

**GRAND JUNCTION BOARD OF APPEALS  
JUNE 23, 1999 MINUTES  
8:02 a.m. to 8:40 a.m.**

The regularly scheduled Board of Appeals meeting was called to order at 8:02 a.m. by Chairman John Elmer. The meeting was held at Two Rivers Convention Center.

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

In attendance, representing the Community Development Department, was Mike Pelletier (Associate Planner).

Also present was John Shaver (Asst. City Attorney).

Terri Troutner was present to record the minutes.

Other than the petitioners, there were no other citizens present during the course of the meeting.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes of the May 12, 1999 meeting.

**MOTION: (PUTNAM) “Mr. Chairman, I move that we approve the minutes of the May 12 meeting as presented.”**

Ms. Hong seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0, with Mr. Dibble abstaining.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

Chairman Elmer introduced and welcomed the newest board member, Paul Dibble.

**III. FULL HEARING**

**VAR-1999-125 VARIANCE—FRONT AND REAR YARD SETBACKS**

**A request for approval to vary sections 4-2-6.C.5 and 5.1.7.c of the Zoning and Development Code to allow a 18’6” front yard setback and a 13’6” rear yard setback where 20 feet and 15 feet, respectively, are required.**

**Petitioner: Kerry Rutledge**

**Location: 907 North 8<sup>th</sup> Street**

**PETITIONER’S PRESENTATION**

Rick Marquez, co-petitioner, explained that both his home and his lot were extremely small, uncharacteristic for the surrounding neighborhood. Since there was insufficient lot area to enlarge the home on the ground floor, a second story was his only option. He noted the location of a 6-foot covered, non-enclosed overhang which would extend into the existing front yard setback.

**QUESTIONS**

Chairman Elmer asked the petitioner to explain the hardship. Mr. Marquez said that the small and unusually-sized lot represented his hardship. The only practical alternative for enlarging his 600-square-foot home was to create a second story.

Chairman Elmer wondered if an improvements survey had been undertaken, to which Mr. Marquez replied negatively. A brief discussion ensued over whether or not a survey was needed prior to approval. Mr. Shaver suggested that the request be considered on its own merits with the condition that an “as-built” be submitted to verify construction. Chairman Elmer explained to the petitioners that the improvements survey would better protect them in the event of sale. Mr. Marquez agreed to comply with the “as-built” condition.

**STAFF’S PRESENTATION**

Mike Pelletier said that no mention of a “covered” overhang had been made in the project’s narrative. He presented overhead transparencies of the site, surrounding zoning and site plan. He concurred that the lot was unusually small, inconsistent with the surrounding neighborhood. No adverse effects would occur as a result of the expansion. The lot’s current zoning of RMF-32 was inappropriate; however, even if rezoned to the more appropriate designation of RSF-8, the structure could still not comply with setbacks. Photos of the subject property and surrounding lots were submitted for review. Since a hardship had been sufficiently demonstrated, staff recommended approval subject to the following condition:

1. The residence shall be constructed no closer than the existing building footprint (18’6” to front property line and 13’6” to the rear property line) as illustrated on the Site Plan attached to the staff report.

**QUESTIONS**

Mr. Shaver noted that the 13’6” rear yard setback referenced on the Site Plan did not correspond with the staff report and agenda’s reference of 13’9”. Mr. Pelletier amended the report and agenda to reflect the 13’6” measurement.

Discussion ensued over the “discrepancy” in the overhang, and a number of options were presented. Mr. Marquez indicated that even if constructed to 6 feet, the overhang would still not be any closer to the street than other nearby structures. Mr. Shaver said that while the 6-foot overhang had not been specifically mentioned in the request, it had been represented on the Site Plan and in testimony. He suggested that the request be considered based on the Site Plan and petitioner’s testimony presented, with the Site Plan drawing referenced in any motion made.

Mr. Dibble wondered if other similar variances had been granted in the subject area. Mr. Pelletier was unsure, but Chairman Elmer said that normally in such instances, if an appropriate zone were applied, the property would comply with setbacks without need for a variance.

When asked by Chairman Elmer if staff would support approval of the 6-foot covered overhang, Mr. Pelletier responded affirmatively, adding that the hardship criterion would still be satisfied by the unusually small size of the lot.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Chairman Elmer acknowledged the request as having met variance criteria. He asked that the “as-built” requirement be included in any motion made.

**MOTION: (PUTNAM) “Mr. Chairman, on item VAR-1999-125, a request for variance from the minimum front and rear structure setbacks in an RMF-32 zone at 907 North 8<sup>th</sup> Street, I move that we approve the variance for the reasons cited in the staff report, with the condition that the approval is for the plan as submitted and that a proper survey to determine the exact position of the existing structure be submitted.”**

Chairman Elmer clarified that the “plan as submitted” included the request for a 6-foot porch on the east side of the structure.

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

Mr. Shaver explained to the petitioners that they would not be able to occupy the addition until the as-built was submitted to staff and approved. Mr. Marquez acknowledged the requirement.

With no further business, the hearing was adjourned at 8:40 a.m.