

**GRAND JUNCTION BOARD OF APPEALS
JUNE 8, 2005 MINUTES
12:15 p.m. to 12:30 p.m.**

The regularly scheduled Board of Appeals meeting was called to order at 12:15 p.m. by Vice Chairman Mark Williams. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Board of Appeals, were Mark Williams (Vice Chairman), Travis Cox, Reginald Wall, and Patrick Carlow. Paul Dibble was absent.

In attendance, representing the Community Development Department, were Kathy Portner (Planning Manager) and Faye Hall (Planning Technician).

Jamie Kreiling, Assistant City Attorney, was also present.

The minutes were transcribed by Bobbie Paulson.

There were no citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the March 2, 2005 public meeting.

MOTION: (Mr. Cox) "Mr. Chairman, I move to approve the March 2, 2005 meeting minutes."

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-2005-027 VARIANCE—MINIMUM LOT SIZE

Request approval for a variance to the minimum ½ acre lot size in a C-1 Zone District.

Petitioner: Tony Hale

City Staff: Faye Hall, Planning Technician

Location: 598 North Commercial Drive

STAFF'S PRESENTATION

Faye Hall gave a brief overview and PowerPoint presentation of the applicant's variance request. The applicant is seeking a variance to allow a lot that is smaller than the minimum ½ acre required by the C-1 Zone District. The subject property is located at 598 North Commercial Drive. The Future Land Use designation for this lot is commercial; the existing zoning is C-1. The property was originally platted in the County in 1976 as the Westgate Park No. 2 Subdivision. The applicant has submitted a plat in order to legally adjust the lot line that was originally adjusted with just a deed in 1976.

Ms. Hall explained that most of the lots in the subdivision were 0.17 acres (approximately 1/6 of an acre) with the inside corner lots being about ½ acre in size. The subdivision was annexed into the City October 4, 1978. Over the years, lots throughout the subdivision have been combined in various combinations to create building sites or developed as platted. In the late 1970's, a lot was created via deed by cutting off 0.214 acres from Lot 4 leaving 0.286 acres, and was included in the development of

Lots 1-3. In September of 2004, the current owner submitted a Site Plan for review for the remainder of Lot 4 (0.286 acres), when it was discovered that Lot 4 had never legally been split and the northern portion included into Lot 3. Once this issue had been realized, the applicant turned in the request for a variance to the minimum lot size for Lot 4. A simple subdivision application was also turned in, requesting to join Lots 1-3 and the northern portion of Lot 4 into one lot and make the southern portion of Lot 4 a separate legal lot. After reviewing the variance application staff makes the following findings of fact and conclusions: the requested variance is consistent with the Growth Plan and the review criteria in Section 2.16.C.4 of the Zoning and Development Code have all been met. Staff recommends that the Zoning Board of Appeals approve the requested variance.

Mr. Cox asked if the existing building is in conformance with setback requirements? Ms. Hall replied that she believes it is not.

Mr. Cox asked if both lots were owned by the same person? Ms. Hall replied affirmatively adding that one of the lots is used primarily for outdoor storage.

PETITIONER'S PRESENTATION

Dennis Wilchen, Loco Enterprises, stated that in 1978 the lots were split with a deed but a plat was not recorded with the City. After realizing there was a problem, the applicant submitted a plat with the City to officially subdivide the property. The existing building, Glass Brokerage, does slightly encroach onto the other property. The applicant is basically requesting to clean it up and plat it correctly.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

The petitioner offered no additional testimony.

MOTION: (Mr. Cox) "Mr. Chairman, on Variance request VAR-2005-037, I move that the Board of Appeals approve the request to allow a lot smaller than the ½ acre minimum lot size required by the C-1 zone district with the facts and conclusions listed in the staff report."

Mr. Carlow seconded the original motion.

Mr. Williams asked that the motion be amended to say "the lot in question" rather than "a lot".

Mr. Cox concurred with the amendment.

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

With no further business to discuss, the meeting was adjourned at 12:30 p.m.