

CITY OF GRAND JUNCTION

BOARD OF ADJUSTMENT

MINUTES

The City Board of Adjustment of Grand Junction was called to order at 8:00 A.M., in the City Hall Auditorium on December 13, 1974, by Virginia Flager, Acting Chairman, With the following members present: Blaine Ford, Don Henry, Rudolph Susman, George Randolph, and Warren Lowe.

Also present were: Richard Hollinger, Chief Building Inspector; Bonnie Pehl, Acting Secretary; and approximately twenty (20) interested persons.

1. The City attorney, Gerald Ashby, addressed the Board and the people in the audience stating that the issues presented at this meeting were; (1) Whether or not the Board of Adjustment could act on a height variance in a residential zone; and (2) Whether or not the house moved into the R-1-C zone would have to have the roof lowered to twenty-five feet or if a variance should be granted to allow the existing height of the building in the R-1-C zone. Mr. Ashby explained that no matter what action the Board took, that there was no way they could require the house to be moved from the neighborhood on Independent Avenue.

Rudolph Susman: Didn't we have an ordinance that you could not move a house in the city unless it went outside the city?

Gerald Ashby: You can move any house in if you could have built it there.

Virginia Flager: Is there any difference in moving a house in and building a house there? Can a height variance be granted if a house is built rather than moved in?

Gerald Ashby: Variances for height can be granted. The zoning regulations set out the areas where a height variance may be granted.

Virginia Flager: Can you tell us what variances can be granted?

Gerald Ashby: The Board of Adjustment is a Board of limited powers and they rule in hardship cases. Under Section 6, the zoning ordinance specifically states in what areas a height variance may be granted. I think this totally preempts any other height variances. I think the intent of the ordinance is that only City Council would be permitted to vary the heights of buildings. Variances are granted in hardship cases when the circumstances were not created by the appellant; are not due to or the result of general conditions in the district; and cannot be practically corrected. In my opinion they did create the hardship and all these things could have been avoided.

Keith Mumby: I would like to address myself to the same items that Gerry brought out. We feel that this Board has full authority to hear this question. Under Section 9 in the zoning regulations, it states that the Board is authorized, "to hear and decide appeals from orders, requirements, decisions, or determinations by the Building Inspector

or any other zoning enforcement officer. To reverse or affirm any order, requirement, decision or determination appealed from, but only in variances relating to construction, location on the lot or alteration of buildings or structures in such a way that the intent of the ordinance is observed and the public safety and welfare is secured and substantial justice done".

We feel that this is exactly what we have. This Board is formed to judge in cases of height variances in residential zones. In areas where there are apartment houses and the rest of the five instances there has been a change of procedure. We do not feel that other procedure is established in complete exclusion to the height variances in other places.

We do not feel that we created the hardship. This is a fine old structure and this is the way it came into the possession of our people. We do not feel that you are precluded on making a height variance and this is the logical solution to the problem.

Gerald Ashby: This is probably a perfect example. These people are here because they don't feel this thing fits at all in this neighborhood. If they take four feet off it, in the concepts of zoning, you have a degree of conformity in the residential areas. When the zoning ordinance was adopted by the Council it was intended that you did not vary heights in residential areas. You do that only in areas that are specifically pointed out. Any height variances are to go through the City Council.

Virginia Flager: I think this has to go to the Council.

Keith Mumby: When you say this Board can't hear it, we are not in one of the five categories and the Council can't hear it.

Virginia Flager: Mr. Ashby would you bring out the facts about how this got started?

Richard Hollinger: I will answer that. The inspector who issued the permit did not get into the details of height and thereby issued the permit in error. As soon as this was brought to my attention, I immediately wrote a letter to Mr. Gerlofs. We then set up the Board of Adjustment meeting. We did not have a quorum at that meeting so we made an informal agreement with Mr. Ashby and Mr. Gerlofs. We received a letter from Mr. Gerlofs stating that he would comply with the zoning regulations or with the decisions of the Board of Adjustment or the courts. We then set up this meeting and re-advertised the meeting.

Don Henry: I will make the motion that we as a Board go ahead and hear the problem and make a ruling.

George Randolph seconded the motion.

The vote was taken, and the results were as follows:

Rudolph Susman	-----	Opposed	George Randolph	----	In favor
Warren Lowe	-----	Opposed	Blaine Ford	----	In favor
Don Henry	-----	In favor			

The Board heard the question of the variance.

Bob Gerlofs: I am one of the owners of the house. It is a large old house that when finished will be four feet nine and three quarters inches above the zoning regulation. We acquired the house with the intent of relocating it. It would have been torn down if we hadn't taken it and we feel that there is too much of that sort of thing going on in Grand Junction now.

