

GRAND JUNCTION BOARD OF APPEALS MINUTES
SEPTEMBER 13, 1995
8:05 a.m. - 8:40 a.m.

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 Adjustment, 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 three interested citizens present which included the petitioners.

II. APPROVAL OF MINUTES

MOTION: (PUTNAM) "Mr. Chairman, I move to approve the minutes (of the July 12, 1995 meeting) as presented."

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

III. NEW BUSINESS

VAR-95-143 VARIANCE--FROST SUBDIVISION

Request for approval of a variance from the minimum street frontage requirement in an RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) from the required 15 feet to 10 feet, for a 5-foot variance.

Petitioner: Bob Frost

Location: 2526 Orchard Avenue

Mr. Putnam asked for clarification of the correct site address. The correct address was given as 2526 Orchard Avenue and not 2565 Orchard Avenue as it had appeared on the agenda.

STAFF PRESENTATION

Mike Pelletier indicated that the petitioner sought the variance to allow for the placement of another home on the lot. He indicated the location of the lot on the site plan provided, adding that the western lot had a 10-foot easement available. That, added to the 10-foot easement achieved through the variance of the subject lot, would create a 20-foot easement which would provide all three lots with proper access. Staff recommended approval of the variance, with the hardship being better care of the petitioner's lot.

PETITIONER'S PRESENTATION

Mike Best (736 Hill Avenue, Grand Junction), representing the petitioner, said that once the variance is obtained, the petitioner would go through a minor subdivision process before being able to build.

Chairman Elmer asked if the petitioner intended to provide a shared access agreement for the owners of all three lots, to which Mr. Best replied affirmatively.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Mr. Hoffman wondered why the request was coming before the Board of Appeals (BOA) when it seemingly could have been handled by the Planning Commission. Mr. Pelletier said that the variance had to be obtained prior to the petitioner applying for a minor subdivision. Mr. Shaver concurred that any variance to bulk requirements needed to be reviewed and approved by the BOA.

Chairman Elmer felt that a hardship existed in the configuration of the lots, that it seemed logical and appropriate to split the property.

Mr. Marie expressed his support for infill development.

MOTION: (MARIE) “Mr. Chairman, I recommend that we approve the request for variance on VAR-95-143 and also note that it supports the City’s policy for infill, and with the 20-foot ingress/egress easement dedicated to all three lots (as amended).”

Mr. Driscoll suggested including the staff recommendation for a 20-foot ingress/egress easement dedicated to all three lots, which was made a part of the motion.

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

VAR-95-148 VARIANCE--FENCE HEIGHT 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 48-inches and tapering up to 72-inches.

**Petitioner: Daniel Cramlett
Location: 541 - 28 1/4 Road**

STAFF PRESENTATION

Mike Pelletier said that the petitioner was requesting the fence to buffer noise along 28 1/4 Road and repel the bright light coming from the headlamps of vehicles departing from Columbine Park. Staff concerns included the petitioner’s lack of conformance to sight distance requirements; the aesthetics along the street would be compromised; and that it may encourage others to construct similar fences along 28 1/4 Road. Mr. Pelletier felt that increased noise was characteristic of a collector street and that the petitioner could shut out any offending light by shutting blinds or the strategic planting of shrubbery.

Several similar examples were provided by the petitioner, but Mr. Pelletier added that the fences given as examples were non-conforming and did not provide a valid argument for the one currently being requested.

QUESTIONS

Mr. Marie asked if the entrance to the ball park had been widened in the City’s reconstruction of 28 1/4 Road, to which the petitioner said that the entrance had been widened by approximately 10 feet.

Chairman Elmer felt that striping of the ingress/egress to direct traffic flow might alleviate some of the petitioner’s problems.

PETITIONER’S PRESENTATION

Daniel Cramlett, petitioner, reiterated problems with noise, traffic, headlights from vehicles, etc. He felt that planting shrubbery would limit his available front yard. He offered to alter his request from a 6-foot fence to a 4-foot fence with a different angle at the driveway to allow for sight distance.

QUESTIONS

Chairman Elmer asked staff where setbacks were in relation to the front yard and could the petitioner build outside the setbacks. Mr. Pelletier referred to the site plan provided but was unsure of its scale. Mr. Cramlett expressed concern over relocating a fence such that it would impede access to his irrigation headgate.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Mr. Marie understood the petitioner's problems with vehicle headlights but expressed concern over limiting the sight distance. He felt that the petitioner should at least try landscaping, perhaps utilizing a trellis.

Chairman Elmer felt that public safety would be at risk if the variance were approved and the fence were constructed.

MOTION: (PUTNAM) "Mr. Chairman, with reference to item VAR-95-148, the variance request, I move that this board deny the request for the following reasons: 1) criterion C., that granting the variance would be detrimental to the public safety, and 2) criterion D., the applicant can reasonably use the property without the variance."

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

The meeting was adjourned at 8:40 a.m.