

GRAND JUNCTION BOARD OF ADJUSTMENT

June 5, 1973

M I N U T E S

Members Present: George Randolph, Cecil Hobbs, Merton Heller and Harry McCrary.

Others Present: Rick Cisar, Fred Fuhrmeister, R. T. Mantlo and Dick Hollinger.

1. Approval of minutes of previous meeting:

Minutes were approved as mailed.

2. Consider a request for a variance of an industrial use, manufacturing of handicraft products in a C-2, Heavy Commerce area.

Petitioner: Scent of the West
Berndt C. Holmes, representing.

Location: Lot 6, Block 12, Sherwood Addition
1250 North 3rd St., Grand Junction, Colorado

Mr. Fuhrmeister opened the hearing by stating that the building department contends that this is the manufacturing of handicraft products and according to our zoning regulations, this is not permissible in a C-2, Heavy Commerce area.

Mr. Summers: Attorney representing Scent of the West, asked that the items read by the board be marked as exhibit 1 thru 6.

Mr. Jim Bruck: 805 Glenwood, stated that the home office for Scent of the West was located in Ogden, Utah and he paid \$16,600 for the franchise and moved his family here because of the size, location, etc. of the area. He also stated that he has a three year lease on the building located at 750 North Ave. He contracts people to make candles for him and then he distributes them to retail outlets. They feel that the two smaller packages offered by the company can be done in the home and the two larger packages are too big for a home occupation. He then explained the training program and how the operation works. An open flame tank is used to melt wax. A person making candles spends about two hours a day or one day a week to meet supply. 140-145° is used to melt wax. Flash point of the wax is 440°. There is no smoke or odor until over 300°.

Mr. Fuhrmeister: How much wax is used at one time?

Mr. Bruck: Usually work with 2000 pounds. He also stated that he went to Mr. Mantlo and asked what safety measures could be used. At that time, Mr. Mantlo suggested that they use fire extinguishers, hood, fire wall or whatever is necessary for safety.

Mrs. Porter: Wanted to know what kind of zoning were the other plants located in.

- Mr. Bruck: He does not know.
- Mrs. Porter: Feels this should be done in an industrial area.
- Mr. Bruck: This shouldn't be considered manufacturing. Thinks the existing businesses have more noise and pollution than what their business will produce. This business will not degrade the neighborhood.
- Mr. McCrary: Did you sign a lease not knowing there would be problems.
- Mr. Bruck: Of all the people he dealt with, no one foresaw a problem with the zoning.
- Mr. Randolph: Who owns the property?
- Mr. Bruck: United Builders.
- Mr. Porter: Zoning Board made United Parcel move out because they did not conduct business suitable to zoning there.
- Mr. Bruck: He had talked to the people with United Parcel and they said that they moved out because their lease ran out.
- Mr. Porter: Objects to rezoning of the area. The board pointed out that this was not a rezoning hearing but a variance to the existing zoning. Mr. & Mrs. Porter left the hearing because they misunderstood the intent of this meeting.
- Mr. Fuhrmeister: When you take a product in, break it down and remake it, it constitutes industrial use.
- A discussion followed by the board on the other uses in the area.
- Mr. Summers: Stated that he feels the board is being much too technical as there are other businesses in the area that are a lot more hazardous than what they are requesting. For instance, glass fabrication is the same as what they propose. This is not an industrial use and feels they can operate under the same classification. He then read the variance: Section 9. Explained what has been done thus far. Will ask for variance because of economic hardship.
- R. T. Mantlo: Stated that he has talked to these gentlemen. There are safety requirements that would have to be met. If 100-150 people are processing candles in their homes, how are we going to make sure they are all using safety precautions.
- Mr. Summers: We are just talking about the manufacturing use now.
- R. T. Mantlo: The safest way to do this is with steam. According to Underwriters Laboratory, 440° is the flash point for wax.
- Bill Gordon: They ran an experiment and weren't able to get the wax to ignite at 500°.

Mr. Bruck: With their processing, they have no intention of getting wax to this temperature. This kind of heating would create a faulty candle.

Mr. Hollinger: If a mishap occurred, the wax could get to this temperature.

Mr. Bruck: There would be someone there at all times when the flame was on as they use a candy thermometer to watch the temperature of the wax. Public Service requires safety requirements be met. He pointed out that steam heat could make it ignite also.

Rick Cisar: Explained allowable uses in Commercial Zone. Intent is to provide personal services. Explained the uses of the Industrial Zone and feels this business falls into this category. Stated that the hardship is self-created, Mr. Bruck and Mr. Gordon should have checked with the Planning Commission before they started.

Mr. Fuhrmeister: Noted that disclosure statement uses the word "manufacture" throughout it.

Mr. Bruck: This is not in relation to their operation.

Board: A discussion by the board followed. Mr. Heller made a motion that they grant the variance if all city codes are met, Mr. McCrary seconded and the motion carried unanimously.

