

GRAND JUNCTION BOARD OF APPEALS MINUTES
8:07 a.m. to 8:35 a.m.
September 11, 1996

I. CALL TO ORDER

The regularly scheduled meeting of the Grand Junction Board of Appeals was called to order at 8:07 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 and William Putnam. Duane Butcher was absent.

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: (JOSEPH MARIE) ¶Mr. Chairman, I move that we accept the minutes from the June 12, 1996 meeting as presented.☒

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

VAR-96-187 VARIANCE

Request for a variance from the required front yard setback in a C-1 Zone District from the required 55' from centerline of right-of-way to 49' from centerline of right-of-way for a 6' variance.

Petitioner: Stanley Krasnodebski

Representative: John Watson, Cole & Company

Location: 629 North Avenue

STAFF PRESENTATION

Kristen Ashbeck stated that the petitioner is proposing to construct an addition to an existing single family residence at 629 North Avenue which would be used for a retail jewelry store. The single family residence is a nonconforming use in a C-1 Zone. The centerline of the North Avenue right-of-way in this block is off-set. The total requirement for the principal arterial right-of-way width is 100 feet. There is 50 feet on the North side, but only 40 feet on the South side. In the C-1 zone district the front yard setback requirement is 55 feet from centerline which results in a 15-foot setback requirement for the South side of North Avenue along this portion of the right-of-way. This is opposed to the typical 5 feet which is what the 55 feet from centerline intends in a C-1 zone. The applicant requests a 9-foot setback for the addition rather than the required 15 feet for a variance of 6 feet.

Ms. Ashbeck continued; it is conceivable that either the City of Grand Junction or CDOT (Colorado Dept of Transportation) could request that the additional 10 feet of right-of-way dedication if improvements to the street warranted the full 100-foot right-of-way width. If the variance is granted, as with other properties nearby, the right-of-way would be difficult to obtain because of the obstruction of the building. In addition, staff feels that a hardship in this case has not been demonstrated as required in the criteria for granting a variance. There are other options on the site where the applicant could build the addition without needing a variance. There are other commercial properties along North Avenue that have buildings set back this far or farther and are still able to operate a business. Staff recommends denial of this variance request based on there being no demonstrated hardship.

QUESTIONS

Lewis Hoffman asked if staff received any comments from CDOT regarding this variance request? Ms. Ashbeck stated that a submittal packet was not sent to CDOT on this particular request and so far they have not made any comments. Staff did, however, direct the petitioner to contact CDOT (in their review comments) for the site plan that is being done simultaneously with this variance request. She added that there are no plans at this time to widen North Avenue.

Joseph Marie asked about the adequacy of the ingress/egress to the property? Ms. Ashbeck replied that the ingress/egress is too narrow and if it were going to continue being used, firstly, CDOT would need to approve it being used as an ingress/egress and, secondly, an easement would need to be acquired from the adjacent property to the West.

Joseph Marie stated that he felt a deceleration turn lane off of North Avenue was needed.

John Elmer asked staff if other building setbacks along North Avenue were approved because of the offset right-of-way centerline? Ms. Ashbeck replied that she was not sure how the placements of the existing buildings were approved in the past.

John Elmer asked if the majority of North Avenue has a 100' right-of-way width? Ms. Ashbeck stated that the full width has been obtained near major intersections such as 1st and 7th Streets. She added that the City's streets standards actually require 110 feet width if there is a median, but engineering has accepted the 100 feet in the past.

Lewis Hoffman asked for clarification based on the following question; "Is staff's objection to this variance based on, someday, North Avenue may be widened?"

Ms. Ashbeck replied that staff also considered the criteria for the variance and felt there is no hardship in this case. She pointed out that there are other options to construct the addition without needing a variance.

PETITIONER'S PRESENTATION

John Watson (2755 North Avenue) stated that the petitioner, Stanley Krasnodebski, recently was divorced and wants to purchase one property that would encompass both his business and his home. There are no other suitable retail/residential buildings along North Avenue that would meet his needs. The petitioner is proposing to construct an addition of 500 square feet for a retail jewelry store on the front of the existing single family residence. The variance request is to build this addition 9 feet from the sidewalk. Mr. Watson pointed out that the chiropractor building next door is only 4 feet from the sidewalk and several other existing buildings along North Avenue are already closer than what is being requested for this variance.

John Elmer asked if other options were considered for the addition other than the front? John Watson replied that the petitioner wants the addition to have frontage along North Avenue.

Joseph Marie reiterated his concern that the West driveway was too narrow. John Watson stated that Bray and Company owns the lot next door and he contacted Mr. Bray. Mr. Watson stated that Mr. Bray indicated that it would not be a problem to get an easement to make that entrance wider.

PUBLIC COMMENT

There was no public comment.

DISCUSSION

John Elmer stated that he felt there was no demonstrated hardship and that the petitioner had many other options to build the addition in another location. In this particular case, the petitioner wants to buy the property

to expand it. This is different from someone who already lives on or owns a property and requests to expand their business for a reasonable use.

Lewis Hoffman asked staff if North Avenue is widened, would this proposed addition be in the right-of-way? Ms. Ashbeck stated that if the 10 feet were required it would be one foot within the right-of-way. A surveyor has looked at the property and believes the property line is at the sidewalk.

Lewis Hoffman stated an exceptional condition in this case is that no forethought was given to obtain the needed right-of-way before all the other buildings were constructed. He added that the chances of North Avenue being widened in our life time is very remote.

John Elmer felt that it probably was not desirable to have buildings that close to North Avenue without some buffer. He added that just because buildings were built within the right-of-way in the past, it is not necessarily a desirable condition to continue.

William Putnam stated his concern with the excess of curbcuts already along North Avenue.

Joseph Marie asked if a new fire hydrant would be required? Ms. Ashbeck stated that the Fire Department has waived the requirement for a hydrant.

MOTION: (William Putnam) Mr. Chairman, pertinent to the variance request VAR-96-187, variance request for a front yard setback at 629 North Avenue, I move that we deny the request because the hardship is self-imposed.

Joseph Marie seconded the motion. A vote was called, and the motion passed by a vote of 3-1 with Lewis Hoffman opposing.

Mr. Stanley Krasnodebski announced his extreme dismay with the Board's decision and suggested that the variance request was denied due to his ethnicity. Chairman Elmer assured Mr. Krasnodebski that the Board evaluated the request in light of the evidence, testimony and Code criteria. Mr. Krasnodebski continued and was referred to the staff for further discussion.

The meeting was adjourned at 8:35 a.m.