

**GRAND JUNCTION BOARD OF APPEALS
MEETING MINUTES
JANUARY 14, 1998**

I. CALL TO ORDER

The regularly scheduled meeting of the Grand Junction Board of Appeals was called to order at 8:05 a.m. by Chairman John Elmer.

In attendance, representing the Board of Appeals, were: John Elmer (Chairman), William Putnam, Joseph Marie and Pamela Hong. James Nall was absent.

Also in attendance were John Shaver (Asst. City Attorney) and Michael Drollinger (Sr. Planner).

Bobbie Paulson was present to record the minutes.

There were no citizens other than the petitioners present during the course of the meeting.

II. CONSIDERATION OF MINUTES

Available for consideration were the minutes of December 10, 1997.

MOTION: (MARIE) “Mr. Chairman, I proposed we accept the minutes as presented to us for the December 10 meeting.”

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

III. NEW BUSINESS

VAR-1997-207 VARIANCE--SIDE YARD SETBACK

A request for a variance from section 4-2-3-C.4 of the *Zoning and Development Code* to allow a side yard setback of 11 feet in an RSF-2 (Residential Single Family with a density not to exceed two units per acre) zone district in which the minimum setback is 15 feet to allow an attached garage addition to an existing residence.

Petitioner: Robert and Linda Hoffman

Location: 2658 G 3/8 Road

PETITIONER’S PRESENTATION

Bob Hoffman, petitioner, pointed out the site’s location on the site plan provided. He said that the garage would be used to house an RV as well as provide him with shop and storage space. He noted an irrigation easement which traversed the front yard near the street. The original concrete slab for the driveway had been moved to the east to avoid the easement and the potential for future sinking. Approval of the variance would allow him to construct the new garage so that it was in harmony with the home. A letter of support had been received by staff from Jody Brannon (2660 G 3/8 Road, Grand Junction), the neighbor to the east. He remarked that lots in the area were large (2 acre) and that there was approximately 100 feet of buffer between his and Ms. Brannon’s home. The addition, he felt, would enhance the neighborhood and add to the value of his home.

QUESTIONS

Mr. Putnam asked if the addition would be the equivalent of a story and a half with sloping roof. Mr. Hoffman replied affirmatively, adding that the garage roof would extend to just below that level.

Chairman Elmer asked if the garage was to house an existing RV. Mr. Hoffman said that he and his wife planned to buy one.

Chairman Elmer asked if there were any neighborhood covenants which required coverage for RVs. Mr. Hoffman was unsure, adding that at this point, it was just personal preference.

Chairman Elmer wondered why the garage dimensions couldn't be altered to make the structure longer and narrower. This would provide the needed storage area without requiring any adjustment of setbacks. Mr. Hoffman pointed out the location of his fireplace. He said that while he could extend the structure to a point closer to the street, the fireplace marked the furthest point to the rear he could go. For aesthetics, he was trying to make the east side of the house as uniform as possible to the west side of the house.

Chairman Elmer asked the petitioner if he had gauged the minimum width that would work for him. Mr. Hoffman answered that the minimum width would be 12 feet; however, after consulting with local builders, this width would not allow for the best design of the structure.

STAFF'S PRESENTATION

Michael Drollinger briefly reviewed the request as contained in the staff report dated January 7, 1998. Mr. Drollinger stated that after careful review, it appeared that the only hardship arising from the request was purely self-inflicted. No evidence had been submitted from the petitioner to demonstrate any unique characteristics of the property. Since there appeared to be sufficient area on the property to locate the structure without encroachment into existing setbacks, staff concluded that variance criteria had not been met and recommended denial of the request.

QUESTIONS

Chairman Elmer observed that the lot to the east was a corner lot, yet Ms. Brannon's address indicated G 3/8 Road. He wondered if the buffer between the two homes referenced by the petitioner was actually that property's rear yard setback. Mr. Drollinger said that Ms. Brannon's home faced G 3/8 Road but her garage faced the adjacent Flower Street. As the *Code* was written, the property had two front yard setbacks, with the rear yard developed along the north rather than the west side of the lot.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. Hoffman said he'd mentioned in his narrative that both his neighbor's rear and side yard setbacks were directly adjacent to where he planned to construct the garage.

A discussion ensued over the location of the irrigation easement in the front yard.

