

GRAND JUNCTION BOARD OF APPEALS MINUTES
8:05 a.m. to 8:40 a.m.
June 12, 1996

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), Joseph Marie, Lewis Hoffman, William Putnam and Duane Butcher. Joseph Marie arrived after the motion on the minutes.

Also in attendance were Kristen Ashbeck, Associate Planner; and John Shaver, Assistant City Attorney.

The minutes were recorded by Bobbie Paulson.

There were no citizens present other than the petitioners.

II. APPROVAL OF MINUTES

MOTION: (LEWIS HOFFMAN) aMr. Chairman, I move that we approve the minutes of the May 8, 1996 meeting.@

William Putnam seconded the motion. A vote was called, and the motion passed by a vote of 4-0.

VAR-96-119 VARIANCE

Request for a variance from the required setbacks in a RSF-8 Zone District for 1450 Grand Avenue: front yard setback on 15th Street side from the required 20 ft. to 6 ft. ; and side yard setback on west side from the required 5 ft. to 3 ft.

Petitioner: Gerald Condit

Location: 1450 Grand Avenue

STAFF PRESENTATION

Kristen Ashbeck stated that the applicant is proposing to construct a second story addition to an existing home and a detached three-car garage on the rear portion of the parcel. The lot is 37 2 ft. wide and is located on a corner therefore requiring two front yard setbacks of 20 ft. both on Grand Avenue and 15th Street. If the garage is built as proposed, 6 ft. from 15th Street, the northeast corner of the garage will extend into the required 20 ft. sight distance triangle required at an intersection of an alley and a street. Staff recommends a minimum 12 ft. setback be required. The petitioner also requests a 3 ft. side yard setback for the home rather than the required 5 ft. required by Code. The Building Department has indicated to the petitioner that the second floor should be built on top of the existing exterior bearing wall in order for it to be structurally sound.

Staff recommends approval of the side yard variance of 2 ft. to allow for the second story to be constructed 3 ft. from the side property line and a minimum setback of 12 ft. from the property line along North 15th Street (as opposed to the 6 ft. requested) for the reasons that the detached garage as proposed located within the site triangle could be detrimental to public safety.

QUESTIONS

Mr. Putnam asked if the garage dimensions would remain the same if the garage were moved so that it met the setback requirement? Ms. Ashbeck replied that the building, as proposed, is at the minimum on the side already therefore the garage would have to be reduced in size.

Mr. Butcher asked if the entrance to the garage was from the alley? Ms. Ashbeck replied that the petitioner is

proposing the door on the alley. She added that the City Development Engineer recommends that the garage be moved back from the alley the length of one vehicle (approximately 15 ft.) so that vehicles would not back directly into the alley. The Code requires only a 3 ft. setback in the rear which is being met.

PETITIONER=S PRESENTATION

Gerald Condit requested that an additional variance for a setback of 6 ft. from the front property line along North 15th Street for the home (principal structure) be considered by the Board.

Ms. Ashbeck said that staff would be agreeable to the front yard setback of 6 ft. from North 15th Street for the house; but, reiterated that the garage should be setback at least 12 ft. from North 15th Street.

QUESTIONS

Mr. Butcher questioned the petitioner on why he wants to build a three-car garage rather than a two-car garage which would fit on his lot without the need for a variance? Mr. Condit replied that he would like the larger garage to park his RV and car and still have a work area.

Mr. Hoffman suggested moving the garage 6 ft. further to the south and 12 ft. from alley in order to get it out of the sight triangle and still have the room to build a three-car garage.

Mr. Marie asked if the garage would be as tall as the house? Mr. Condit replied no.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST: Meredith Miller (430 N. 15th Street) was concerned with having a garage entrance on a heavily used street (North 15th Street) and stated that she would prefer that the entrance be on the alley. She felt that the size of the proposed garage is excessive for size of the lot.

Mr. Butcher restated his concern with the size of the proposed garage. He added that in the petitioner=s drawing the garage is larger than the house. He felt that a two-car garage should be sufficient.

John Elmer asked if the Code allows two accessory structures on one lot? Ms. Asbeck replied that it does not specifically preclude it. Ms. Ashbeck added that the proposed and existing structures cover the lot by approximately 42%; the code allows up to 45% coverage by structures.

The Board continued discussion regarding whether this variance was self-inflicted by the petitioner choosing to construct a three-car rather than a two-car garage.

MOTION: (LEWIS HOFFMAN) AMr. Chairman, on item VAR-96-119 a variance request of 2 ft. for a principal structure to be located 3 ft. from side property line and a front yard variance on North 15th Street of 14 ft. for a setback of 6 ft. for the principal structure, I move that we approve the request that the house presently exists and due to unique size and shape of lot.@

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

MOTION: (LEWIS HOFFMAN) AMr. Chairman, also on item VAR-96-119 a variance request of 14 ft. for a structure to be located 6 ft. from the front property line, I move that we approve the request of the 14 ft. variance with the conditions that the garage have a 12 ft. rear yard setback on the alley.@

Joseph Marie seconded the motion. A vote was called, and the motion passed by a vote of 4-1 with Duane Butcher opposing.

VAR-96-120 VARIANCE

Request for a variance from the required side yard setback in a RMF-32 Zone District for 538 Teller Avenue from the required 10 ft. to 4 2 ft.

Petitioner: Michael O=Boyle

Location: 538 Teller Avenue

STAFF PRESENTATION

Kristen Ashbeck stated that the applicant is proposing to construct an addition to the rear portion of the existing residence located at 538 Teller Avenue. The addition is to provide additional living space, i.e., a family room, a second bathroom and a laundry room. Approximately seven years ago, Mr. O=Boyle received a side yard variance for an addition to the front of his home. If this property was appropriately zoned single family (it is currently zoned multifamily) it would only require a 5 ft. setback which is very close to what is being requested. The reason for the 4 2 ft. setback is to continue the lines of the roof as the home is currently configured. Staff feels the hardship is if the property were zoned properly it would not need as large a variance as requested. Staff recommends approval of the sideyard setback variance as requested.

PETITIONER=S PRESENTATION

The petitioner had no additional information to add.

QUESTIONS

Mr. Marie asked if the storage shed had been removed? Mr. O=Boyle replied no, but it would be removed prior to construction of the addition.

PUBLIC COMMENTS

Martin Garber (540 Teller Avenue) stated that he has no objection to the variance but asked the Board to require the petitioner to add soundproofing in the exterior wall and to construct a 6-ft high privacy fence between the petitioner=s and his home.

DISCUSSION

Mr. Hoffman asked Mr. Shaver if it was appropriate for the Board to add the conditions Mr. Garber requested? John Elmer pointed out that the petitioner has stated in the project narrative that he would comply with Mr. Garber=s request for the soundproof exterior wall and the privacy fence. John Shaver recommended that these conditions not be made with the motion due to difficulty of enforcement.

MOTION: (LEWIS HOFFMAN) A Mr. Chairman, on item VAR-96-120 a request for a side yard variance of 5 2 ft. to allow a 4 2 ft. setback for an addition to the existing residence at 538 Teller Avenue, I move that we approve the variance due to the fact that we have a single family home in a multifamily zone district.@

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

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