

GRAND JUNCTION BOARD OF APPEALS

June 13, 1990

8:05 a.m. - 8:40 a.m.

The regularly scheduled meeting of the Board of Appeals was called to order at 8:05 a.m. in the City/County Auditorium by Vice Chairman John Elmer.

In attendance, representing the Board, were Katie Worrall, Sheliah Renberger and John Elmer. Aden Hogan and Jan Pomrenke were absent.

In attendance, representing the City Planning Department, was Linda Weitzel. Also present was John Shaver, Assistant City Attorney.

Bobbie Darlington was present to record the minutes.

I. MINUTES

Renberger/Worrall - Motion to approve the minutes of the May 9, 1990 meeting. Vote 3-0.

II. FULL HEARING

1. #90-3 Consideration of a request to vary the frontyard setback along Ouray Avenue from 45 Feet to 39 feet in a Residential Single Family (RSF-8) Zone to allow the construction of a den/family room.
Petitioner: Larry Lynn Anderson
Location: 509 North 23rd Street

PETITIONER'S PRESENTATION

Larry Anderson, 413 Shady Lane, felt that the variance request met all the criteria set forth in the Zoning & Development Code. The request is for an addition on the west side of the house for a family room. If the current required setbacks were met, it would create a 4' jog into the house. The house was originally built in 1955. The entire house will be re-sided with maintenance free siding.

QUESTIONS

John Elmer asked for clarification of the hardship; was it the configuration of the house?

Mr. Anderson concurred that the configuration was the hardship.

Katie Worrall asked if the petitioner had met all the other criteria in the Code. She felt the house was large compared to the lot size.

Linda Weitzel stated that as far as she knew, all other criteria were being met. According to the Zoning and Development Code the maximum coverage of the lot by structures was 45%.

When asked what the square footage of the existing house was, Mr. Anderson replied that he was not sure.

Linda indicated that the maximum coverage by the structure for this proposal was under the 45%.

STAFF PRESENTATION

Linda Weitzel stated that in the past when a variance for an addition onto an existing house was requested, consideration was made in the alignment of this addition. Linda felt that the hardship was still not clear.

Linda stated that there would not be a sight distance problem with the proposed addition. The front yard along North 23rd Street meet the setback requirements. The setback on Ouray does not meet the current Code requirements.

Sheliah Renberger asked if the expense of building a new home rather than adding on to the existing structure could be considered a hardship.

Linda stated that it would be up to the Board of Appeals to make this decision.

John Elmer felt the hardship may be that the house was existing when the code changed setback requirements.

Linda reminded the Board that with any variance request, an attempt should be made to keep nonconforming setbacks to a minimum. The existing setback was grandfathered, but this does not mean this proposal should be approved or disapproved based on this.

John Shaver stated that the purpose of the variance section of the Zoning & Development Code is to address the consideration of any hardships. It does not require a specific economic hardship to grant the variance.

PUBLIC COMMENTS

Mike Kesterson, 356 Ridge Circle Drive, stated that the house directly across the street has an addition exactly like the addition that is being proposed for 509 North 23rd Street. He added that the 39' setback was measured from the bay window that protrudes from the house.

Worrall/Renberger - Motion to approve the request to vary the frontyard setback along Ouray Avenue from 45' to 39' in a residential single family zone to allow construction of a den and family room, as long as the structures do not exceed the maximum 45% coverage of the lot. Vote 3-0.

2. #90-4 Consideration of a request to vary the sideyard setback from 10 feet to 2 feet 7 inches in a Residential Multifamily (RMF-64) Zone to allow the construction of an addition for kitchen and dining area.
PETITIONER: James G. & L. L. Brown
LOCATION: 1725 Glenwood Avenue

PETITIONER'S PRESENTATION

Linda Brown, 1725 Glenwood Avenue, gave a brief summary of the variance request. Ms. Brown explained that she needed the extra room in the kitchen and dining area for entertaining family and guests. These rooms are confined and uncomfortable when used for this purpose. She wants to extend the west wall 5'. The Building Department requires a fire wall on this addition. She added that if it were necessary, the setback could be changed from the 2' 7" to 3'.

QUESTIONS

Katie asked how far the addition extended along the length of the house, and if the roof on the addition would be similar to the existing roof.

Dawayne Martin, contractor hired by the petitioners, 1712 Glenwood Avenue, stated that the length of the addition would be 17' 8". The roof on the addition will tie right in with the existing roof. There is 23' between the existing buildings. There would be approximately 14' between the proposed addition and the front corner of the porch on the adjacent apartment building. Mr. Martin submitted a floor plan for the Board to review.

STAFF PRESENTATION

Linda Weitzel stated that a section of the Zoning & Development Code specifies that a building can not be constructed closer than 5' to property line in multifamily zones because of the high density in this zone. Linda was concerned with the possibility of the adjacent apartment house or other buildings expanding or changing, ultimately leaving the area even more compacted.

Ms. Brown stated that she spoke with the owner of the apartment house, and he had no problem with this addition.

Linda stated that no letters were received for or against this proposal. The Building Department submitted a letter regarding the fire wall. Linda reiterated again that the Board needed to determine the hardship.

Linda asked that the addition, if approved, be built so that the eaves would not drip water onto the property to the west.

Mr. Martin stated that the eaves would not extend onto the adjacent property. The water would drip inside the Brown's property.

John Elmer read aloud the letter from the Building Department; "Petitioner needs to be aware that per Section 503 and Table 5-A of the Uniform Building Code, a fire wall is required for walls of residences less than 3' to the property line. Openings for doors and windows are not permitted."

John Elmer stated that according to the Zoning and Development Code, no exception could be made to reduce the minimum 5' sideyard setback.

John Shaver pointed out that even though the Code specifies the appropriate side yard setback to be 5', this is a request to vary the Code. The Code should not be particularly constraining, since this is the variance process.

John Elmer felt that the addition would be too close to the property line, and that the hardship had not been made clear.

Ms. Brown proposed changing the proposed setback from 2' 7" to 4' 7".

John Elmer asked if the firewall would still be required if the set back was at 4' 7".

Linda stated that this would be up to the Building Department. Normally, a fire wall is required if a building is constructed 3' or closer to the property line.

PUBLIC COMMENTS

There were no public comments for or against this proposal.

Worrall/Renberger - A motion to approve the request to vary the sideyard set back from 10' to 4' 7" in a multifamily residential zone to allow the construction of an addition for a kitchen and dining area. Vote 3-0.

GENERAL DISCUSSION

Discussion ensued on the importance of stressing the hardship and following the Criteria for the Board Decision in the Zoning and Development Code.

Linda informed the Board that staff listened to the tapes and read the minutes regarding the Nancy Seamon property at 710 Hill Avenue. There were no references made in keeping the landscaped area outside the fence in good condition. Linda suggested that the Board still send her a letter requesting that she improve the appearance of her property outside the fence.

Meeting was adjourned at 8:40 a.m.