

**GRAND JUNCTION BOARD OF APPEALS  
MEETING MINUTES  
AUGUST 13, 1997**

**I. CALL TO ORDER**

The regularly scheduled hearing of the Grand Junction Board of Appeals was called to order at 8:04 a.m. by Chairman John Elmer.

In attendance, representing the Board of Appeals, were: John Elmer (Chairman), William Putnam, Lewis Hoffman and Joseph Marie. (Note: Mr. Marie arrived after the vote on the minutes.)

Also in attendance were John Shaver (Asst. City Attorney) and Kristen Ashbeck (Sr. Planner).

The minutes were recorded by Bobbie Paulson and transcribed by Terri Troutner.

There were 7 citizens present during the course of the meeting.

**II. CONSIDERATION OF MINUTES**

Available for consideration were the minutes of June 4, 1997 and July 9, 1997.

**MOTION: (PUTNAM) "Mr. Chairman, I move we approve the minutes of the June 4, 1997 meeting as presented."**

Mr. Hoffman seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0.

**MOTION: (PUTNAM) "Mr. Chairman, I move that we approve the minutes of the July 9, 1997 meeting as presented."**

Mr. Hoffman seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0.

**III. NEW BUSINESS**

**VAR-1997-137 HEIGHT VARIANCE--MUSEUM OBSERVATION TOWER**

**A request for a variance from section 4-2-14.B.1 of the *Zoning and Development Code* to allow an observation deck of 75 feet in height and a top tower spire of 125 feet in height in a C-2 (Heavy Commercial) zone district where the maximum allowable height is 40 feet.**

**Petitioner: Museum of Western Colorado**

**Location: Northwest corner of 5th Street and Ute Avenue**

Mr. Putnam announced that he and his wife are annual contributors to the museum; however, he felt he could render a decision without bias. Chairman Elmer consented to Mr. Putnam's participation in this item's deliberations.

### **PETITIONER'S PRESENTATION**

Dr. Jan McClean, representing the petitioner, said that the granting of the variance would allow construction of an elevator/observation tower which would be part of an addition to the existing C.D. Smith building. Dr. McClean characterized the project as an educational classroom atop of the tower. Stairway landings will face differing directions of the valley and interpretive material will be made available at each landing. Dr. McClean felt that the tower would be a wonderful signature structure for Grand Junction and could also be utilized for community events.

### **QUESTIONS**

Chairman Elmer asked the petitioner if she knew how tall the trees were in Whitman Park. Ed Chamberlin, also representing the petitioner, said that while the trees had not been measured, the floor level of the crane's platform, used in the calculation of needed height, measured 75 feet above sidewalk level. If the observation deck were lower than 75 feet, trees would block the view of the confluence area.

Joseph Marie asked the petitioner to elaborate on the type of building materials to be used in the project. Mr. Chamberlin said the first three floors would be constructed out of concrete, primarily to resist the lateral loads. If the budget allowed, the exterior would consist of a stone veneer. The observation tower would be supported by metal frames; the elevator shaft would be encased in metal siding; the stairs would be steel with concrete-filled steps; the observation deck floor would be concrete on steel; and the tower and spire would consist of vaulted steel beams.

There was some question over whether the tower would have to be marked so as to alert low-flying aircraft. Mr. Chamberlin said that the tower was not high enough to warrant such precautions. Dr. McClean added that it was likely the tower would be illuminated at night.

### **STAFF'S PRESENTATION**

Kristen Ashbeck added that a sidewalk would be provided around the addition to the safety/maintenance entrances. Plans were still under review by the Building and Fire Departments for compliance with *Safety* and *Fire Codes*; the outcome of that review was not yet known. Given the uniqueness of the project and the public benefit derived by the project, and finding that the request met variance criteria, staff recommended approval of the request subject to the following conditions:

1. The variance shall only be applicable to the proposed tower.
2. All requirements of the Building and Fire Departments shall be met prior to issuing a planning clearance for a building permit for construction of the tower.

