

**GRAND JUNCTION BOARD OF APPEALS**  
**Public Hearing December 8, 1993**  
**8:00 a.m. - 8:30 a.m.**

**I. CALL TO ORDER**

The public hearing was called to order by Chairman John Elmer at 8:00 a.m. in the City Auditorium.

In attendance, representing the Board of Appeals, were Chairman John Elmer, Jeff Driscoll, William Putnam, Cindy Enos-Martinez and Lewis Hoffman.

In attendance, representing the City Community Development Department, was Kristen Ashbeck, Associate Planner. Kathy Portner, Planning Supervisor and John Shaver, Assistant City Attorney, were also present. Bobbie Paulson, Senior Administrative Secretary, was present to record the minutes.

There were no citizens present during the course of the meeting.

**II. APPROVAL OF MINUTES FROM THE OCTOBER 13, 1993 MEETING**

**MOTION: (Jeff Driscoll) "I move that we approve the minutes of October 13, 1993."**

Cindy Enos-Martinez seconded the motion. A vote was called, and the motion passed by a vote of 4-0 with Lewis Hoffman abstaining since he was not present at that meeting.

**III. PUBLIC HEARING ITEMS FOR CONSIDERATION BY THE BOARD**

- 1. #93-7 Consideration of a request to vary the side yard setback requirement in an RMF-64 Zone District as set forth in Section 4-2-8 from the required 10' to 7' for a requested variance of 3'. The purpose of the variance is to add a second story to an existing single family residence.**

**PETITIONER: Gary & Patti Stubler**

**LOCATION: 603 Chipeta Avenue**

**STAFF: Kristen Ashbeck**

**STAFF PRESENTATION**

Kristen Ashbeck stated that the petitioners, Gary & Patti Stubler, are proposing to build a second story addition on their home at 603 Chipeta Avenue. Ms. Ashbeck said the petitioner contends the hardship is that the addition on the second floor cannot be built to setbacks because the existing outside wall is 7' from property line and the second story wall must be built on top because it is the bearing wall. Ms. Ashbeck added that although the addition will

potentially destroy the character of this historic home, the majority of homes in this neighborhood are two-story as well. Staff recommends approval of this variance request.

Chairman John Elmer asked if this area were rezoned, would the proper zoning be single family? And if it were a single family zone what would the side yard setback be?

Ms. Ashbeck replied that the most appropriate zone for this area would be single family and added that the typical single family zone in the downtown area has a 5' side yard setback.

**PETITIONER'S PRESENTATION**

Gary Stubler stated that the addition is to accommodate additional needed living space.

**PUBLIC COMMENT:** There was no public comment.

**DISCUSSION**

William Putnam clarified that the required 10' setback is for an RMF-64 zone not a single family zone.

**MOTION: (Jeff Driscoll) "I move that we approve the request for the variance."**

Lewis Hoffman seconded the motion. A vote was called, and the motion passed unanimously by a vote of 5-0.

- 2. #93-8 An appeal of an administrative decision requiring a front yard setback on the south property line which is located adjacent to the future extension of Kingswood Drive.**

**PETITIONER: Paul Riensche**

**LOCATION: 3010 Cloverdale Court**

**STAFF: Kathy Portner/Kristen Ashbeck**

**STAFF PRESENTATION**

Kristen Ashbeck stated that the petitioner, Paul Riensche, owns a home at 3010 Cloverdale Court and is proposing to build an 8' addition onto the south side of his home which would be located 9 1/2' from the right-of-way if Kingswood Drive is extended. Staff would not issue Mr. Riensche a planning clearance because of the current alignment of Kingswood Drive. It appears that the extension of Kingswood Drive was contemplated because of the way it is stubbed out. Ms. Ashbeck stated that the Public Works staff felt that when the large vacant piece of ground to the south and east of Mr. Riensche's property develops, Kingswood Drive would be a likely access.

Staff's decision was that a front yard setback would be required on the south side of his property. Staff recommends denial of the appeal.

