

GRAND JUNCTION BOARD OF APPEALS
Public Hearing February 9, 1994
8:00 a.m. - 8:20 a.m.

I. CALL TO ORDER

The public hearing was called to order by Vice-Chairman William Putnam at 8:00 a.m. in the City Auditorium.

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

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

There were no citizens present other than the petitioner during the course of the meeting.

II. APPROVAL OF MINUTES FROM THE JANUARY 24, 1994 MEETING

Lewis Hoffman asked staff if minutes were only a summary of the meeting.

Bobbie Paulson replied affirmatively.

MOTION: (Jeff Driscoll) "I move to approve the minutes of the January 24, 1994 meeting."

Lewis Hoffman seconded the motion. A vote was called, and the motion passed by a vote of 3-1, with Lewis Hoffman opposed.

John Shaver asked Mr. Hoffman if he wanted to make a correction to the minutes.

Lewis Hoffman replied that no corrections needed to be made; however, he felt the minutes lacked some detail, in particular a statement that he made that he was in favor of staff's recommendation and the Code on a specific item.

Mr. Shaver stated that the normal process would be to suggest a correction or an addition to the minutes prior to the Board voting on them.

III. PUBLIC HEARING ITEMS FOR CONSIDERATION BY THE BOARD

- 1. #8-94 Request for approval of a variance from the rear yard setback requirement in an RSF-5 Zone District from the required 25' to 21' (a 4' variance) in order to build an addition to an existing single family structure.**

PETITIONER: John & Linda Elmer

LOCATION: 2829 Caper Court

STAFF: Kristen Ashbeck

STAFF PRESENTATION

Kristen Ashbeck stated the petitioners, John and Linda Elmer, propose an expansion to their home at 2829 Caper Court which entails enclosing an existing covered concrete slab patio that extends into the rear yard set back area by approximately three or four feet. The parcel has an angled rear property line on the side where the petitioners propose the construction and the setback in the front yard is larger than the typical 20 ft. minimum in a RSF-5 zone, but these conditions are not exceptional when compared to other properties in the vicinity. Consequently, the petitioner could construct an addition to the home elsewhere on the property without the need for a variance.

Ms. Ashbeck stated that granting the variance would not have an impact on the character of the neighborhood, nor would it be detrimental to the surrounding properties; however, the proposal does not meet the intent of the Code in terms of defining exceptional conditions or undue hardship. For these reasons staff is recommending denial of the variance request.

QUESTIONS

Lewis Hoffman questioned staff; is this an expansion or merely an enclosure of an existing area?

Ms. Ashbeck replied that it is an expansion of the square footage and an addition to the principal structure which has to meet the principal structure setbacks.

PETITIONER'S PRESENTATION

Linda Elmer submitted photographs of the existing covered patio and sketches of the proposed addition for the Board's review (see exhibits in file #8-94). Ms. Elmer stated that they would like to enclose the existing porch for use as a family room. Ms. Elmer stated that because the house has an open concept and a vaulted ceiling, the addition could not be built on the south side because the roof line on the south "comes down." She added that they did not want to build on the north side because it would infringe upon their RV parking space that is required by the subdivision. She stated that the "logical" placement of the addition is where the porch exists right now. She added that the patio will not only be enclosed, but the foundation will be reinforced as well. Ms. Elmer stated that the hardship was that very few properties in the Spring Valley Subdivision have a similar

rear property line setback that exists on their property; adding that "it is extremely deep." The majority of the structure will be within the setback area; only a small portion, eight square feet, encroaches into the setback area.

QUESTIONS

Lewis Hoffman asked Ms. Elmer to clarify the hardship.

Ms. Elmer stated that the hardship is the severe angle of the rear part of the lot and the high roof line of the two-story house which makes it difficult to locate this addition on the north side reiterating that the north side of the home is currently being used for RV parking.

William Putnam asked for clarification; does the Spring Valley Subdivision require RV parking?

Ms. Elmer replied that for those who own RVs in Spring Valley, it is required that the RV be parked behind the fence.

William Putnam asked Ms. Elmer if the covered porch was there before she purchased this home?

Ms. Elmer replied affirmatively.

William Putnam stated that Section 5-1-7F of the Grand Junction Zoning and Development Code states that "porches, patios or decks that are open and uncovered may extend into any required setback area not more than six feet, but in no case closer than three feet to any lot line." He wondered if a building permit was issued when the roof was constructed.

Ms. Elmer replied that she was not sure.

Lewis Hoffman asked if staff knew what the setback requirement was when the covered porch was originally constructed?

Ms. Ashbeck replied that she was not sure, but assumed that it was the same or similar to what it is now.

Lewis Hoffman asked if Public Service and U.S. West received review packets for this variance request, and if so, did they comment?

Ms. Ashbeck replied that they did not receive review packets.

William Putnam asked Ms. Elmer if the foundation would be poured where the existing footers are for the posts?

Ms. Elmer replied yes; and added that the foundation has to be engineered.

PUBLIC COMMENT

There was no public comment.

Lewis Hoffman stated that on one hand this variance does not meet the intent of the Code, but on the other hand the proposed addition will not be seen from the street, the Spring Valley Architectural Control Committee is not opposed to it, and "obviously" the neighbors are not opposed. Mr. Hoffman added that he agreed with the petitioner; because of the architecture of the house, the existing porch would be the best placement of this addition.

Cindy Enos-Martinez agreed that it is possible that whoever built the patio did not have a building permit and poured the concrete out further than they should have.

William Putnam suggested shortening the addition in order to be within the setback area.

Linda Elmer responded the addition would then be in the shadow of the house, adding that windows would be placed along the south wall to capture the solar energy.

MOTION: (Lewis Hoffman) "Mr. Chairman, I move that on item #8-94 we approve the variance for the rear yard setback."

Cindy Enos-Martinez seconded the motion. A vote was called, and the motion passed by a vote of 3-1, with Jeff Driscoll opposing.

IV. ADJOURNMENT

The meeting was adjourned at 8:20 a.m.