

Town of Del Norte, Colorado 140 Spruce Street Del Norte, CO 81132	Hearing Officer for the Town: Eugene L. Farish Town Attorney
Board of Adjustment for the Town of Del Norte Michael and Kim Anna Cellura-Shields, <i>Application for variance of requirements of the Del Norte Town Code regarding dwelling units in CH.</i>	
EUGENE L. FARISH, P. C. Eugene L. Farish, #2557 P. O. Box 430 Monte Vista, CO 81144 719-852-5101/719-852-4833 (f) gene@farishlaw.com	
FINDINGS OF FACT AND DECISION OF THE BOARD OF ADJUSTMENT, TOWN OF DEL NORTE	

This matter came on for hearing pursuant to notice published in the Del Norte Prospector on April 15, 2021 for a variance application by Michael and Kim Anna Cellura-Shields concerning Lot 26 & 28, Block 4, E16.15ft, Lot 30, Block 4 Coons W 40ft of Willow Street adjoining Lot 26, known by street address as 14475 Highway 160 Del Norte, Colorado.

The application requested approval of a variance to allow, in a commercial highway zone district, multi-dwelling units with two smaller units for long term rentals and with a minimum square footage of 624-628sqft respectively.

Section 16-5-50(c) (District CH, Commercial Highway zone) of the Del Norte Municipal Code states that "the uses set out in this section may have one dwelling unit incorporated as part of the building or structure contains said uses as an accessory use."

In this case, the buildings are separate structures and have existed as such well before the provisions of the zoning code even though the use of the structure was a portion of a commercial highway business use after the code provisions were adopted.

The applicant has requested returning the use to residential structure to be used as long-term rentals.

The Board finds that the grant of a variance will not cause a significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property, significantly change the character of the neighborhood, reduce the value of nearby property, impose any significant cost burden as per the Town or create any significant obstacles to implementation of the zoning plan of the Town. Further the Board finds that there is no significant hardship which has been created by the applicant.

The Board of Adjustment therefore grants the variance as requested by the applicant.

DONE and SIGNED this 5th day of May, 2021, *nunc pro tunc* to May 2, 2021.

Attest.


Bernadette Martinez, Town Clerk



Marty Asplin,
Chairman, Board of Adjustment