

June 12, 1991

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

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MONIKA TODD CLK&REC MESA COUNTY CO

The Grand Junction Board of Appeals Public Hearing was called to order by Vice Chairman John Elmer at 8:05 a.m. in the City/County Auditorium.

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

Chairperson Jan Pomrenke was absent.

In attendance, representing the Community Development Department, was Karl Metzner. Also present was Janet Koehn, Code/Weed Enforcement Supervisor.

Bobbie Paulson was present to record the minutes.

There were no visitors present.

I. APPROVAL OF MINUTES

MOTION: (ADEN HOGAN "I move that the minutes of the May 8, 1991 Board of Appeals Hearing be approved."

Cindy Enos-Martinez seconded the motion.

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

II. FULL HEARING

- 1. **Item #91-4 Consideration of a request to vary the side yard setbacks in an RMF-64 Zone from 10 feet to 7 feet to allow the placement of an additional residential structure on the property.**
PETITIONER: David Ward
LOCATION: 1245 Kennedy Avenue

PETITIONER'S PRESENTATION

David Ward gave a brief overview of the request. He asked the board to consider his request to vary the side yard setback from 10 feet to 7 feet so that he can move a house onto the property at 1245 Kennedy Avenue. Because the house has already been constructed, the physical size is already determined. One house already exists on this lot; it is 3'3" from the property line on the west and 4'8" on the east. Setbacks that are less than what is required are indicative of the surrounding neighborhood.

Karl Metzner reiterated that the majority of homes in the neighborhood do have setbacks that are less than the 10 feet required for the zone. Mr. Metzner added that the Community Development Department received a letter from Carl Strippel, 518 Hill Avenue, who objects to the reduction of setbacks.

Vice Chairman Elmer read the letter aloud.

June 5, 1991

I object to the proposed variance at 1245 Kennedy, which lies directly across the alley from my property at 1254 Bunting, a single family residence among others in the neighborhood.

The established setbacks in this area fix what "fits" in the neighborhood. I feel that if the proposed move-in is too big for the setbacks on the lot, then it literally doesn't fit in the neighborhood.

I regret that I could not come to the hearing and hope that my concern will be considered.

**Sincerely,
Carl Strippel
Owner 1254 Bunting**

QUESTIONS

Vice Chairman Elmer asked if there was an apartment building next to this property?

Mr. Metzner replied affirmatively. The multi-family zone allows more than one structure on a parcel of land so long as the total density is not exceeded. This particular lot is a zoned 64 units to the acre; thus, the density and use as proposed are not a problem.

Mr. Hogan asked if staff had a recommendation?

Mr. Metzner replied that this was not a easy one to make a recommendation on. The existing setbacks for the structures in the area are less than 10 feet. It is the Board's discretion whether or not there is a hardship because the structure is existing rather than a new structure being built which could be modified to fit the setbacks.

Mr. Metzner continued; the site plan shows a proposed garage with the entrance/exit into the alley. The City Engineer is concerned with this. With the garage only three feet from the rear property line, oncoming traffic may be difficult to see. However, the garage does meet the required setback for this zone. If this proposal is approved, Staff would like to work with the petitioner to come up with some compromise.

Vice Chairman Elmer asked if there was any off-street parking required?

Mr. Metzner replied affirmatively; the requirement is one and one-half spaces per unit for multi-family units. It appears that there is adequate room on the lot for the parking. The total number of units have not been determined yet since there may or may not be an apartment constructed underneath the house. If there are three units, sufficient space is available for the parking but it may require the modification of the proposed site plan.

Mr. Hogan stated that the Board's criteria for granting a variance is based on the determination of undue hardship. One of the criteria is if there are exceptional conditions that create an undue hardship applicable only to the property involved and that generally do not apply to the surrounding properties. Mr. Hogan felt that by moving an existing house onto property that does not meet the setbacks would be creating a self-inflicted hardship.

Mr. Ward referred to the existing house with setbacks less than what is required which is typical in the surrounding area. He felt that the hardship was created when the City rezoned the property changing the setback to 10 feet. He added that he owns a dozen houses. The house that he is proposing to move on this property is the smallest of all of them. He felt that it would be an economic hardship for him to purchase another lot for this house. Furthermore, a garage can be constructed only three feet from the property line. The garage will cover more land area than the house would.

Mr. Hogan stated that the zoning regulations deal with not only the structure but the type of structure. The setbacks are required for safety reasons, fire codes, etc. There is less potential for loss of life with a garage than with a dwelling structure. With regards to changing the zone requirements after the houses were built, that is a common practice across the country as zoning codes are updated and fire codes are changed.