Lewis Hoffman asked staff to explain how a lesser setback would be detrimental to the public health, safety and welfare? (Note: This is one of the criteria the Board must consider in their decision.)

Ms. Ashbeck replied that if Kingswood Drive is built, the road would be approximately 9 1/2' away from the home. The noise and headlights from traffic could be a potential detriment. Although the current owner does not feel this would be a problem, a future property owner may.

When asked what a typical front yard setback is, Ms. Ashbeck replied 20'.

Jeff Driscoll asked staff to address the letter Mr. Riensche sent to the City Planning Department stating that this same request had previously been approved in 1992.

Ms. Ashbeck replied that the City Community Development Department issued a planning clearance on May 26, 1992 for this same request. The work was never completed; therefore, the planning clearance is now void. A planning clearance is only good for six months from the date of issuance. At the time the clearance was issued, Mr. Riensche's property was not looked at closely to see how the surrounding properties might develop; however, it was when he applied the second time.

Kathy Portner added that it was just something that had been overlooked the first time; the planning clearance was issued in error.

#### **PETITIONER'S PRESENTATION**

Paul Riensche stated that he has conferred with the owners of the vacant ground adjacent to his property and they have stated that they do not want to extend Kingswood Drive straight through, but rather they are considering a proposal to build a road south of Kingswood and Cloverdale. This road would run south then loop along the canal and back up towards the single residence on the hill.

Mr. Riensche did not understand why his proposal for this addition would be a problem since he would be building inside an existing fence. He felt that if anything the addition would be a buffer against the traffic noise. He added that if he would have built the addition when he was given the planning clearance in May, 1992 this would be a moot point. Mr. Riensche stated that the homeowners association and neighbors do not have a problem with this request.

#### **QUESTIONS**

Chairman John Elmer explained that the purpose of setbacks are to provide suitable buffers and barriers between houses and roads; it is not a question of building inside the fence line.

Mr. Riensche stated that he could understand if the addition was going to be inhabited, but this was just an extension onto the garage. He added that, if anything, it will deter against the noise if

Kingswood Drive is extended.

Lewis Hoffman asked if the addition was going to be enclosed?

Mr. Riensche replied affirmatively.

Jeff Driscoll asked staff if this was designated as a side yard, what would the setback requirement be?

Ms. Ashbeck answered that a side yard setback in an RSF-4 zone is 7'.

**PUBLIC COMMENT:** There was no public comment.

**DISCUSSION**

William Putnam noted that the pavement was a substantial distance from the existing fence and house. He asked staff how wide the right-of-way is?

Ms. Ashbeck replied that it would depend on the classification of the street. Kingswood Drive, for example, probably has 24' of existing pavement and 40' of right-of-way, but again it would depend on the classification of the street. Ms. Ashbeck added that if Kingswood Drive was extended, the addition could potentially cause a sight distance problem.

Lewis Hoffman stated that there would still be a 40' sight triangle.

Kathy Portner stated that another concern staff has is that if the road is built and other single family homes are constructed along Kingswood Drive, the new homes will be setback 20' feet while this addition will be closer to the street. This may be an issue especially for the neighboring house since the occupant will be seeing more of a building than normal.

**MOTION: (Lewis Hoffman) "Mr. Chairman, I move that we approve this appeal to define the south of the property to be a side yard instead of a front yard for setback purposes."**

Chairman John Elmer asked for clarification. Are you granting a 7' setback on the south side of Mr. Riensche's property?

Lewis Hoffman replied affirmatively.

Chairman John Elmer asked what the hardship is.

Lewis Hoffman stated that he believed the hardship was the uncertainty at this time whether Kingswood Drive would be extended or not and that is completely beyond Mr. Riensche's control.

William Putnam seconded the motion. A vote was called, and the motion passed by a vote of 3-2, with Jeff Driscoll and Chairman John Elmer opposing.

The meeting was adjourned at 8:30 a.m.