jerome B. Roselle (Zoning Board of Appeal No. 2087); and

WHEREAS, on October 28, 1993, a Notice of Appeal of the Board's decision was filed with the City Clerk by Jerome B. Roselle; and

WHEREAS, on December 7, 1993, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, considered said appeal, reviewed the record on appeal and heard presentations from the appellant; and

WHEREAS, at the conclusion of said hearing, the Council determined that the decision of the Board should be overturned and the variance granted; and

WHEREAS, Section 2-56 of the City Code provides that no later than the date of its next regular meeting after the hearing of an appeal, the City Council shall adopt, by resolution, findings of fact in support of its decision on the appeal.

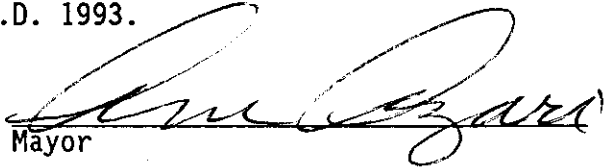
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Council hereby finds as follows:

- (a) that the grounds for appeal as stated in the appellant's Notice of Appeal conform to the requirements of Section 2-48 of the City Code;
- (b) that the Board did not fail to conduct a fair hearing by exceeding its authority or jurisdiction;
- (c) that the Board failed to properly interpret the provisions of Section 29-41(c) of the Code, as applied to the facts of this appeal;
- (d) that the strict application of the setback requirements of the Code would, because of the narrowness and shallowness of the appellant's property, result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the appellant; and
- (e) that the variance required by the appellant may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of Article III of Chapter 29 of the Code.

Section 2. That, for the foregoing reasons, the decision of the Board denying the variance request of Jerome B. Roselle (Zoning Board of Appeals No. 2087) is hereby overturned and said variance request is granted.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 21st day of December, A.D. 1993.


Mayor

ATTEST:


Deputy City Clerk