

GRAND JUNCTION BOARD OF APPEALS

May 13, 1992

8:11 a.m. - 8:37 a.m.

The Grand Junction Board of Appeals Public Hearing was called to order by Vice-Chairperson John Elmer at 8:11 a.m. in the City/County Auditorium, 520 Rood Avenue.

In attendance, representing the Board of Appeals, were John Elmer, Aden Hogan and Bill Collins.

Cindy Enos-Martinez and Bill Putnam were absent.

In attendance representing the Community Development Department was Jan Koehn. Also present were John Shaver, Assistant City Attorney, and Bobbie Paulson and Ivy Williams from the Community Development Department.

Marcia Petering was present to record the minutes.

I. APPROVAL OF MINUTES

MOTION: (ADEN HOGAN) "Mr. Chairman I move that the minutes of April 20, 1991 be approved as distributed."

Bill Collins seconded the motion.

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

II. PUBLIC HEARING

- 1. Item #92-2 Consideration of a request to vary the rear yard setback requirement by 8 feet from the required 10 to 2 feet and also to vary front yard setback requirement on 11th Street by 7.5 feet from the required 20 feet to 12.5 feet. Both these variances are for the purpose of building a detached garage.**

PETITIONER: David & Katherine Prince

LOCATION: 1059 Ouray Avenue

PETITIONERS PRESENTATION

Katherine Prince said they were requesting the variance in order to build a garage. John Elmer asked that she explain why they are requesting the variances for the garage in this way. Katherine Prince said the number one reason was safety as they don't want to exit from the garage onto the alley due to the number of cars who drive fast through it so, therefore, it is safer to exit onto the street. Also, the curb cut already exist on the 11st street side of the property. Katherine Prince said if the rear yard setback

GRAND JUNCTION BOARD OF APPEALS

May 13, 1992

page 2

variance is not granted, they would need to redo all of the landscaping and also to have a new curb cut made. The purpose of the front yard setback request is to line the garage up with the existing house. The 14' in back of the garage would allow storage of firewood and storage of boats and recreational vehicles behind a locked fence. Katherine Prince said there is a lot of vandalism in the neighborhood and being able to lock up both vehicles as well as recreational vehicles is very important. This would allow them to protect their future investments.

John Elmer said one of the hardships listed in the project narrative is that your vehicles keep getting vandalized and that this is the purpose of the garage. Katherine Prince said they have had three break-ins and most recently stereo equipment disappeared just a few weeks ago.

Katherine Prince said if they don't stay on the alley they will be unable to use the two existing gates in their privacy fence. The gates swing to the outside and are 3.5 feet in wide.

John Elmer said he believed there were also mature trees to the west. Katherine Prince said yes both in the front and in the back. She said they have put a lot on money into landscaping in the last couple of years.

Aden Hogan asked if the existing curb cut on 11th Street was just a curb cut or a driveway also. Katherine Prince said there is a drive up to the sidewalk. Aden Hogan asked if their plans were to take the pavement on into the garage. Katherine Prince said they plan on cementing. Aden Hogan asked if it would be the slab and driveway. Katherine Prince said yes.

Katherine Prince presented the Board with copies of a petition from 10 of the surrounding neighbors who have no problem with the request.

Bill Collins asked if they currently own a boat or recreational vehicle. Katherine Prince said no, this would be for future purchases but they do have plans to build a 3 x 6 enclosure for trash cans. Katherine Prince said if the garage is not located where they are proposing it they would not be using the property in a practical manner.

Bill Collins said the proposed size of the structure is 24' x 24' and asked if this is a standard size for a two car garage. Katherine Prince said yes. John Elmer said 24' x 24' is standard and normal for a two car garage with storage space.

STAFF PRESENTATION

Jan Koehn said one of the hardships staff can find is the zoning on the property. It is currently zoned RMF-32 but the makeup of the neighborhood is single family residential. The problem we experience in a lot of the area of downtown is the zoning is just too high. If the zoning matched the actual existing structures in the area, which would be RSF-8, they would only be required to have a three foot setback. Staff would support a variance to 3 feet.

GRAND JUNCTION BOARD OF APPEALS

May 13, 1992

page 3

Regarding the variance request for the side yard setback, actually the second front, the requirement would be 20' in RSF-8. There is a provision in the ordinance under setbacks which allows for an administrative variances for principal structures but does not include detached structures or for anything which a driveway crosses over. Jan Koehn said what the petitioners are asking for is logical and she had no problem with it but, with the 14' space they have on the west there is really no hardship which is not self-imposed so, therefore, staff would not support the request for the front yard setback variance on the east side of the property.

