



FRUITA BOARD OF ADJUSTMENT MEETING

Date: Monday, 10/11/10

Time: 6:30 p.m.

Place: Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue, Fruita, CO.

The following item will be presented at this public hearing of the Fruita Board of Adjustment for their consideration. If you have an interest in the item on the agenda, please call (970) 858-0786 or come to the Community Development Department office located at 325 E. Aspen Avenue to review the information in the file. If you have a concern with an item on the agenda, your appearance at the hearing is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Community Development Department prior to the meetings. Physically disadvantaged persons, who wish to obtain information or need assistance in attending the public hearing, may call (970) 858-0786. The hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: www.fruita.org

General Rules

Land use public hearings are similar to a court proceeding. Proper procedures will ensure a fair hearing for all and allow the land use items to be acted on in a timely manner. In the interests of time and to assure a fair hearing for everyone, the following rules will be followed:

1. There will generally be a 15 minute presentation (maximum) by the applicant.
2. Individual speakers will normally be limited to 3 minutes each.
(Additional comments may be submitted in writing.)
3. The applicant will then have a rebuttal time of approximately 5 minutes.

Each person wishing to speak will raise their hand and be recognized by the Chair and asked to come forward and speak into the microphone stating their name and address. The purpose of a land use hearing is to have the facts of a case presented in a manner that will assist the decision-makers in making a fair, legal, and complete decision. The hearing is a fact-finding forum by unbiased decision-makers. Unruly behavior, such as booing, hissing, cheering, applause, verbal outbursts, or other inappropriate behavior, detract from the hearing and will not be permitted.

A. CALL TO ORDER & ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. ELECTION OF OFFICERS

D. APPROVAL OF THE AGENDA

E. APPROVAL OF MINUTES

October 27, 2008 Minutes

F. HEARING ITEMS

2010-20

Smith

Application:

Variance

Property Owner:

Michele M. Smith

Representative:

Michele Smith

Location:

122 and 126 E. Aspen Avenue

Zone:

Downtown Mixed Use

A request for a 3,771 square foot and a 4,130 square foot Variance to the minimum lot size required in the Downtown Mixed Used zone.

G. ADJOURNMENT

RULES OF PROCEDURE

1. THE HEARING IS OPENED BY THE CHAIR OF THE BOARD OF ADJUSTMENT

The Chair reads the item on the agenda.

2. THE PETITIONER SUMMARIZES THE PROJECT

The petitioner or his/her representative is asked to present the proposal. Presentations should be brief and to the point, but covering all of the main aspects of the project.

3. THE STAFF PRESENTS THE STAFF REPORT

The Fruita City staff present their reports.

4. PUBLIC COMMENTS

People speaking should step up to the microphone and speak clearly, stating their name and address. They should be brief and to the point and try not to repeat what others have said. The Chair asks for those in favor of the item to speak and then those opposed to the item to speak. Any others who wish to speak are then asked to come up to the microphone.

5. REBUTTAL

The Chair asks for the petitioner's rebuttal. During this brief time, the petitioner should address the major questions raised by the public and the Commission.

6. THE HEARING IS CLOSED TO PUBLIC COMMENTS AND THE ITEM IS DISCUSSED

The Chair closes the public hearing to public comments. No further comments from the public are allowed at this time. The Board discusses the item and may ask the petitioner, staff or members of the public to come back to the microphone to answer questions.

7. VOTE

The Chair asks the Board for a motion on an item. After the motion is seconded, the Chair asks for a discussion on the motion. The motion may be amended and if it is amended, the Board votes on whether to accept the amendment. After discussion and consideration of any amendments, the Board votes on the motion. If the motion fails, or if there is a tie vote, another motion may be made and voted on using the same procedure. In addition to recommending an item be approved, approved with conditions or denied, the Board may also table an item or continue an item to a later date.