

GRAND JUNCTION BOARD OF APPEALS

February 28, 1990

8:10 a.m. - 9:00 a.m.

A special hearing of the Grand Junction Board of Appeals was called to order at 8:10 a.m. in the City/County Auditorium by Vice Chairperson Jan Pomrenke.

Other Board Members present included John Elmer and newly appointed member Katie Worrall. Aden Hogan and Sheilah Renberger were both absent.

David Thornton, representing the City Planning Department, was present.

Bobbie Darlington was present to record the minutes.

I. MINUTES

John Elmer/Katie Worrall 3-0. The minutes of the November 21, 1989 meeting were approved as submitted.

II. FULL HEARING

#90-1 Consideration of a request to vary Section 5-1-9, Home Occupation, of the Zoning & Development Code to allow part-time help in a framing business in a Residential Multifamily Zone (RMF-64).

PETITIONER: Picture This, Patricia Costello

LOCATION: 756 Chipeta Avenue

Patricia Costello submitted photographs of her home during and after the renovation process. The photographs were examined by the Board Members.

Ms. Costello stated that her hardship was being a single parent, sole supporter of her child, and trying to operate a profitable business. In searching for a home located in business and commercial zones, her considerations included a safe environment to raise her child and the right atmosphere for her business; the home at 756 Chipeta Avenue fit both her criteria but fell within a residential zone. Spending time with her daughter during regular business hours requires that she close the shop, resulting in lost business as customers go to one of the other thirteen picture framing businesses in town. She has considered relocating her part-time help to another area; however, the risk association with transporting such merchandise is prohibitive as it is difficult to assess a dollar figure on articles with sentimental value. Although the transportation of art goods is insured, Ms. Costello feels that most customers would be unwilling to take such risks.

Ms. Costello stated that according to the Code, a part-time person would be allowed to work for her if this person lived in her home, adding that she felt this would be impacting the neighborhood even more. If a college student was hired, they would generate more traffic because of visiting friends, etc. She suggested that maybe the Home Occupation section of the Code was outdated?

Ms. Costello read a letter from her parents, Margaret and George Cowan, 530 Walnut Avenue, who supported the request for the variance.

Ms. Costello stated that the person she wants to hire to help in her framing business would also help in caring for her daughter. She pointed out that "Picture This" does not advertise, therefore demonstrating the fact that she was not trying to expand the business. She said the neighborhood supports her business and the request for the variance.

Barbara Bowman, 536 Kingston Court, felt that consideration of the variance should be given for the reason that by renovating this home, Ms. Costello has made a positive contribution to the neighborhood.

Jackie Nyberg, 527 Oriolle Drive, supported the variance request. She felt in order to operate a successful business, additional help was needed to cover when Ms. Costello has errands to run, doctor's appointments, etc.

Carroll Bennett, 2937 View Drive, and Dan Kellerstrass, 806 Samoan Drive support the variance.

Alicia Hasbrouck, 2504 Mount Sopris Drive, stated that Ms. Costello provided superior quality work which sometimes takes 60 to 80 hours per week. As a single parent, she also needs quality time to be with her child. Ms. Hasbrook felt that "Picture This" did not negatively impact the surrounding area.

Leo Bullard, 815 Chipeta Avenue, felt that the apartment buildings in the neighborhood had much more of a negative impact than Ms. Costello's framing shop "Picture This", adding that the renovation of the home has added to the quality and improvement of the area.

Clara Harwood, 365 29 Road, stated that home based businesses are the waive of the future. She quoted an article published in 1989 in the Inc Magazine which stated that 75% of growing new businesses that do not hire additional employees fail in business.

QUESTIONS

John Elmer clarified that the part-time employee's main purpose would be to operate the business while Ms. Costello was not there, not to expand it; the customer limit of 10 persons per day remains the same.

Katie Worrall asked if in the future any additional help would be needed.

Ms. Costello responded that one part-time person was all she needed.

John stated the hardship would be the main criteria in granting this variance.

STAFF PRESENTATION

David reiterated the definition of a variance; the applicant must establish that he or she would suffer undue hardship because of site characteristics and the variance request does not conflict with the intent of the Code. David stated that "Picture This" did meet all other criteria of the Code, adding that it would be the Board's decision whether or not it is a hardship. David pointed out that a variance would not be required in this same case if the person was hired part-time for housekeeping or childcare but would still have the same impact on the neighborhood. Staff's perspective is that this request for part-time help would have minimal impact on the surrounding neighborhood.

QUESTIONS

When asked if the Staff considered "Picture This" a business, David stated that in court it could easily go either way.

Jan Pomrenke asked Ms. Costello to submit a description of the part-time job duties.

Ms. Costello agreed to do this.

David read a letter from Jack D. Berry, 417 N 7th Street, in support of the variance.

John defined part-time, as it relates to this variance request, as an employee working 25 hours for the framing business, leaving it optional to have this employee work additional hours for child care.

Ms. Costello asked if the part-time person could work full-time while she is on vacation this summer.

The Board agreed to this, because there would still be only one person there, so in effect the part-timer will just be taking Ms. Costello's place while she is on vacation.

MOTION: Elmer/Worral - Motion approved to allow part-time help of 25 hours per week to help in the framing business, and under the consideration of hardship, Ms. Costello is a single parent in addition to running the business by herself.

David asked the Board if they would be interested in joining the Planning Commission in a workshop in late March.

The meeting was adjourned at 9:00 a.m.

Proof of Recording
1-90 B2A

EARL SAWYER
MESA COUNTY CLERK
GRAND JUNCTION, CO.

RECEPTION # : 1536592
RECORDING FEE \$ 15.00
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TOTAL \$ 15.00
AMT TENDERED \$ 15.00
CHANGE \$ 0.00

THANK YOU

02:15 PM 03/01/90
TRANSACTION : 23 CASHIER : GF
