QUARTERLY ZONING HEARING

GRAND JUNCTION PLANNING COMMISSION

Tuesday - March 19, 1963 - 8:00 A.M.
Conference Room - City Hall

Members present: Messrs. Bob Baker, Elmer Nelson, Ray Meacham, and Mrs. Robert Russell.
Members absent: Messrs. Art Hadden and Vic Colony.
Also present: Development Director Don Warner, Mr. Roger Kraehenbuehl from Anderson Independent Company, Mr. Leo Goetsch of 1441 North 18th Street, and Mr. William Hall, 2222 Hall Avenue.

The meeting was called to order by the Chairman.

5.5 CONDITIONAL USE IN B-3 AREA RECOMMENDED

Development Director Warner explained that this seems to be a routine matter and no doubt 5.5 conditional use should have been included in B-3 area when the ordinance was written. He noted that these uses are already in the B-3 area, governed by performance standards, and by adding it to the zoning ordinance it would make these uses conforming. Any new uses would have to have a hearing before the Board of Adjustment and must conform to the plan of development. He noted that the uses thus added would fit as well as the 5.3 use already allowed.

Motion was made by Mr. Nelson that the Planning Commission recommend to the City Council the addition of 5.5 conditional use in B-3 retail business use in the zoning ordinance. Motion was seconded by Mrs. Russell, and carried unanimously.

RECOMMEND ALLOWANCE OF 48" MAXIMUM HEIGHT OPEN-TYPE FENCES IN FRONT YARDS

Development Director Warner said that fence regulations have led to nothing but trouble in the past and that he felt there would be no great demand for front yard fences if all fence regulations were dropped and only the following three conditions imposed:

(1) Fences must be built on private property and can go only to the property line.
(2) Height must be regulated on corners because of public safety factor.
(3) If fences are over 6 ft. high they become a structure under the building code and are regulated by it.

He pointed out that with the present regulations it is very difficult to regulate fences for a common property line between two properties when it is the side line for one property and the back line for the other.

In the discussion of the subject, concern was expressed by Commission members that if fence regulations are dropped there is the possibility of 6 ft. high fences in front yards. Only one in a block would not only spoil the appearance of the entire block, but also be a safety hazard for cars backing out of driveways into the street. It was noted that an open-type fence would help to partially eliminate the hazards.

There was some discussion as to whether the maximum height of fences should be set at 42" or 48" as it was noted that with chain link fences very probably shrubbery of some kind will be planted along them and there will be a certain amount of over-growth, making the fence somewhat higher. The possibility of requiring 50 ft. instead of 35 ft. at intersections for corner safety was also mentioned.

It was pointed out, too, that one ordinance has to complement the others, and if the dog leash law is enforced we cannot make it impossible to keep dogs in the yards.

It was pointed out that although the height of fences may be regulated, it is possible to plant high hedges or shrubbery that obscures the view as much as a fence and yet it is not possible to control the growth of the shrubbery or the height of hedges or plantings except in the safety zone on corners. Mr. Warner noted that it is possible to regulate only so far as peace, health, and safety are concerned and not possible to govern aesthetics.

Board members pointed out that since it is not possible to govern aesthetics until a housing code is adopted, if fence regulations are dropped that will no doubt necessitate the need for adopting a housing code to regulate conditions that could arise from this situation.

The possibility of spite fences being erected was noted. It was also noted that in areas covered by restrictive covenants the people themselves can control such things. In such instances, the City would have to issue the permit for the fence, but the people could enforce the restrictive covenant clause and prevent undesirable situations in their neighborhoods.

Mr. Kraehenbuehl

Regarding the present 30" restriction on front yard fences, Mr. Kraehenbuehl said that he now has 500 ft. of 30" fence on hands but has not sold any. He said a 30" fence is not high enough to keep traffic off of yards or to keep small children or dogs fenced in.

Mr. Kraehenbuehl showed several pictures of fences which had been properly installed and which improved the appearance of the yards as well as accomplishing their purpose -- keeping pedestrians from cutting across yards and keeping small children and dogs in the yards. He said that a 42" fence is the most popular height and the most commonly sold fence, but would like to ask that a 48" maximum height be adopted, as sometimes 42" is not high enough for the needed purpose He also noted that he was interested in attractive yards and endeavore to keep front yard fences as low as possible.

Mr. Kraehenbuehl favored a nominal permit fee for fence permits which would require a licensed contractor for their construction. He felt this would make people realize the importance of complying with the fence regulations.

Mr. Goetsch of 1441 North 18th Street was present because he has a 4 ft. woven wood fence in front of his property which is non-conforming since his house faces east. If his house faced north it would be all right because it would then be along the side property line and would be OK. He said if he would have to go back behind the front yard setback in order to have this height fence it would be too small an area for his needs, and he needs a fence at least 4 ft. high in order to keep his dogs in the yard.

Mr. Hall of 2222 Hall Avenue was present because he is in need of a fence to keep his small children in the yard. Because of the way his property is situated he needs to fence in the front yard and a 30" fence would not be high enough.

Motion was made by Mr. Nelson that the Planning Commission recommend to the City Council that fence regulations in the zoning ordinance be changed from 30 inches in height to a maximum of 48 inches in height for fences erected in front of front yard setbacks, and that they be an open-type fence with a two to one open ratio.
Motion was seconded by Mrs. Russell. The motion carried with a vote of three "yes" votes and one "no" vote.

ADJOURNMENT

The meeting was duly adjourned at 9:45 a.m.