

**CITY OF GRAND JUNCTION
BOARD OF APPEALS
DECEMBER 8, 1999 MINUTES
8:05 a.m. to 8:22 a.m.**

The regularly scheduled Board of Appeals meeting was called to order at 8:05 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), William Putnam, James Nall and Dr. Paul Dibble. Pamela Hong was absent.

In attendance, representing the Community Development Department, was Kristen Ashbeck (Sr. Planner).

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

Bobbie Paulson was present to record the minutes.

The petitioners were the only citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the October 13, 1999 meeting.

MOTION: (PUTNAM) “Mr. Chairman, I move we approve the minutes of the October 13, 1999 meeting as presented.”

Dr. Paul Dibble seconded the motion. A vote was called, and the motion passed by a vote of 3-0. James Nall abstained.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-1999-259 VARIANCE—SETBACK

A request for approval to vary Sections 4-2-10.2 and 5-1-7.G of the Zoning and Development Code to allow a 3-foot side yard setback where a 5-foot setback is required.

**Petitioner: Patricia McCleary
Location: 1335 Colorado Ave
Representative: Kristen Ashbeck**

PETITIONER’S PRESENTATION

Mr. McCleary stated that the request is for a two-foot variance in order to construct a carport. He said that the variance is required so that he will be able to open the doors of his vehicle without hitting a support post. In addition, he stated, a carport would enable him to keep his vehicle out of the elements and would be constructed in such a manner to be complimentary to the home and neighborhood.

QUESTIONS

John Elmer asked the petitioner if he used the existing garage? Mr. McCleary replied that it is too small to park a vehicle in and is only used for storage. He indicated that the doors swing into the alley which makes the garage impractical to use for vehicles.

STAFF'S PRESENTATION

Kristen Ashbeck said that the property at 1335 Colorado Avenue is located in a B-1 zone. As per Section 5-1-7.G. of the Grand Junction Zoning and Development Code, carports may be located within the required side yard area up to one-half of the required setback for principal structures, but in no case closer than 3 feet to the lot line. Thus, a carport on a property in this zone may be a minimum of 5 feet from the property line.

Ms. Ashbeck continued; she said that the parcel at 1335 Colorado Avenue has an existing single family residence with a detached garage and a recreation vehicle storage structure. The applicant is proposing to construct a 12-foot by 41-foot open carport attached to the west side of the existing home. The petitioner is requesting that this construction be allowed with a 3 foot side yard setback.

Ms. Ashbeck stated that this older home is located in the downtown area, where the lot widths are typically only 50 feet. Often, she said, this size of lot is not conducive to home improvements necessary or desirable for today's lifestyle. If this block were zoned consistently with the existing land use (most likely RSF-8), the required side yard setback would be 5 feet and as per Section 5-1-7.G., a carport could be sited to within 3 feet of the property line as requested without the need for a variance.

Ms. Ashbeck added that the proposed zone district for this property is Residential Office (RO). Under the proposed code, a carport could be added to the structure with a 3-foot setback without the need for a variance.

Ms. Ashbeck stated that staff recommends approval of the side yard setback variance of 2 feet to allow a 3-foot setback for an addition of an open carport to the existing home.

QUESTIONS

John Elmer asked what happens if the variance is approved today and in the future the zoning is changed so that the carport would be in compliance with the code?

John Shaver replied that the variance is site and use specific and would no longer be necessary if the zoning is changed so that the use is in compliance.

PUBLIC COMMENTS

Kristen Ashbeck noted that the department had received one letter and two telephone calls from neighbors who support the request. There were no additional comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. McCleary pointed out that there is no other place available on the property to place a carport.

MOTION: (DR. DIBBLE) "Mr. Chairman, I move that we approve the request for a 2-foot variance of the side yard setback to allow a 3-foot setback for an 'unenclosed' carport."

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

With no further business, the hearing was adjourned at 8:22 a.m.