We felt that this was a nice neighborhood and with older homes on the street, we felt it would not be too out of place. It is a two story home and we have no intention of putting a third story on it. We can lower the roof and we have agreed to do so if it is the only way we can make the house legal there. We are not going to make any improvements until we decide what the ultimate improvements will have to be.

Blaine Ford: When you knew you were in non-compliance, why didn't you talk to the people in the area?

Keith Mumby: The building permit was granted and everything was full go until we got the letter from Mr. Hollinger saying that we could not move the house until after the Board of Adjustment hearing. There was not a quorum at that meeting and the movers were ready to move the house as soon as the meeting was over. Consequently, we signed the informal agreement and moved the house. There was not even anyone here to object from the neighborhood.

Fred Burmeister: We did not know until the day before Thanksgiving that there was a meeting and the day after Thanksgiving was the meeting day. We did not have time to prepare for a meeting.

Mr. Burmeister expressed the objections the neighbors had to the house being in the neighborhood and stated that they did not want the house there at all. The people in the neighborhood feel that the presence of this house will devalue their property.

Mr. Burmeister asked why they should have to come down to meetings to protect their neighborhood since they had planning commissions to do those things.

Virginia Flager told Mr. Burmeister that the public needed to get more involved in public meetings of this sort so they can protect their neighborhoods. Without public input, the planning commission cannot know how the public feels or what they want.

Richard Hollinger explained to the Board that at the time of the first meeting, the sign was posted on the lot only a few days before the day of the meeting and that he had intended to tell the Board that the sign was posted only a short time. Mr. Hollinger, however, pointed out that the sign had been posted for approximately two weeks before this meeting.

The people of the neighborhood asked George Bunte, County Assessor to come and tell the Board what the presence of this house would do to the value of their property. Mr. Bunte said with the market the way it is today that at present the house probably would have no effect, but in six months or more it may cause the property value

of the surrounding property owners to decrease. When asked if it was possible for the house to increase the value of the other property in the area, Mr. Bunte replied that it may raise the value as well as decrease the values in the future but that there was no way to tell right now just what effect the house would have.

Mr. Bob Barrett addressed the Board stating that he had to obtain a permit before he could put an addition on to his house, and that although the building department was very nice to him, he still had to bring in plans showing his setbacks, height, rooms and many other details. He asked why this was not done as far as this house was concerned. Mr. Gerlofs explained to Mr. Barrett that he too had to supply the building department with plans and several details.

After a short discussion between the Board members, Warren Lowe made the motion to deny the request for a height variance. Don Henry seconded the motion and it was passed unanimously.

The meeting was adjourned at 9:40 A.M.



P.O. Box 968
81501

CITY OF GRAND JUNCTION
DEVELOPMENT DEPARTMENT

Dial (303) 242-0445

NOTICE OF MEETING
CITY OF GRAND JUNCTION
BOARD OF ADJUSTMENT

Date: November 29, 1974
Time: 8:00 A.M.
Place: City Hall Auditorium

AGENDA

1. Consider a height variance from 25' to 30' in a R-1-C zone, on the following described property:

Beginning 544' West of the SE corner of the NE 1/4 SE 1/4 of Sec. 10, T1S, R1W of the Ute Meridian, thence North 180'; thence West 68.5'; thence South 180'; thence East 68.5' to the point of beginning. More commonly known as 244 Independent.

Petitioner: Robert P. Gerlofs

There was not a quorum on the morning of November 29, 1974 so the request was readvertised and the hearing date was rescheduled to December 13, 1974.

ROBERT P. GERLOFS

Engineering Consultant

244
2 B W 1st St. on Indep.

CITY OF GRAND JUNCTION
BUILDING DEPARTMENT

GENTLEMEN:

THIS LETTER IS A REQUEST FOR VARIANCE FROM THE TWENTY-FIVE FEET HEIGHT LIMITATION IN THE R-1-C ZONE ON THE FOLLOWING DESCRIBED PROPERTY:

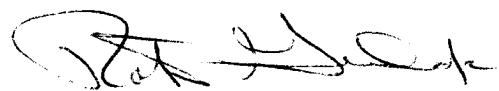
BEGINNING 544 FEET WEST OF THE SOUTHWEST CORNER OF THE NE 1/4 SE 1/4 OF SEC 10, T13, R1W OF THE U.M. THENCE NORTH 130'; thence WEST 68.5'; thence SOUTH 130'; thence EAST 68.5' TO THE POINT OF BEGINNING

THIS VARIANCE IS REQUESTED TO ALLOW A TWO STORY SINGLE FAMILY RESIDENCE TO BE PLACED ON THE PROPERTY.

A HIGH ROOF AND EAVE STRUCTURE MAKES THE HOUSE APPROXIMATELY THIRTY FEET HIGH.

YOUR FAVORABLE CONSIDERATION OF THIS REQUEST IS APPRECIATED.

