

**GRAND JUNCTION BOARD OF APPEALS
JANUARY 10, 1996
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 Duane Butcher.

Also in attendance were John Shaver (Asst. City Attorney), Kristen Ashbeck (Associate Planner), and Bill Nebeker (Senior Planner).

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

There were two interested citizens present.

II. APPROVAL OF MINUTES

MOTION: (PUTNAM) “Mr. Chairman, I move that the minutes of December 13 be approved.”

Mr. Hoffman seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0, with Mr. Butcher abstaining.

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer introduced the newest member to the Board of Appeals, Duane Butcher.

III. NEW BUSINESS

VAR-95-220 VARIANCE--SIGN

Request for a variance from Section 5-7-7.B.7.a of the Zoning and Development Code to allow two free-standing signs on a single parcel of land.

Petitioner: Stuart K. Sidney

Location: 715 Horizon Drive

Representative: Terry Wakefield, Wakefield Property Management

STAFF PRESENTATION

Kristen Ashbeck presented a brief overview of the proposal. The applicant felt that the one “sign” in question on a freestanding brick wall was actually an architectural feature of the premises, since it gave only the name and address of the building. The applicant was requesting that the freestanding sign along the street be enlarged, but when the area for the sign in question was included in total sign allowance calculations, there would not be enough available area left to enlarge the sign nearest the street. Staff did not feel that adequate hardship had been demonstrated and recommended either that the brick wall or its lettering be removed, or a denial of the request.

QUESTIONS

Chairman Elmer requested clarification on the total sign allowance available to the applicant. The clarification was given by Ms. Ashbeck.

Staff also clarified that the signage on the brick wall was considered a free-standing sign because the wall was freestanding and not attached to the building. Ms. Ashbeck acknowledged that the freestanding wall had been present since the building's construction and that it gave only the name of the building and its address without advertising any specific business.

PETITIONER'S PRESENTATION

Terry Wakefield, representing the petitioner, reiterated that the brick wall referred to by staff had been there since the building's construction in 1978 and was made out of the same construction materials as the building itself. He maintained that the wall was always intended just to identify the building and should not be considered a sign.

Mr. Wakefield indicated that he would, within the next year, like to replace the existing freestanding sign with something a little more modern and attractive and needed clear direction on whether he could proceed with those plans.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

General discussion revolved around whether the brick wall should be considered a sign. Ms. Ashbeck requested that if the Board were to favorably consider the variance that a condition be imposed which would prohibit any additional signage on the brick wall.

MOTION: (PUTNAM) "Mr. Chairman, in the matter of a variance request VAR-95-220, a variance from the sign code for 715 Horizon Drive, the Horizon Corplex, I move that we approve the request on the basis of its history, having been a legal sign according to permitting processes in the past, subject to the restriction that the present lettering identifying the Horizon Corplex on the one structure be counted as part of the total allowed square footage for a freestanding sign."

Mr. Marie seconded the motion.

Chairman Elmer clarified that this would be allowing the brick wall as a second freestanding sign but the lettering on that sign would be counted in the total sign allowance available for enlargement of the freestanding sign nearest the street.

A vote was called and the vote passed unanimously by a vote of 4-0, with Mr. Butcher abstaining.

VAR-95-221 VARIANCE--MINIMUM STREET FRONTAGE AND REAR YARD SETBACK

Request for variances from the Zoning and Development Code requirements in an RSF-1 (Residential Single Family with a density not to exceed 1 unit per acre) zone district as follows:

1. Section 4-2-2.C.1--minimum street frontage

2. Section 4-2-2.C.5--rear yard setback

Petitioner: Bill Patterson
Location: 2586 and 2588 Galley Lane
Representative: Tom Moore

STAFF PRESENTATION

Bill Nebeker briefly outlined the variance request. He explained that the applicant has withdrawn his requested variance to reduce the rear yard setback to 22' for the home on lot 2. The plat has been revised to provide a 30' setback. Also, the applicant has provided 24' of frontage on Galley Lane for the rear lot (lot 3). The request now is to reduce the required frontage from 50' to 24'. The 50' of frontage for lot 3 is not needed. Sufficient access to the lot is provided over the proposed 24' flagpole. If an additional 26' is required to be added to the lot, it would reduce the agricultural use on lot 1, require a new fence line to be installed and would become weed-filled and serve no purpose. Although staff did not feel that sufficient hardship had been demonstrated per Code for the reduction in lot frontage, the Board could approve the variance with a finding that it would harm no one and would be a general benefit to the neighborhood. If the variance is approved, staff recommended the following condition: All lots shall be reconfigured as necessary to maintain required setbacks to existing structures and meet other bulk requirements of the RSF-1 zoning district.

QUESTIONS

When asked whether altering the property line would solve the setback problem now facing the applicant, Mr. Nebeker answered in the affirmative.

PETITIONER'S PRESENTATION

Tom Moore, representing the petitioner, presented a drawing depicting his plans for a minor subdivision. He clarified that the only variance being requested was for the allowance of a 24-foot frontage down to Galley Lane for lot 3. No variance request was being made for any alteration of lot 2.

QUESTIONS

Chairman Elmer asked for clarification of the applicant's hardship, to which Mr. Moore replied that it was the necessity to provide access to lot 3, which was currently landlocked.

When asked whether the drawing presented by the applicant was acceptable to all three involved parties, Mr. Moore replied that it was.

Mr. Moore was asked whether the 20-foot drive to the north was really F 3/4 Road. Mr. Moore responded that although he marked it on the site plan as such at the surveyor's direction, he thought the 20-foot drive was actually an easement intended for private use by the homeowner residing there.

PUBLIC COMMENTS

Tom Watkinson (675 - 26 Road, Grand Junction) expressed his objection to the labeling of the north 20-foot private drive as F 3/4 Road. He stressed that his drive was not a public access.

Mr. Sholes (2580 Galley Lane, Grand Junction) questioned whether he could use the 20-foot easement for access. Chairman Elmer said that Mr. Sholes would have to discuss it with the owner of the easement.

MOTION: (HOFFMAN) "Mr. Chairman, regarding VAR-95-221, I move that we approve a minimum street frontage on Galley Lane reduced from 50 feet to 24 feet in order to create a lot 3 that is no longer landlocked."

Mr. Butcher seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0, with Mr. Butcher abstaining.

The meeting was adjourned at 9:15 a.m.