### **QUESTIONS**

Mr. Chamberlin said that everyone involved understood the tower could not be constructed unless it complied with Fire and Building Department requirements. He explained briefly the measures which would be undertaken to comply with safety and fire concerns.

Chairman Elmer suggested expanding condition 1 in the motion to expressly limit the height of the observation platform to 75 feet, with an overall height of 125 feet. Mr. Shaver agreed that the amendment as proposed would be appropriate.

### **PUBLIC COMMENTS**

**FOR:** There were no comments for the request.

**AGAINST:**

John Bull (2226 Dogwood Court, Grand Junction) felt that the tower was an inappropriate expenditure of museum funds. He suggested that for a lesser cost, the museum could construct a "virtual reality" room where Grand Junction's features and history could be projected visually. He perceived the request as the museum's attempt to construct an artificial monument in an area which already has naturally-formed monuments.

**PETITIONER'S REBUTTAL**

Dr. McClean said that other options for educational expansion had been discussed but the museum felt that there was no substitute for the real thing. No amount of video representation could compare with actually seeing a given landmark, and she felt that there would be a stronger educational thrust and more excitement generated by seeing the "real thing."

**QUESTIONS**

Mr. Hoffman asked staff to recall the process by which the Alpine Bank building and U.S. West tower had been approved. Ms. Ashbeck said that the U.S. West tower was exempt from the *Code* since it was classified as a communications tower. Research on the Alpine Bank building could not uncover any height restriction in place at the time the building was approved.

Mr. Hoffman asked if the museum had been given the option of rezoning the site to Planned Commercial, with the tower included as part of the planned development. Ms. Ashbeck said that it had been considered; however, to accommodate the museum's timing and in order to more specifically address the uniqueness of this one feature, it was felt that the variance process was a more viable and appropriate option. She added that with the current *Code* undergoing significant change and the expectation that some of the downtown zoning would be changed, staff was trying to discourage the number of planned zones being considered.

**DISCUSSION**

Mr. Marie felt that it was a wonderful opportunity to combine both old and new architectural styles.

Chairman Elmer agreed that it was a very unique request; thus, it was more difficult to judge it using basic variance criteria. He felt that there would be a lot of public good derived by the tower in its use as an educational tool. While it could be construed as a self-imposed hardship, the height proposed was needed in order to make the tower effective as an educational tool. Mr. Elmer noted that the *Code* provides for granting of variances when not all of the criteria are met especially where there is no demonstrated harm and where there is a general public benefit.

**MOTION: (PUTNAM) "Mr. Chairman, on item VAR-1997-137, a request for a structure height variance of 85 feet to allow an observation tower with a 75-foot high observation platform and a spire above it not to exceed 125 feet, to be added to the existing building on the northwest corner of Ute Avenue and 5th Street (C.D. Smith Building), I move we approve the variance for the reasons in the staff's recommendation, specifically that no harm is done and that it is a benefit to the general public welfare."**

Mr. Hoffman asked if a reference should be made in the motion to the staff's conditions. Mr. Putnam felt that condition 2 was redundant since Fire and Building Department approval is necessary regardless. Condition 1 as discussed is already addressed in the proposed motion.

Ms. Ashbeck said that the proffered motion sufficiently addressed staff concerns.

Mr. Marie seconded the motion.

Chairman Elmer clarified that the measurements are to be made from the sidewalk. Mr. Chamberlin said that consideration must also be given to matching the elevations of the two buildings and the slope of handicap access. If a specific measurement reference from the sidewalk is to be made, he suggested that it should reflect a total of 77 feet. Ms. Ashbeck said that specific measurements were contained in the project's elevation plan.

A vote was called and the motion passed unanimously by a vote of 4-0.

#### **IV. GENERAL DISCUSSION**

Mr. Shaver said that City Council appointed a new board member, Jim Nall, who is currently employed by the Colorado Department of Transportation.

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