Mr. Putnam wondered if the petitioner had given any thought to detaching the garage. He asked "would a 14-foot width suffice?" Mr. Hoffman said that a 14-foot width would be acceptable, but that a detached garage would not blend with the neighborhood.

DISCUSSION

Mr. Putnam asked staff for the maximum allowable width of the structure before a variance would be required. Mr. Drollinger replied that any structure wider than 12 feet would encroach into established setbacks.

Chairman Elmer wondered what a typical garage width would be. Mr. Drollinger said that the standard for a single car garage was approximately 8-10 feet, with 20-22 feet the standard for a double car garage.

Chairman Elmer said that with the way the lot to the east had developed, there was more buffer area available. Architecturally, attaching the garage to the side of the house made sense. Given that the hardship appeared self-inflicted, he wasn't convinced that the petitioner should have a 16-foot-wide garage when a 14-foot-wide garage would do. He recognized the benefit to enclosing RVs and acknowledged that granting the variance would not impact the neighborhood. He felt that a two-foot variance would give the petitioner the size garage needed while encroaching only minimally into the side yard setback.

There was general agreement on this point by other board members. Mr. Shaver confirmed that the board had discretion in making an adjustment to the original variance request.

MOTION: (PUTNAM) "Mr. Chairman, on item VAR-1997-207, a request for a variance from the minimum principal structure setback in an RSF-2 zone at 2658 G 3/8 Road, I move that we approve a variance of two feet from the specified setback for the reason that it's in the public interest and causes no harm."

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

VAR-1997-163 VARIANCE--SIGN ALLOWANCE

A request for a variance from section 5-7-7B of the *Zoning and Development Code* to allow redistribution of the signage allowance and location of freestanding signs for a proposed retail shopping center.

Petitioner: The Home Depot

Location: 2436 F Road

PETITIONER'S PRESENTATION

Paul Blier, representing the petitioner, said that the *Code* was written primarily to address a single business/use on a given parcel. He noted the frontage area along F Road and 24 1/2 Road and said that sign allowances would be based on those frontages rather than elevation as had been the case several months prior. Mr. Blier felt the parcel was unique in that there would be a major driveway on the north part of the parcel from 24 1/2 Road which created an additional need for signage. A lower-profile monument sign would be placed at the north end of the property to identify Home Depot and PetsMart. "Another ground" sign would be located along 24 1/2 Road, to be reserved for a planned pad site. Given the frontage along F Road, if the businesses were separated, each of the three parcels would be entitled to 300 square feet of signage at 40 feet in height. Home Depot, instead, designed a single sign for all three businesses. Mr. Blier said that approval of the variance would allow PetsMart to attach its logo to the sign placed on Home Depot property. He stated that while smaller signs might be just as workable, signage often played a large part in corporations determining business locations.

Mr. Blier briefly elaborated on the locations and configurations of storefront and other proposed signage. He felt that granting the variance would result in reducing the number of actual signs which could be placed along the frontages. He suggested that approval be based upon the drawings presented before the Board and the businesses proposed or that signage for Home Depot be considered independent of PetsMart.

QUESTIONS

Mr. Marie wondered if PetsMart or some other similar business tended to locate with Home Depots in other areas. Mr. Blier responded that there was no typical configuration; each situation was generally unique.

Mr. Putnam wondered if anything specific was planned for the area to the east, to which Mr. Blier replied negatively.

Chairman Elmer asked the petitioner if the monument sign at 24 1/2 Road really needed to be 10' x 10' . Mr. Blier said that a 9' x 9' or 8' x 8' would be acceptable; however, the sign needed to be visible by traffic from a distance.

Mr. Putnam said that the signs at Mesa Mall's entrances were considerably less obtrusive than the ones proposed by Home Depot, yet the mall never lacked for customers. He felt it more appropriate to have less signage than what would typically be allowed, to remain consistent with mall signage and signage from other businesses in the area. He expressed continued concern over the size of the proposed freestanding sign. Mr. Blier said that if the combination of signage, which included PetsMart, was not granted (the variance), Home Depot would still be allowed the same 10' x 10' sign at a height of 40 feet by the *Code*. Thus, he reiterated that granting the variance would reduce the number of total signs which could be located along the frontages and put into place a signage design that made sense.

