

GRAND JUNCTION BOARD OF APPEALS

November 13, 1991
8:25 a.m. - 8:45 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 Chairperson Jan Pomrenke at 8:25 a.m. in the City/County Auditorium and was later moved to Conference Room A in City Hall.

In attendance, representing the Board of Appeals, were Jan Pomrenke, Aden Hogan, and John Elmer.

Cindy Enos-Martinez was absent.

In attendance, representing the Community Development Department, was Jan Koehn. 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: (JOHN ELMER) "I move that the minutes of the July 10, 1991 Board of Appeals Meeting 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 #91-7 Consideration of a request to vary the front yard setback in a Residential Single Family eight units per acre (RSF-8) zone from 45 feet to 30 feet to allow a carport.**
PETITIONER: Catherine L. Bristol
LOCATION: 542 1/2 Wasatch

PETITIONER'S PRESENTATION

Catherine Bristol stated that she had her carport constructed in order to have a place to keep her car out of the weather. She stated that she lives alone and has a heart problem.

Jan Pomrenke asked if the carport was already constructed?

Ms. Bristol replied affirmatively. She added that her contractor called the City to inquire about setbacks; he was told that it would be 25 feet from the center of the street. Later, we found out

that it should have been 45 feet from the center of the street. There are other carports on the same block that were built right next to the sidewalk.

BOOK 1898 PAGE 546

Jan Pomrenke asked if the contractor obtained a building permit?

Ms. Bristol replied no he did not, but he is licensed and bonded. He talked to other contractors and understood that if the carport was not attached to the existing building or enclosed, a building permit was not required. She added that she did not know one way or another, but felt that her contractor should have known.

When asked if she verified that her contractor was a licensed general contractor with the city, Ms. Bristol replied affirmatively.

Jan Pomrenke stated that the Board of Adjustments predominant concern is a hardship when granting a variance. She asked for clarification that Ms. Bristol has a heart problem.

Ms. Bristol replied affirmatively and add that she had a heart attack six years ago.

STAFF'S PRESENTATION

Jan Koehn stated that the majority of the lots in Cottonwood Meadows are only 40 feet wide and added that this width applied to all the lots and not just this specific lot. Additions to buildings in Cottonwood Meadows are difficult because of the RSF-8 standards and the setbacks required thereof but again these standards are not specific to this one property. Ms. Koehn felt that there really wasn't another place on Ms. Bristol's property to reasonably build a carport within the setbacks. The hardship is self-imposed due to the fact that the carport was constructed without benefit of a permit. Mr. Morris, the building contractor, said he called City Hall but can't remember who he talked to. Ms. Koehn represented that Mr. Morris stated that he requested setback information and received misinformation. This cannot be substantiated. In addition, this Board has denied similar variance requests in the past in Cottonwood Meadows. The case in point is so similar in fact that it was a carport constructed at 2854 Elm Avenue without benefit of a permit. The variance was denied and the removal of the carport was required.

Jan Koehn stated that there were no objections or comments from the City Fire Department or the Building Department.

PUBLIC COMMENTS

There were not public comments for or against.

QUESTIONS

John Elmer pointed out that the board has brought up on several occasions the consistent problems regarding the required setbacks in Cottonwood Meadows and requested that staff look into a resolution to this problem. He added that probably half of the variances the Board reviews are in Cottonwood Meadows. He felt that a neighborhood and a staff solution to the overall problem would be best instead of tackling them one by one.

John Shaver felt that this would not be appropriate since the board has taken action on other variance requests as each one has been brought up.

BOOK 1898 PAGE 548

John Elmer added that if Ms. Bristol has any recourse against her contractor, he did not want to prolong that.

John Shaver agreed. It is clear she would have recourse against the contractor and encouraged her to contact an attorney.

Aden Hogan suggested an alternative which would still require a variance but it could be legitimately defended from a hardship basis because of the configuration of the lot. He continued; if Ms. Bristol were to change to a single carport and move it in towards the tree then the hardship becomes the physical limitations of the lot.

MOTION: (ADEN HOGAN) "THE MOTION IS TO DENY THE VARIANCE REQUEST BASED ON THERE BEING NO DEMONSTRATED HARDSHIP."

John Elmer seconded the motion and added that the reasons for denial are that the hardship is self-imposed and that the lot is not unique compared to other lots in the area.

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

Ms. Bristol asked for clarification. Mr. Hogan suggested another variance; does that mean I would have to go through this procedure again?

Aden Hogan suggested that given the circumstances, if Ms. Bristol came in with an alternate plan, she should not be charged again for the variance fee.

MOTION: (ADEN HOGAN) "I MOVE THAT IF MS. BRISTOL COMES BACK WITH A VARIANCE REQUEST ON A NEW CONFIGURATION THAT THE VARIANCE FEE BE WAVED."

John Elmer seconded the motion.

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

Ms. Bristol asked what the time limit was on this?

John Shaver stated that he and the Code Enforcement Officer would get together with Ms. Bristol after the meeting. He recalled that the Board allowed 90 or 120 days on a similar case to have the problem either resolved by removing the structure or by submitting an alternative plan.

Meeting was adjourned at 8:45 a.m.