

**GRAND JUNCTION BOARD OF APPEALS
JULY 12, 1995
MINUTES**

I. CALL TO ORDER

The regularly scheduled meeting of the Grand Junction Board of Appeals was called to order at 8:05 a.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Board of Appeals, were: John Elmer (Chairman), William Putnam, Joseph Marie, Lewis Hoffman, and Jeff Driscoll

Also in attendance were John Shaver (Asst. City Attorney) and Mike Pelletier (Associate Planner).

Bobbie Paulson was present to record the minutes. Terri Troutner transcribed the minutes.

There were five citizens (all petitioners) present.

II. APPROVAL OF MINUTES

MOTION: (LEWIS HOFFMAN) "Mr. Chairman, I move to approve the minutes of the May 10, 1995 meeting."

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

III. HEARING ITEMS

- 1. V-95-112 VARIANCE--INCREASE HEIGHT OF FENCE IN FRONT YARD**
Request for approval of a variance to increase the height of a fence in the required front yard setback from the maximum height of 30 inches to a height of 54 inches and tapering up to 72 inches.
Petitioner: Brad & Leslie Schaefer
Location: 430 1/2 E. Prospector's Point

STAFF PRESENTATION

Mike Pelletier said that no undue hardship had been demonstrated by the petitioners and he therefore recommended denial of the request. In lieu of fencing, staff recommended vegetative screening. Mr. Pelletier also felt that the fence would encroach into the sight distance triangle creating a safety hazard.

QUESTIONS

Mr. Putnam asked if the Ridges' covenants addressed the parking of RV's on the street. Mr. Pelletier said that the City did not enforce subdivision covenants; thus, he did not know whether they included RV parking.

Mr. Putnam asked if the Code would also require that any vegetative screening be maintained so as not to exceed 30 inches in height, to which Mr. Shaver responded affirmatively. Mr. Pelletier added that the problem with vegetative screening, however, was that it cut down on the available front yard area.

Mr. Marie questioned why the Ridges Architectural Control Committee (ACC) had approved the fence. Mr. Pelletier was unsure why the approval was granted. Chairman Elmer added that even if the ACC approved the fence, the more restrictive of either the covenants or the City's *Development Code* would apply.

PETITIONER'S PRESENTATION

Ms. Schaefer circulated photos depicting the Public Service boom truck and the subject property. She noted that the street curved away from the property in all directions; thus, she felt that the sight distance would not be compromised. Mr. Schaefer said that another similar fence existed in the area and had been there for some time. Since none of the neighbors had objected to the previous fence, he didn't see where they would object to the one being proposed. He indicated that vehicle height would exceed fence height and therefore would not create a safety hazard in backing out of the drive. Neighbors had been contacted and no opposition had been received.

PUBLIC COMMENT

There were no comments either for or against the request.

DISCUSSION

Chairman Elmer agreed with staff that a hardship had not been adequately demonstrated and that a safety issue existed.

Mr. Driscoll asked for clarification of the petitioner's claim for hardship. Mr. Shaver thought that the hardship claimed by the petitioner pertained to a newly adopted amendment to the *Code* regarding a general community well-being exception; he clarified that the amendment applied to variances of bulk requirements only.

Discussion ensued over an interpretation of "community well-being" and whether the request qualified under this definition and possible alternatives available to the petitioner.

MOTION: (LEWIS HOFFMAN) "Mr. Chairman, on item #VAR-95-112, a variance request from a fence height restriction in the front yard setback at 430 1/2 E. Prospector's Point, I move that we approve the request and that I believe (the hardship to be) that the neighbors felt that the driveway took away the lack of privacy and affected the quality of life."

Mr. Putnam seconded the motion. A vote was called, and the motion passed by a vote of 4-1, with Chairman Elmer opposing.

- 2. #VAR-95-111 VARIANCE--REAR AND SIDE YARD SETBACKS IN B-1 ZONE
Request for approval of a variance from the side and rear yard setback requirements when abutting a residential zone or use in a B-1 (Limited Business) zone district from**

the required 10 feet to 0 feet in order to expand an existing business.

Petitioner: Thomas Goerke, Andy's Liquor

Location: 922 North 1st Street

STAFF PRESENTATION

Mike Pelletier pointed out the subject property on a map provided. He said that a neighbor across the alley expressed concern over the loading and unloading of alcohol into an alley warehouse, blocking the alley access. An adjacent neighbor was supportive of the proposal. Staff recommended approval subject to the following conditions:

1. Remove the existing trailers.
2. The addition of landscaping.
3. No access to the alley from inside the building.
4. The height of the warehouse is similar to the existing structure.

Mr. Goerke expressed a willingness to comply with staff requirements.

QUESTIONS

Chairman Elmer requested reaffirmation that the new structure would be only a maximum of a couple of feet higher than the present structure, which was given.

Mr. Marie asked if the architectural design of the addition would be similar to the present structure, to which Mr. Pelletier concurred.

PETITIONER'S PRESENTATION

Mr. Goerke said that the building height would be determined primarily by water drainage and that the addition needed to match the current building. Since there would be no water drainage to the alley nor to the east, he would construct a drain pan from east to west to drain water from the addition onto First Street. Architecturally, the two buildings would be similar. He explained his plans for landscaping, and said that loading and unloading of product would be from a dock in the back via access through the existing parking lot. Mr. Goerke said that the trailers were always regarded a temporary solution and has no problem with removing them.

PUBLIC COMMENTS

There were no comments either for or against the request.

MOTION: (JOSEPH MARIE) "Mr. Chairman, with reference to #VAR-95-111, I move that we approve the request for the side and rear yard setback at 922 North 1st Street for the following reasons: 1) the temporary storage trailers will be removed from the area; 2) landscape issues will be addressed; 3) no alley access will be available, either to the south alley or the east alley; 4) the building will be of similar height and will be at the hip line of the building, not to exceed 5 feet; 5) and the finish of the building will be similar."

Mr. Driscoll seconded the motion. A vote was called, and the motion passed unanimously by a vote

of 5-0.

- 3. #VAR-95-110 VARIANCE--FRONT YARD SETBACK IN RSF-8 ZONE**
Request for approval of a variance from the front yard setback requirements in an RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) zone district from the required 45 feet from centerline of right-of-way to 40 feet from centerline of right-of-way for a 5-foot variance.
Petitioner: Joe Voytilla, Kenneth Heitt, & Lawrence Hansen
Location: 568 Cindy Ann

STAFF PRESENTATION

Mike Pelletier presented an aerial photo and general overview of the request. No neighborhood opposition was received. Mr. Pelletier said that a variance had been issued previously for the property but was allowed to lapse because no building had commenced. Staff recommended approval based on *Code* criteria which states that such variance does not cause harm to anyone.

PETITIONER'S PRESENTATION

Joe Voytilla said that only a small, perhaps one bedroom, structure could be built on the small subject lot. The hardship, he felt, was the size and shape of his lot.

PUBLIC COMMENTS

There were no comments either for or against the property.

MOTION: (LEWIS HOFFMAN) "Mr. Chairman, on item #VAR-95-110, the variance request from the front yard setback restriction at 568 Cindy Ann Road, I move that we approve the request because I feel it meets the hardship requirement based on the size and shape of the lot."

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

The meeting was adjourned at 9:10 a.m.