

**GRAND JUNCTION BOARD OF APPEALS  
MARCH 13, 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) and Kristen Ashbeck (Associate Planner).

The minutes were recorded by Marcia Rabideaux and transcribed by Terri Troutner

There was one interested citizen present other than the petitioners.

**II. APPROVAL OF MINUTES**

Mr. Hoffman said that in the minutes of January 10, 1996 he did not remember making the motion for item VAR-95-221. He asked Ms. Paulson to please check this out.

Mr. Putnam said that the minutes referenced his knowing Mr. Moore, which was incorrect, but added that he did know Mr. Shoals whose name appeared on one of the documents in the hearing packet as the petitioner. He also noted that the paragraph incorrectly stated that he felt he could not be partial, when it should have read '*impartial.*'

**MOTION: (PUTNAM) "Mr. Chairman, I move that the minutes be approved as corrected."**

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

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

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

**III. NEW BUSINESS**

**VAR-96-23 VARIANCE--FREESTANDING SIGN**

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

**Petitioner: Michael Saelens, Moss, Inc.**

**Location: 3231 I-70 Business Loop**

**STAFF PRESENTATION**

Kristen Ashbeck said that the variance would allow a second sign, advertising a Taco Bell restaurant, to be placed on the property owned by the petitioner. The proposed sign would be a 32 square foot monument-type sign to be no more than eight feet high and would be located approximately 85 feet north of the existing Peachtree sign. Photos of the existing sign were presented to board members for review. Staff felt that the exceptional condition was the placement of the existing sign on the parcel by developers of the

shopping center, adding that the hardship was not self-inflicted. Staff recommended approval.

### QUESTIONS

Chairman Elmer wondered if anything would preclude the shopping center from building another sign somewhere else on the property. Ms. Ashbeck said that this was a possibility since there was other frontage available which could be used by the shopping center for additional signage. Chairman Elmer said that allowing the sign to stay there would be with the provision that they didn't build another freestanding sign on their property, since the existing sign was off their property. Kristen referenced maps provided and pointed out where there was additional frontage available.

John Shaver said that the shopping center may have submitted a signage plan which would control where signage would or could be placed and how much would be allowed. He said that should Peachtree representatives come in with additional signage requests, staff could review what currently existed, even in light of this variance if favorably considered. In that way, there could be some control over the amount of signage on the property.

Michael Saelens, representing the petitioner, commented that the shopping center had covenants which no longer allowed pole signs. His original request had been for a pole sign but later had to be changed to a monument sign because the covenants would not allow the former. Future pad owners, he continued, would be restricted to monument-type signage only.

Mr. Putnam noted that the subject area had recently been de-annexed. He wondered how this might affect a contractor who pulled a permit to construct the Taco Bell sign. Mr. Shaver replied that covenants are privately enforced by the property owners; thus, neither the City nor the County would be involved in their enforcement. He added that the petitioner was aware of the property's pending de-annexation but had chosen to proceed with the variance request while the property was still under City jurisdiction. Mr. Shaver elucidated briefly on the current legalities of the de-annexation process.

### PETITIONER'S PRESENTATION

Michael Saelens, petitioner, offered no further comment.

### PUBLIC COMMENTS

There were no comments either for or against the request.

### DISCUSSION

Mr. Marie asked if the Taco Bell in Coronado Plaza would remain in its present location. Mr. Saelens replied that the intent was to buy out the lease and relocate it to the Peachtree property. He said that the restaurant was poorly situated on the Coronado property and had very 'tortured' access.

**MOTION (PUTNAM) "Mr. Chairman, in reference to VAR-96-23, request for a sign variance for a proposed Taco Bell, I move that we approve the variance for the reason that it has no conflicted interest, that there is a hardship and it is not detrimental to the public interest."**

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

### **VAR-96-35 VARIANCE--REAR YARD SETBACK**

**Request for a variance from the required rear yard setback in an RSF-4 zone district from the**

**required 30 feet to 18 feet, for a 12-foot variance**

**Petitioner: Mark and Lori Dearth**

**Location: 2676 H Road**

**STAFF PRESENTATION**

Kristen Ashbeck clarified that the request was for a 10-foot variance to allow a 20-foot rear yard setback at the subject location. The variance was needed to construct an addition to the existing home. The lot was an unusual triangular shape with the rear yard being the angled part of the triangle. The property also has a sewer easement which encroaches upon a large part of the eastern area of the rear yard. Staff agreed that the variance would not impact the character of the neighborhood, nor would it be detrimental to surrounding properties; thus, approval was recommended.

**QUESTIONS**

Mr. Marie asked about the reference made to the anonymous caller who had expressed opposition. Ms. Ashbeck said that the caller, Dale Park, had since rescinded his opposition.

**PETITIONER'S PRESENTATION**

Mark Dearth clarified that a concern had been expressed by Mr. Park over the location of windows in the addition, but said that a mutual understanding had been reached.

Mr. Hoffman said it looked as though there were large trees dividing the rear yards, to which Mr. Dearth concurred (noting location of trees on maps provided).

**PUBLIC COMMENTS**

**FOR:** Joey Newman (2677 Paradise Way, Grand Junction), owner of property located directly behind the petitioner, said that he had no objection to the request.

**AGAINST:** There were no comments against the request.

**DISCUSSION**

Chairman Elmer said that the hardship was based primarily on the configuration of the lot.

**MOTION: (MARIE) "Mr. Chairman, on item VAR-96-35, variance request of 10 feet for a principal structure to be located 20 feet from the rear property line at 2676 H Road, I move that we approve the request, the hardship being the grade of the property, but with the placement of the windows, it seems like it meets the case and there is no undue public comment at this time."**

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

**VAR-96-36 VARIANCE--SIDE YARD SETBACK**

**Request for a variance from the required side yard setback in an RSF-2 zone district from the required 15 feet to 10 feet, for a 5-foot variance.**

**Petitioner: John and Suzanne Kester**

**Location: 2645 Chestnut Drive**

**STAFF PRESENTATION**

Kristen Ashbeck said that the variance would allow construction of a double car garage to replace a single car carport. The garage could be constructed elsewhere but would then require removal of existing fencing, mature landscaping and an irrigation system. She noted a grade change on both the south and eastern sides of the existing home which would make construction of the addition more difficult on the eastern or southern sides. Because of this and due to the existence of an entryway from the carport into the home, staff

concurred that the variance would not have an impact on the character of the neighborhood, nor would it be detrimental to the surrounding properties. Staff recommended approval of the request.

### **QUESTIONS**

Mr. Butcher commented that the submitted photos really didn't show the severity of the landscaping problem which would be caused if the garage were relocated. Ms. Ashbeck presented a sketch which provided a better representation but which had been submitted to staff after packets were sent.

Mr. Marie asked if the garage would blend in with existing architecture, to which Mr. Kester, the petitioner, replied that it would.

### **PETITIONER'S PRESENTATION**

John and Suzanne Kester, petitioners, offered no further comment.

### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

### **DISCUSSION**

Comments included general agreement that the plan looked good, that preservation of the landscaping should be encouraged, and that it was a positive improvement to the neighborhood.

**MOTION: (HOFFMAN) "Mr. Chairman, on item VAR-96-36, variance request of 5-feet for a principal structure to be located 10 feet from the side property line at 2645 Chestnut Drive, I move that we approve the request based on staff's finding which identifies the hardship of existing landscaping and grades and so forth."**

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

The meeting was adjourned at 8:34 a.m.