

GRAND JUNCTION BOARD OF APPEALS
January 16, 1991
8:08 a.m. - 9:05 a.m.

The regularly scheduled meeting of the Board of Appeals was called to order at 8:08 a.m. in the City/County Auditorium by Chairman Jan Pomrenke.

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

In attendance, representing the City Community Development Department, was Linda Weitzel. Also present was Dan Wilson, City Attorney.

Valorie Lowry was present to record the minutes.

I. MINUTES

Elmer/Hogan - Motion to approve the minutes of the October 10, 1990 meeting. Vote 2-0, with Jan Pomrenke abstaining.

II. FULL HEARING

1. #90-14 Consideration of a request to vary the side yard setback from 3 feet to 1 foot in a Residential Single Family (RSF-8) Zone to allow the construction of a carport.

Petitioner: Stella W. Krantwashl
Location: 2854 Elm Avenue

PETITIONER'S PRESENTATION

Ms. Krantwashl of 2854 Elm Avenue, Cottonwood Meadows Mobile Home Park, stated her hardship at the age of 70 years was her inability to shovel snow and remove ice from her car in order to visit the doctor or get groceries. She felt a carport was necessary to protect her car from the elements.

QUESTIONS

Jan Pomrenke stated that the carport has been constructed, and asked the petitioner when she obtained her building permit for this.

Ms. Krantwashl stated she hired a contractor, Ed Holmes, who failed to get the building permit.

Howard Jensen, 576 25 Road, stated that many of the carports in the mobile home park were built right up to the property lines.

Jan Pomrenke asked if the carport was for a car and a motor home which was affirmed by Mr. Jensen. A photograph of the carport was presented for review.

STAFF PRESENTATION

Linda Weitzel stated that many of the lots in Cottonwood Meadows are 40 feet wide. The mobile home park was conceived in the 70's when mobile homes were smaller units. Additions to existing units are difficult due to the size of the lots and the setbacks required for an RSF-8 zone. In some cases, the property cannot be utilized to its best potential. Ms. Weitzel stated that the variance request needed to be clarified because the carport was enclosed and not open which made the setback 5 feet instead of 3 feet.

In November, Robert Lee from the Building Department sent Ms. Krantwashl a letter regarding the carport because no building permit was obtained for its construction.

On January 4, 1991 Katherine E. Powell telephoned the Community Development Department to state that she was in favor of the variance; the message was taken by Dave Thornton a planner in the department.

In the review comments, the City Engineer stated that due to the visibility factor, he is concerned about the dimensions from the front of the carport to the back of the sidewalk which appears to be 19 feet and 20 feet is required. The Building Department may require a fire-wall before issuing a building permit.

The City Attorney, Dan Wilson, stated that the construction was done without a building permit which made the hardship self-inflicted. He felt the bottom line issue was the neighbor's concerns of selling their property. Mr. Wilson felt the only answer was to remove that portion of the carport that was in violation. A recommendation was made to the petitioner to take action against the contractor, for failure to obtain a building permit.

PUBLIC COMMENTS

Reno Feltskog, 2852 1/2 Elm Ave, stated that she was the neighbor most affected by the carport because of its size. Ms. Feltskog submitted photographs for the Boards review. The photographs showed the carport was built to cover Ms. Krantwashl RV and car. Ms. Feltskog stated that the height of the carport is 11 1/2 feet and that the carport is built 7 feet from the wall of her mobile home. Ms. Feltskog was concerned about the drainage of water on the roof of the carport onto her yard.

John Elmer stated that the drainage quantity would be the same running off a cement slab as it would be from the roof of the carport.

Ms. Feltskog was concerned about the glare from the side wall of the carport and the additional heat it would generate onto her mobile home.

Barbara Feltskog, 2852 1/2 Elm Ave. had no objection to the RV being parked in the driveway but the wall was blocking the view and the sunshine.

PUBLIC COMMENTS CONT.

Jan Pomrenke asked Ms. Feltskog and her daughter Barbara Feltskog what their feelings would be if the siding were removed and it were a totally open sided carport?

Ms. Feltskog stated she would still worry about the run-off of water.

Barbara Feltskog was concerned about the property value of their mobile home.

Height limitation was not an issue because the maximum height is 32 feet, according to the Zoning and Development Bulk Requirements for an RSF-8 Zone.

III. DISCUSSION

Jan Pomrenke closed the hearing so the Board could confer.

Aden Hogan stated a major concern was the builder's error and that the property owner has considerable recourse against this builder to make the required adjustments. If the structure stays closed sided could the fire wall actually be constructed. In his opinion, there has been gross negligence on the part of the contractor.

John Elmer stated that the wall needs to come down, it is detrimental to the area and the neighbor. Mr. Hogan stated that he was against the size of the carport for the convenience of an RV, which was not a hardship. Mr. Elmer would not have had a problem granting a small carport for a car because for Ms. Krantwashl's age it is a hardship to remove the snow.

MOTION: Hogan/Elmer - Moved on item #90-14 that the variance to reduce the side yard requirement be denied. That the siding on the structure be removed immediately and that the structure is brought into compliance with building code, within 120 days. In addition it was recommended to staff that an alternative solution to the problem in this subdivision be pursued.

Reasons for denial are the following: There is no specific hardship that is unique to this property; it's been demonstrated that there is qualifyably an impact on the adjoining property owner who has complained; The builder's error would be legitimized. A vote was called, and the motion passed unanimously by a vote of 3-0.

IV. ADJOURNMENT

The meeting was adjourned at 9:05 a.m.