Jan Koehn said we had received no comments from any of the Review Agencies.

PUBLIC COMMENT

No one was present to speak either for or against the petition.

BOARD DISCUSSION

Aden Hogan said, when he looks at variance applications, he always tries to determine what the hardship is. He said he agreed that this is the logical layout and his concern with staff's recommendation in increasing the distance from the alley is it decreases the distance between the existing fence and the proposed garage and could cause some problems for them to utilize the gates. Aden Hogan said he liked the idea of the house and the garage lining up and that he supports anyone who attempts to improve and make better properties located in the core area of our downtown. Aden Hogan said he had no particular problem with these requests.

Aden Hogan asked the Princes if the garage was moved off the alley 3 feet instead of 2 feet if there would be a real problem to get in and out of the fence. Katherine Prince said no, not with the fence, but they would need to angle to get into the garage.

John Elmer said he agreed with Aden Hogan on the front yard setback requirement and said for a couple of feet it is worth it to line the garage up with the house for aesthetic reasons but not for future use. Aden Hogan agreed.

Aden Hogan asked if engineering had any problem with site distance. Jan Koehn said there only concern was that the vehicles parked in the driveway could potentially be parked across the sidewalk.

John Elmer asked if Don Newton just assumed that the gravel curb cut would be paved. Jan Koehn said there is currently pavement up to the sidewalk. John Elmer said there was a garage there before and if it wouldn't have been torn down the right would be grand-fathered in.

Bill Collins asked if any of the neighbors in the area were in a similar situation. Dave Prince said the next door neighbor has a garage which is 1.5 feet of the alley. Jan Koehn said most of the garages in the area meet the 3 foot setback requirement for RSF-8 and they also line up with the houses.

GRAND JUNCTION BOARD OF APPEALS

May 13, 1992

page 4

MOTION: (Aden Hogan) "Mr. Chairman on Item #92-2 I move that we grant a variance on the rear yard setback from 10 feet to 3 feet and that we grant a variance on the front yard setback from 20 feet to 12.5 feet."

Bill Collins seconded the motion. The motion was unanimously approved 3-0.

The Board of Appeals convened as the Weed Advisory Commission at 8:24 a.m. to consider the following:

I. WEED MANAGEMENT PLAN

Jan Koehn said the Weed Management Plan was drafted to comply with State mandate. Some government entities have adopted an extensive plan but we chose to say we will deal it and that we will target these four weeds and will support integrated management plans. If this acceptable to the Board then this needs to go on and be adopted by Council. Jan Koehn said if they wish it to be more specific we can certainly make it very species specific.

Aden Hogan asked if an operational plan will be formulated as we go along? Jan Koehn said our enforcement stance is that we are very pro-active. We have a staff of 5 who go up and down the streets and cite everyone who has violations. We have starting mapping the four weeds in the City limits. We have quite an infestation of one of the knapweeds down on the Riverfront trails.

John Shaver said we are not limited to the four noxious weeds identified by the state. The City has been doing weed management since the late 60's and so we are ahead of most in weed management we just need to identify and zero in on these four and control the problem. John Shaver said this is just our overview document.

Aden Hogan asked what action is required by the Board. Jan Koehn said the Weed Management Plan needs to be formally adopted and sent to City Council.

Bill Collins asked how co-operative the CSU extension office is. John Shaver said his involvement has been very positive and they are were very good in letting us know what was coming and when it was coming; they have given seminars and have been very beneficial.

MOTION: (Aden Hogan) "Mr. Chairman I move that we adopt the City of Grand Junction 1992 Weed Management Plan as submitted."

Bill Collins seconded the motion. The motion was unanimously approved 3-0.

GRAND JUNCTION BOARD OF APPEALS

May 13, 1992

page 5

The Weed Advisory Commission reconvened as the Board of Appeals at 8:33 a.m.

III. APPOINTMENT OF CHAIRMAN & VICE CHAIRMAN

NOMINATIONS: (Aden Hogan) "I nominate John Elmer for Chairman of the Board."

Bill Collins Seconded. Aden Hogan moved nominations cease. The motion was unanimously approved.

(Aden Hogan) "I nominate Bill Collins for Vice-Chairman of the Board."

John Elmer Seconded. Aden Hogan moved nominations cease. The motion was unanimously approved.

The meeting was adjourned at 8:37 a.m.