VERY TRULY YOURS



ROBERT P. GERLOFS

Engineering Consultant

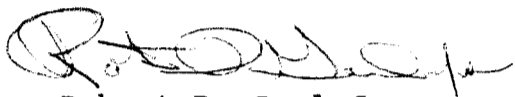
November 29, 1974

Mr. Richard Hollinger
Chief Building Inspector
P.O. Box 897
Grand Junction, Colorado 81501

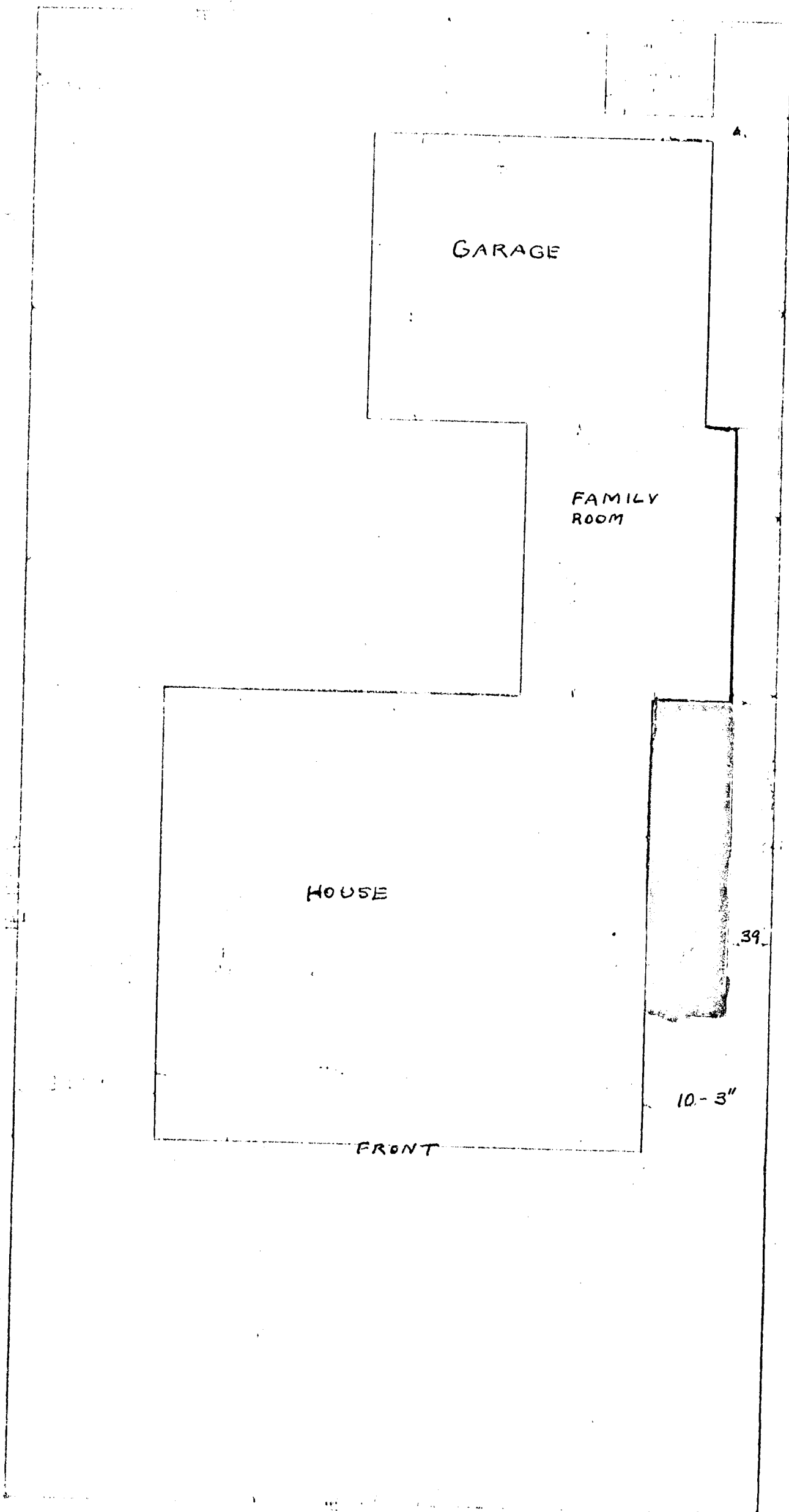
Mr. Hollinger:

Pursuant to our recent conversation regarding the structure I intend to relocate from 635 Grand Avenue to 244 Independent, this is to verify that the relocation will be completed in accordance with the existing zoning ordinances and/or decisions of the Board of Adjustment or the courts.

Sincerely,



Robert P. Gerlofs
Engineering Consultant



GARAGE

FAMILY ROOM

HOUSE

FRONT

14' 6"

39

10-3"

3 TH.

CHIPETA