3. Manufacturing of wax products as a home occupation:

Mr. Fuhrmeister: Read Page 54, Item 3 of the City Zoning Ordinance.

Mr. Bruck: Feels there is no danger in home use. Approximately 200 people in Salt Lake City are doing this in their homes and he does not know of any accidents thus far.

Mr. McCrary: Asked Mr. Bruck what control do they have over the method of operation in the home.

Mr. Bruck: There is a training period for new people going into this business and they try to stress safety. To his knowledge, there has never been a fire related to heating of wax. They have never been denied this request before because of the safety of the operation. They will work with the people in their home because the home operation is important to their business.

Mr. McCrary: Do you inspect the home when you set up an operation?

Mr. Bruck: We look over the operation and if I see a hazard, I will point it out.

Mr. MacIntosh: Has been working with Mr. Bruck.

Mr. Bruck: They had a client who wanted to do this in his trailer home and they turned him down because they felt it wasn't safe.

Mr. Summers: Speaking to Mr. Bruck, "Will this be the primary use in the home?" Mr. Bruck answered yes.

- Mr. Fuhrmeister: How much time are we talking about?
- Mr. Bruck: 4 1/2 or 5 hours for a pour, one to two hours working time, the rest is cooling time.
- R. T. Mantlo: The only regulation we have on home use is the fact that Mr. Bruck accepts or rejects candles.
- Mr. Summers: Asked Mr. Bruck all of the questions listed in Section 11, 1 thru 9, Page 62, City Zoning Ordinance and Mr. Bruck answered them all with "No"
- Mr. Fuhrmeister: Is this a customary use?
- Mr. Bruck: When they ran an ad in the paper, there about 200 replies, 65-70% of the people who replied had previously made candles in their home.
- Mr. Hollinger: Mr. Bruck stated that the company had no control over what went on in the home. The wax is heated on gas or electric stoves and Mr. Hollinger feels this could be a hazard. We are talking about 200 lbs of wax a day being processed. Mr. Bruck is only human and inspections and reinspections would be difficult for him to take care of.
- Mr. Summers: The contract states that they must meet all of the codes and his clients are willing to meet all requirements.
- Mr. McCrary: Perhaps we could charge a fee to inspect these homes by a qualified person.
- R. T. Mantlo: Do we have a right to inspect a private home? We don't have this right at the present time.
- Mr. Summers: They would be happy to make a stipulation that the home be inspected for safety.
- R. T. Mantlo: People are not usually cooperative and we don't have the control of the homeowner in his own home.
- Mr. McCrary: If this was written into the contract, could it be done?
- R. T. Mantlo: Then it would be a business operation.
- Mr. Fuhrmeister: If we approve this, then we would be opening up all kinds of home uses.
- R. T. Mantlo: We have a candle fire on record.
- Mr. Summers: This use meets all nine requirements as outlined under "Home Occupation"
- Mr. Hollinger: The difference here is volume.
- Jean Person: They have checked this operation out and she wants her children, ages 16 & 18, to make candles in their home. She feels that this is a lot safer than a lot of things

her kids could do. Her only concern is with the hose and she will require her children to wear gloves when handling the hose.

Mr. Halley: What temperature does wax boil?

R. T. Mantlo: 185°

Mr. Bruck: We tried and we can't get it to boil at 500°.

R. T. Mantlo: This information is furnished by Underwriters Laboratory.

Mr. Gordon: The wax melts at 140-145°

R. T. Mantlo: As Fire Marshall, I want it on record that I am against homeowners processing this much wax in the home.

Mr. Summers: As long as we meet requirements 1 thru 9 of the City Zoning Ordinance, this operation is o.k.

Mr. Fuhrmeister: The question is, "What's Manufacturing."

Mr. Randolph: Is there an age restriction.

Mr. Bruck: Any parent who works with their children is certainly going to watch them and make sure they are careful.

Mr. Summers: No child can sign a contract. The current age for signing a contract is 21.

Mr. Gordon: The children will have to take the training with the parents in the case of Mrs. Person.

Mr. Bruck: We teach the safest and fastest way to make the candles. How they do it is up to them.

Mr. Fuhrmeister: We are concerned with the volume of the operation.

Mr. Summers: This is a secondary use in the home.

Mr. Halley: Some of us are using our garages.

Mr. Fuhrmeister: This operation has to be restricted to the home. He then read Item 3, Page 54, City Zoning Ordinance.
Home occupation is prohibited in trailer courts.

Mr. McCrary: Made a motion to approve the request as long as it complies with items 1 thru 9, page 62, City Zoning Ordinance. The board only has the authority to interpret if variance meets the requirements. Mr. Heller seconded the motion and a vote was taken. There were two votes for and Mr. Randolph voted against the variance.

ADJOURNMENT: There being no further business, the meeting was adjourned.