

GRAND JUNCTION BOARD OF ADJUSTMENT

August 22, 1978

M I N U T E S

The regular meeting of the Grand Junction Board of Adjustment was called to order at 8:05 a.m. in the Pioneer Room of the Mesa County Court House by the temporary chairman appointed by the Board, Blaine Ford. The following members were present: VIRGINIA FLAGER, CHERYL LYNN, MEARLEN BROWN, CECIL HOBBS.

Also present were: PHIL ROMEO, Zoning Administrator; DICK HOLLINGER, Chief Building Official; GERALD ASHBY, City-County Attorney; MARIE WELCH, Acting Secretary; and four interested persons.

Minutes of the previous meeting were received by all the members of the Board, however action on them was not taken at this meeting.

1. #78-10 Tabled item from August 3, 1978 hearing to consider a request to vary the south sideyard setback from 5 feet to 3 feet in order to build a workshop (front half of lot).

Petitioner: Verne A. Jones. Location: 513 Melody Lane.

Dick Hollinger, Chief Building Official, stated that in this case the Building Codes would allow construction within the three feet without the construction of a fire wall. The Building Codes state that a fire wall is required if construction is to occur closer than three feet

Virginia Flager moved for approval and was seconded by Cecil Hobbs. The motion was passed unanimously.

2. #78-13 Tabled item from August 3, 1978 hearing to consider a request to vary the rear yard setback from 30 feet to 20.3 feet in order to build an addition.

Petitioner: W.F. Newton, dba Newton Construction. Location: 2936 Crocus.

Gerald Ashby, City Attorney stated that the City's position on the variance regulations would be that the applicable section in this case is the one specifying that the hardship cannot be created by the applicant.

J. D. Snodgrass, Attorney, representing the appellant, stated that Mr. Newton did apply for a building permit and said application was stamped by the Building Division on June 27, 1978 as received. The application was then signed by an Inspector of the Building Division indicating approval by them, and although a written permit was never obtained verbal approval was given over the telephone for work to proceed. Three inspections were made by the Building Division after this verbal approval.

Gerald Ashby articulated the primary reasons for the regulations being to aid the individuals in the area. Should an error be made by the Building Division or by the actions of an Inspector, the

2. #78-13 Continued

remedy would not be to grant the variance but rather for the individual involved to bring action against the City Government for compensation by the Building Division.

J. D. Snodgrass expressed the position that since the process was followed that would lead to the issuance of a building permit, it follows that the hardship was not created by the applicant.

Dick Hollinger, Chief Building Official, defended the Building Division by explaining the check system that is employed in going over an application for a building permit. He stated that in this case Roy Anderson, Building Inspector, did indeed sign the application and it was then forwarded to Fred Fuhrmeister for further checking. It was at this time that it was discovered that there was no site plan with the application, and a call was placed to Newton Construction requesting such a plan. A similar call was placed two weeks later when the site plan still had not been delivered, and Mr. Newton was contacted directly on this occasion and the site plan was provided to the Building Division. Determination was made then of a zoning ordinance violation. Mr. Hollinger stated that no indication was ever made that there was a legal permit for this construction.

Mr. Newton stated that he did receive verbal approval from Mr. Anderson and that he did not realize that he was in violation of the zoning ordinance until after inspections had been made on footers, foundation and wall. He also stated that the addition had been approved by the Architectural Committee of Spring Valley and that the neighbors had no objections to the location.

Following discussion by the Board, Mr. Hollinger stated that an approach to the problem could be taken from the odd shape of the lot and that relief can be granted on the basis of the impractical shape. Virginia Flager asked for recommendation from the Building Division for this on the basis of lot shape, and Mr. Hollinger gave his recommendation stating that the area would not be adversely affected and that there would not be devaluation of adjoining property or encroachment difficulties as a result of the addition.

Based on the recommendation from the Building Division as a result of the irregular shape of the lot, Cecil Hobbs moved for approval of the variance and was seconded by Virginia Flager with the recommendation that a system be developed to eliminate this problem in the future. The motion was passed unanimously.

The meeting was adjourned at 8:30 a.m.