STAFF'S PRESENTATION

Michael Drollinger reviewed the proposal as outlined in the staff report dated January 7, 1998. Figures 1 through 9, public comments and site plans were also referenced. According to Mr. Drollinger, the petitioner is requesting: 1) an additional 165.5 square foot sign allowance--104.5 square feet for the Home Depot and 61 square feet for PetsMart, and 2) a redistribution of sign allowance. Mr. Drollinger said that the *Code* did offer guidance with regard to consideration of sign "packages," allowing for redistribution of signage provided that the overall surface area remained the same. While noting that the site itself was not unique, the trend towards shopping center development was not presently addressed in the *Code*. Home Depot's design would benefit the community by combining three signs into one. With regard to the redistribution request, staff recommended approval, adding that if the Board favorably considered the freestanding package proposed by the petitioner, that number should be subtracted from the total sign allowance, with the remaining number to be the maximum allowed for wall signage.

With regard to the request for additional sign allowance, staff felt that the *Code* made ample provision for signage. The only hardship appeared to be self-inflicted, since other options were available to the petitioner. The enlarged size of the proposed freestanding sign would also be out of character with other signage in the area. Staff recommended that this part of the request be denied because it would set an unwelcome precedent.

QUESTIONS

Chairman Elmer asked for confirmation that total signage was based on street frontage, which was given. Mr. Drollinger elaborated briefly on how sign calculations were derived.

Chairman Elmer recalled a similar situation with Sam's Club whereby a driveway accessed the site from 25 1/2 Road. He asked staff what type of signage had been placed at the 25 1/2 Road entrance. Mr. Drollinger said that there was a freestanding sign at this entrance as well as at the entrance off of Independent Avenue.

Chairman Elmer wondered if the sign at 24 1/2 Road would provide the added benefit of directing traffic flow, to which Mr. Drollinger agreed.

Mr. Putnam asked staff to draw a size comparison between the proposed sign and those located at mall entrances. Mr. Drollinger said that information on the mall signs was not readily available. He reiterated that given the Home Depot's orientation on the property, the freestanding sign allowance was more than generous.

Chairman Elmer asked staff to draw a comparison between Sutherland's and the Home Depot. While unable to recall the specifics of the Sutherland's site, Mr. Drollinger said that the business had two frontages and therefore, also had a very generous sign allowance.

PUBLIC COMMENTS

There were no comments for or against the request.

PETITIONER'S REBUTTAL

Mr. Blier asked for confirmation that Home Depot was allowed 1,081 square feet of sign allowance; he stated that the only question was in what way it should be allocated. Mr. Drollinger agreed that staff considered the total aggregate allowance in sign permitting and provided several examples of what would be allowed. Mr. Blier said that if the 1,081 square feet was a "given," and the variance was denied, then Home Depot's corporate headquarters would decide how that total should be distributed.

John shaver agreed with the petitioner's conclusion.

DISCUSSION

Chairman Elmer expressed no concern over the redistribution aspect of the request. If approved, he wondered what would prevent the other two businesses from coming back and asking for independent signage. Would the variance apply to all three parcels? Mr. Shaver said that the site plan applied to all three, adding that in Colorado, the variance runs with the land and the use.

Mark Hermundstad (200 North 6th Street, Grand Junction), attorney representing Home Depot, clarified that Home Depot was purchasing the entire site, subdividing into four parcels and will sell/lease parcels to other businesses. CC&R's would be established for all three businesses.

A brief discussion ensued over whether there should be one or two motions.

MOTION: (PUTNAM) "Mr. Chairman, on item VAR-1997-163, a request for a variance from section 5-7-7B.7a and 5-7-7B.8, I move that we approve the variance for the reasons that the staff presented."

Ms. Hong seconded the motion. Chairman Elmer elaborated that the reasons presented by staff included a favorable review and analysis by staff, and finding that the request met the variance requirements. A vote was called and the motion passed by a vote of 4-0.

Chairman Elmer felt the sign at the 24 1/2 Road to be a good idea, but he thought it should be downsized. It seemed to be more directional in nature than useful for advertising.

Mr. Putnam stated that if this portion of the request was denied, the corporation would still determine the overall size of its signs. He wanted the petitioner to know that the community desired to keep signs as unobtrusive as possible, and he supported denial.

MOTION: (PUTNAM) "Mr. Chairman, on VAR-1997-163, a request for variance from the maximum total sign allowance, I move that we deny the variance for the reasons stated in the findings of the staff review; specifically, that the petitioner has not demonstrated the uniqueness and hardship."

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

With no further business, the meeting was adjourned at 9:50 a.m.