Vice Chairman Elmer asked the petitioner how he was going to move the house on the lot?

Mr. Ward replied that the movers have already inspected the move and the lot and say they can do it. The lines are high enough. The only line they will have to move is the power line from the pole to the existing house.

PETITIONER'S REBUTTAL

Mr. Ward responded to the letter from Mr. Strippel. Mr. Strippel did not indicate that he knew what the proposed setbacks are. His house is pretty much the same size and shape as my house across the alley. He question whether Mr. Strippel had any basis for his opposition.

Mr. Metzner pointed out that all the surrounding neighbors were sent notices of this proposal.

Vice Chairman Elmer stated that some of the existing homes have been grandfathered. All new structures are suppose to conform to the new code.

Mr. Ward stated that there is an apartment building next to Mr. Strippel's property and apartments across the alley; therefore, he felt that putting one more house on this lot that is zoned for eight units, it would conflict with the character of the neighborhood.

Mr. Metzner suggested an option that the house could be moved so that at least one side met the setback.

Mr. Ward stated this was acceptable to him, but the parking on the site worked much better if the house is in the center of the lot. He felt that it would be safer if the house was seven feet from both side property lines rather than five feet on one side and ten feet on the other.

Mr. Hogan added that another option would be to turn the house sideways so that it met the side yard setbacks.

Mr. Metzner stated that assuming that an apartment will be constructed under the new house, three additional parking spaces would be required along with what exists now. If the house is re-oriented, there should be sufficient space for the parking.

Mr. Ward felt that the proposed site plan worked much better. Mr. Ward added that there is sufficient area in the front yard to meet the landscape requirements of the code.

PUBLIC COMMENT

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

MOTION: (ADEN HOGAN) "Mr. Chairman, on item #91-4, consideration of a request to vary the side yard setbacks in a RMF-64 zone from 10 feet to 7 feet to allow the placement of an additional residential structure on the property located at 1245 Kennedy Avenue, I move to deny the variance based on the fact that there are still workable options for placement of the structure on the property."

The motion was seconded by Cindy Enos-Martinez.

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

2. **Item #91-5 Consideration of a request to vary the side yard setback in an RSF-8 Zone from 3 feet to 1 foot to allow the construction of a carport attached to an existing residence.**

PETITIONER: Carolyn Caratelli

LOCATION: 1244 North 16th Street

PETITIONER'S PRESENTATION

Carolyn Caratelli stated that the proposed carport would be a steel sided structure, open on both sides, and attached to the house. The water will run into a down spout on the southeast corner of the carport and onto her property. There are several other existing carports in the neighborhood that appear to be close to the property lines. The lots in this area are small. Ms. Caratelli

submitted some pictures of her property for the Board to examine. The existing drive way, house, and shed makes it unfeasible to relocate the driveway. It would be very difficult to get in and out from the alley if the garage entrance was from alley. Additionally, a garage would take up almost the entire back yard which has trees, an automatic sprinkling system, and fence already in place.

PETITIONER'S PRESENTATION

Karl Metzner stated that the proposed carport would be located on North 16th Street just south of the middle of the block. Small lots are fairly indicative of this area. Because of the existing layout of this lot, there does not seem to be any other rational options for the placement of a carport. If it is constructed on the opposite side of the house, not only would this require removing some existing landscaping but it would also require that the petitioner walk all the way around the house to get inside. The main concern is that the roof drainage be maintained on the petitioner's property. There is a raised curb on what appears to be the property line. It appears that there is enough room so that the water could come out the drain on the inside of the curb flow onto the driveway and then run out onto the street. Mr. Metzner added that the Community Development Department received a letter from the property owners south of this proposal:

Vice Chairman Elmer read the letter aloud:

We are the owners of the property at 1240 North 16th Street which is next to Carol Caratelli of 1244 North 16th Street and we have no objections to her putting in a car port on her property.

**Sincerely,
Wilbert & Dorothy Clyncke
PO Box 65
Yampa, CO 80483**

Vice Chairman Elmer asked the petitioner if she felt that an additional hardship was dealing with the snow in the winter and having the car out in the open?

Ms. Caratelli agreed.

MOTION: (CINDY ENOS-MARTINEZ) "I move that the variance be granted to Carolyn Caratelli located at 1244 North 16th Street, item #91-5, and that the hardship is that the existing landscaping is there and it would be hardship to re-structure a carport on the other side of the home with the driveway already in existence and that the carport shall remain open-sided with the drainage kept on the property of the Caratelli residence."

Aden Hogan seconded the motion.

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

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