

May 8, 1991

8:05 a.m. - 8:25 a.m.

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MUNIKA TODD CLK&REC MESA COUNTY CO

The Grand Junction Board of Appeals Public Hearing was called to order by Chairperson Jan Pomrenke at 8:05 a.m. in the City/County Auditorium.

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

John Elmer was absent.

In attendance, representing the Community Development Department, was Kathy Portner. Also present were John Shaver, Assistant City Attorney; Bill Cheney, City Utilities Engineer; and Valorie Scott, Weed Abatement Division of the Community Development Department.

Bobbie Paulson was present to record the minutes.

There were no visitors present.

I. APPROVAL OF MINUTES

MOTION: (CINDY ENOS-MARTINEZ) "I move that the April 10, 1991 minutes be approved."

Aden Hogan seconded the motion.

A vote was called, and the motion passed unanimously by a vote of 3-0.

II. FULL HEARING

- 1. **Item #91-3 Consideration of a request to vary the front yard setback in an RSF-4 zone from 20 feet to 10 feet to allow the construction of a new single family home.**
PETITIONER: Robert Kelley
LOCATION: 713 Jasmine Lane

PETITIONER'S PRESENTATION

Gary Rinderle, representative for the petitioner, gave a brief overview of the request. The request is for a variance of the front yard setback to allow the construction of a single family residence. The back two thirds of the lot has approximately 5 feet of fill material on it. After an engineer examined the lot and tested the soils, he recommended that construction of a house not take place on the back portion of the lot.

Jan Pomrenke explained that part of granting a variance is whether or not there is a hardship present. She asked Mr. Rinderle to address the hardship the petitioner would encounter should the board not grant this variance.

Mr. Rinderle replied that the cost of construction would increase considerably if the fill material had to be moved from the back of the lot and be replaced with structural fill material.

QUESTIONS

Aden Hogan stated that he had viewed the site and felt that this lot was not unlike any other lots in the area; each one had some fill material on them.

Mr. Rinderle stated that he thought the fill material had been there since the subdivision was built in the early 1980's.

Aden Hogan pointed out that one of the criteria the board needs to consider in determining a hardship is whether there is something unique to this particular lot. He added that the fill material seemed to be common among all the lots in this area. This should have been considered when the lot was purchased.

Mr. Rinderle stated that he was unsure what the petitioners position was when they bought the lot; therefore, he was unable to address that. The only information he was aware of is the engineer's recommendation to move the fill in order to build on the lot.

Aden Hogan stated that there are basically two options; either reconfigure the house, and/or remove and compact the fill material.

Mr. Rinderle stated that is correct.

STAFF PRESENTATION

Kathy Portner stated that this property is zoned RSF-4. Because it is a corner lot, it has two front yard setbacks which in this case are 20 feet from property line. One setback is along Jasmine Lane and the other along Ivanhoe Way. That portion of Ivanhoe Way is an unimproved platted right-of-way to provide access for future development to the west.

There is a sewer lift station located in the right-of-way. Staff feels that if development is to occur to the west of this, the lift station in all probability will have to be replaced and relocated. At this time, staff does not recommend vacating the right-of-way.

Ms. Portner continued; the petitioners have stated that their hardship is the fill material on the rear half of the lot. Staff feels that not enough evidence has been presented to show, first that it is unique to the back half of the lot, and second that it is unique to this lot. Staff feels that the evidence presented does not justify a hardship unique to this lot and recommends denial.

Bill Cheney, City Utility Engineer, referred to Mr. Rinderle's comment on having to remove the fill material and replacing it. Mr. Cheney felt that this would not be necessary since the material on-site is consistent with the rest of the material that is contiguous to that lot. It will cost some money to remove and replace the material with adequate compaction that is required for any kind of structure going on top of it. However in most situations, approximately three feet of excavation would be needed in order to have a crawl space, which would then leave approximately two feet

of material that would need to be compacted. This is not unusual for setting grade beams for a residence. As for the cost associated with removing and replacing this material, and unless you have a house that is 4,000 or 5,000 square feet on one level, it would require a minimal amount of work. There is nothing unique to this lot that other building sites in the area do not have. If the fill has been on the lot for a number of years, it is very conceivable that the fill has consolidated to a point that it would not need much compaction.

QUESTIONS / DISCUSSION

Mr. Cheney asked Mr. Rinderle who the soils engineer was?

Mr. Rinderle replied that it was Wayne Lizer who had the subsurface soils investigation done.

Mr. Cheney pointed out that Wayne Lizer was not a soils engineer.

Mr. Rinderle replied that he thought Western Engineers did the soils work for Mr. Lizer.

Mr. Cheney stated that with the construction of most housing units, there is a certain amount of compaction required. He felt that effort and cost to remove the fill material with a small dozer and to replace it was minimal as compared to the total cost of construction.

Mr. Rinderle stated that Mr. Lizer recommended a structural slab foundation rather than a stem wall type foundation. This will require removing and replacing a couple thousand yards of fill material. In reference to the total cost of construction, it is not a great amount of money, but it will cost several thousands of dollars.

Mr. Cheney responded that to construct a 2,000 square foot house, it would require removing less than 1,000 yards of material to a depth of approximately five feet. The cost to remove and replace this material would be approximately \$2,500; \$2.50 per cubic yard.

Mr. Rinderle contended that the cost to remove and replace 1,000 yards of material with structural fill is approximately \$5.00 to \$7.00 dollars per yard.

Mr. Cheney responded that he questions that amount since the material on-site can be compacted to 95 to 99 percent. This material is a sandy clay type material which is underneath almost every house in the City of Grand Junction. If the house is going to be built on a slab, that lessens the amount of fill material and the degree of compaction needed than if the foundation were a stem wall.

Aden Hogan felt that because this was new construction, the configuration and topography of the lot and the existing zoning regulations should have been taken in to account at the time the lot was purchased. He felt that a hardship had not been demonstrated. If the Board were to grant this variance, it would set a dangerous precedent since there are other options and alternatives available to the petitioner.

Mr. Rinderle agreed with Mr. Hogan.

There were no public comments either for or against this proposal.

MOTION: (ADEN HOGAN) "Madam Chairman, on item #91-3, consideration of a request to vary the front yard setback in a RSF-4 zone from 20 feet to 10 feet to allow the construction of a new single family home, I recommend denial of that variance request."

(EDITOR'S NOTE: The reasons the variance was denied were based on previous discussion and are summarized as follows: (1) there was no demonstration of "unnecessary hardship" or "practical difficulty" in meeting the zoning setback requirements, (2) the placement of fill does not constitute an unnecessary hardship, (3) the existence of the lift station may only be a temporary blockage of Ivanhoe Way and; therefore, it should be considered a full roadway requiring a setback.)

The motion was seconded by Cindy Enos-Martinez.

A vote was called, and the motion passed unanimously by a vote of 3-0.

Valorie Scott, representing the Weed Abatement Division of the Community Development Department, discussed the agenda for the Weed Advisory Commission Board workshop that will be held tonight, May 8, 1991 at 7:00 p.m. The State Mandate requires the City to have a Weed Advisory Commission. She gave a brief overview of what the Board's responsibilities and examples of the types of cases they would hear.

Jan Pomrenke announced that her term was close to expiring and requested that she be re-appointed to the Board.

The meeting was adjourned at 8:25 a.m.