

**GRAND JUNCTION BOARD OF APPEALS**

**March 8, 1995**

**8:07 a.m.-8:50 a.m.**

**I. CALL TO ORDER**

The regularly scheduled Board of Appeals hearing was called to order at 8:07 a.m. in the City/County Auditorium by Chairman John Elmer.

In attendance representing the Board of Appeals were: Chairman John Elmer, William Putnam, Joseph Marie, and Lewis Hoffman, III.

In attendance representing Community Development Department staff were Kristen Ashbeck and Jan Koehn.

Also present was Asst. City Attorney John Shaver.

Amanda Campbell was present to record the minutes.

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

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**II. CONSIDERATION OF MINUTES**

**MOTION: (Lewis Hoffman) "Mr. Chairman, I move that we approve the minutes of the February 8 1995 meeting."**

Joseph Marie seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0.

**III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS**

There were no announcements, presentations, and/or prescheduled visitors.

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

There were no public hearing items for consideration by the Board.

## V. DISCUSSION ITEMS

The purpose of these discussion items is to update the Board regarding several recent text amendments which have occurred to the Zoning and Development Code, and to discuss several weed stuff

Kristen Ashbeck reviewed the following two text amendments for the Board:

1. Text Amendment - Organization of Bulk Requirements within Zone Districts. Staff is reviewing the bulk requirements section in the Zoning and Development Code to “break out” the true bulk requirements of the code to reflect those particular requirements which deal specifically with the dimensions of the lot where you can put a building. Other requirements currently in the bulk requirements section of the Zoning and Development Code will be listed a separate section other than bulk requirements. Essentially, none of the information will be deleted, but rather reorganized under separate sections of the Code. This amendment was referred to the City Council by the Grand Junction Planning Commission with a recommendation of approval.

2. Text Amendment - Variance Criteria. This amendment came as a result of a decision of denial for a variance by the Board. After correspondence with the denied Petitioner, City Council decided that the Board did not have sufficient flexibility to approve variance petitions. This amendment will allow the Board to review each variance and approve or deny each petition based upon reasonableness of the request, and not just on the strict requirements of bulk criteria (such as setbacks). The Grand Junction Planning Commission referred this text amendments to the City Council with a recommendation of approval if the amendment is applied only to bulk requirements.

Discussion ensued among the Board members regarding the “weakening” of the ability to deny any variance petition. The Board feels that the way the variance amendment is written currently, that legally they will have to approve almost every petition for variance from bulk criteria.

Discussion was had regarding maximum lot coverage criteria. An example of RMF-8 zone was reviewed, specifically regarding building height and area allowed per unit with the current bulk requirements. Kristen replied that many of the bulk requirements are being reviewed by the City’s consultant, who is reviewing the Zoning and Development Code for a possible future rewrite of the Code.

Jan Koehn then addressed the Board on their role as the Weed Advisory Commission, and also the possibility of adding or changing the current noxious weed list. Several amendments are being drafted for proposal, those being 1) the addition of purple loofestribe to the list of noxious weeds; and field bindweed and goatheads to the definition of “weed”; and 2) exceptions to the weed ordinance in places where it is unreasonable to apply the weed ordinance. Jan inquired of the Board several possibilities of how to view and/or write the exception amendment, possibilities being to make the weed ordinance weed-specific, another to make the weed ordinance species-specific, or to make exceptions for certain areas (i.e. areas for erosion control, areas which are to steep to mow or cut, and also open/natural spaces, landscaping, or habitats).

Jan addressed one of the problems of going species-specific is that none of her summer staff are trained to recognize specific species of plants. Should the Board desire to have the weed ordinance be species-specific, this would necessitate much training time and expense.

Another problem with the current weed ordinance is regarding some of the land which the City is annexing or has recently annexed. Much of this land is rural, undeveloped, or agricultural in nature, and it is not feasible to require weed control from the property line to the center right-of-way line, as the center right-of-way line could be too far away from the property line in some of these rural areas.

The question of ditch-burning was reviewed. Jan replied that ditch-burning is a very effective method of weed control in rural and agricultural areas, and taking that method away is not realistic.

The use of common names versus botanical names for the weeds in question was reviewed. Jan replied that the way the actual ordinance is currently written, that either was appropriate, but that species names, botanical names, and common names could all be represented by adding them parenthetically into the ordinance.

The question of how aggressively to enforce the weed ordinance was also reviewed. Does the Board wish the weed ordinance to be so specific as to enable enforcement of only certain species, or enforce a broader perspective of weed control and in what is viewed to be a "weed".

The stormwater management question was also addressed. By state law, if more than 5 acres of land is disturbed, erosion control must be factored in to a study of how water runoff will be controlled. It was pointed out that some of these "weeds" are a perfect erosion control. Also, if the weeds are left on the area, but cut to the current 6" specification (as mandated by the current City Code), the cutting alone is more than likely to kill the very weeds left for erosion control as mandated by state law. It was pointed out that, according to the current Code, noxious weeds are to be eradicated completely, and other weeds are to be cut to within 3" of the ground.

Generally, the Board feels that "reasonable" is a key word in the weed ordinance. Jan replied she would feel more comfortable if there were specifics in the Code to allow her to point to if there are disputes between property owners and Code Enforcement.

Jan will further review and rough draft the proposed amendments for clarification with the suggestions received from the Board.

## **VI. ADJOURNMENT**

The meeting was adjourned at 8:50 a.m.