

GRAND JUNCTION BOARD OF APPEALS

**April 10, 1990
8:00 a.m. - 8:40 a.m.**

1569933 10:08 AM 05/06/91
MONIKA TOD CLK&REC MESA COUNTY CO

The Grand Junction Board of Appeals Public Hearing was called to order by Chairperson Jan Pomrenke at 8:00 a.m. in the City/County Auditorium.

BOOK 1836 PAGE 299

In attendance, representing the Board of Appeals, were: Jan Pomrenke, John Elmer, Aden Hogan and Cindy Enos-Martinez.

In attendance, representing the Community Development Department, was Kathy Portner. Also present was John Shaver, Assistant City Attorney.

Bobbie Paulson was present to record the minutes.

There were no visitors present.

I. APPROVAL OF MINUTES

MOTION: (ADEN HOGAN) "Madam Chairperson, I move that the January 16, 1991 minutes be approved as submitted."

John Elmer seconded the motion.

A vote was called, and the motion passed unanimously by a vote of 4-0.

II. FULL HEARING

- 1. **Item #91-1 was pulled from the agenda; consideration of a request to vary the sign Section 5-7-2 of the Grand Junction Zoning and Development Code to allow an Electronic Reader Board.**
- 2. **#91-2 Consideration of an Appeal of an Administrative Decision regarding a request for a boundary line adjustment creating lots smaller than the required minimum 4,000 square feet in a RSF-8 (Residential Single Family - not to exceed eight units per acre) Zone.
PETITIONER: Donald G. & Patricia A. Turley
LOCATION: 542 28 1/2 Road & 2850.5 Mesa Avenue**

PETITIONER'S PRESENTATION

Donald Turley stated that when the original lots were platted, the 4,000 square foot minimum lot size was apparently not required. Because Lot 18 is small, it is difficult to fit most trailers on it while still complying with the five foot side yard setback requirement. The property line between

Lots 17 and 18 runs through the center of the cement patio on Lot 17 making it nearly impossible to construct a fence between the two lots.

(Editor's Note: Diagram #1, 2, 3, and 4 are located in File #91-2)

BOOK 1836 PAGE 300

Diagram #1 represents the existing boundary lines for both lots. The northwest corner of the cement slab on Lot 18 is located three feet from the property line; the Code requires a minimum setback of five feet. Diagram #2 shows the existing property line running through the middle of the patio on Lot 17. Because of this problem, it has been difficult to rent Lot 17 and it will be nearly impossible to sell the lot.

Diagram #3 presents the petitioners first request which was denied by Community Development Staff. In this proposal, Lot 18 is adjusted to approximately 2,700 square feet and Lot 17 is adjusted to approximately 5,000 square feet.

The petitioner then proposed a compromise boundary line adjustment as illustrated in Diagram #4. This proposal places the existing mobile home slab on Lot 18 more than five feet away from the property line. With this proposal, Lot 18 is adjusted to 3,109.25 square feet and Lot 17 is adjusted to 4,756.52 square feet. This boundary line adjustment request is an attempt to bring Lot 18 closer to compliance than it is at the present time. Mr. Turley added that fifteen to twenty other lots located in Cottonwood Meadows have lot sizes under the minimum 4,000 square footage.

QUESTIONS

John Elmer asked Mr. Turley if he owned both lots?

Mr. Turley replied affirmatively; and added that both lots are used for rentals. Lot 17 has a mobile home on it at the present time, however, Lot 18 does not.

Mr. Hogan pointed out that even though it has been difficult fitting a mobile home on Lot 18, it appears that this proposal reduces the total square footage of that lot.

Mr. Turley stated that proposal #4 subtracts square footage from Lot 18 and adds to Lot 17. This proposal will allow some mobile homes to fit within the setback area. With this adjustment, the trailer on Lot 18 will be 8 feet from the property line. This proposal is to accommodate for the width of the trailer and also eliminate the property line which runs through the patio on Lot 17.

Jan Pomrenke suggested the two lots be combined into one large lot with one living unit enhancing the use of the lots.

Mr. Turley pointed out that this could be done but it would require pouring new cement and moving electrical, water, and sewer hookups.

STAFF PRESENTATION

Kathy Portner stated that Cottonwood Meadows Mobile Home Subdivision is zoned Planned Mobile Home (PMH) and RSF-8 (Residential Single Family). Lot 17 and 18 are located within

the RSF-8 Zone. Because there are existing cement pads on the lots in Cottonwood Meadows, mobile homes are allowed so long as they are not larger than the mobile home that was previously there. Another issue within this subdivision is that some of the mobile homes encroach upon the easements. This issue has been discussed for a long time. The RSF-8 zone is probably not appropriate for this subdivision. A planned overlay zone has been considered for Cottonwood Meadows which would allow for the smaller lots and setbacks than what is required in the RSF-8 Zone.

BOOK 1836 PAGE 301

In this case, the boundary line adjustment request was denied because one of the lots was being reduced to a size much less than the required 4,000 square feet. Currently neither lot meets the minimum requirement. The Board's scope of review is limited to determining whether Staff's decision was in accordance with the intent and requirements of the Code. The Board can take into account that Staff may be revising the requirements for this entire subdivision in the future. If the Board reverses this decision, an alternative should be considered that would keep both lot sizes as close to the 4,000 square foot requirement as possible.

QUESTIONS

When asked if the property owner would have to do a replat of the two lots, Ms. Portner stated that it is Staff's interpretation of the Code that this could not be done as a boundary line adjustment but that it would have to be done as a resubdivision. A resubdivision is still done administratively but rather than the petitioner recording deeds, they would have to record a plat. This has been discussed with the petitioner.

The petitioners and the Board discussed several options for re-adjusting the boundary line between Lot 17 and 18 so that each lot was closer to the minimum 4,000 square foot requirement.

Aden Hogan stated that although there are other lots in this subdivision that do not meet the current requirements of the Code, it should not bear on this decision.

Discussion ensued on the placement of future fencing and the changing of the property lines. The compromise would extend the property line to the end of the southeast corner of the patio and then south towards Mesa Avenue.

Mr. Shaver commended the Board in their efforts to work out a compromise to accommodate the Turleys. He added that the total square footage of both lots is 7,865.87; consequently, it would be impossible for both lots to meet the minimum 4,000 square foot requirement.

Cindy Enos-Martinez asked Mr. Turley if he had discussed this proposed boundary line adjustment with the renters?

Mr. Turley stated that he has not spoken with them regarding this; but he has discussed the possibilities of constructing a fence between the lots, and the renter did not have a problem with that.

John Elmer clarified that the hardship is the lots can not be utilized as they are currently configured.

PUBLIC COMMENTS

There were no public comments for or against this proposal.

MOTION: (Commissioner Elmer) "Madam Chairperson, on item #91-2, consideration of an Appeal of an Administrative Decision regarding a request for a boundary line adjustment creating lots smaller than the required minimum 4,000 square feet in a RSF-8 Zone, I move that we approve a variance for a boundary line adjustment as shown on the petitioner's map #4 with a modification showing the boundary line between the two patio areas continuing parallel to the patio on Lot 17 to the southeast corner and then at that point directly south to Mesa Avenue which will bring Lot 17 above 4,000 square feet and Lot 18 to approximately 3,400 square feet and the drawing will be entered into the record."

The motion was seconded by Aden Hogan.

A vote was called, and the motion was approved unanimously by a vote of 4-0.

Cindy Enos-Martinez was welcomed aboard as the newest member of the Board of Appeals.

The meeting was adjourned at 8:40 a.m.