

**GRAND JUNCTION BOARD OF APPEALS
JULY 13, 2005 MINUTES
12:10 p.m. to 1:18 p.m.**

The regularly scheduled Board of Appeals meeting was called to order at 12:10 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

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

In attendance, representing the Community Development Department, were Pat Cecil (Development Services Supervisor), Ronnie Edwards (Associate Planner), Senta Costello (Associate Planner) and Scott Peterson (Associate Planner).

Jamie Kreiling, Assistant City Attorney, was also present.

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

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

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the June 8, 2005 public meeting.

MOTION: (Mr. Cox) "Mr. Chairman, I move that we approve the minutes from June 8, 2005."

Mr. Wall seconded the motion. A vote was called and the motion passed by a vote of 2-0, with Chairman Dibble abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-2005-142 VARIANCE--CALVARY BIBLE CHURCH SIGN VARIANCE

A request for approval to vary the maximum square footage of a sign for a church in a residential zone district.

Petitioner: Brian Krause, Calvary Bible Church

Location: 627 27 1/2 Road

PETITIONER'S PRESENTATION

Pastor Brian Krause, representing the petitioner, referenced a photo of the church's existing sign and said that it was hardly visible from 27 1/2 Road. He said that 27 1/2 Road had been raised during its reconstruction, and a hand railing had been installed along the 27 1/2 Road sidewalk. To the south of the property, The Commons, a large-scale planned development, effectively hid the church from view, so it was difficult for people to find. Photos of the church and existing sign taken from various angles were referenced. If approved, the variance would allow the church to increase the grade around the current sign base and add an additional 3-foot x 8-foot sign on top of the existing sign, and change out the lower face. That would effectively raise the sign above the installed hand railing while not exceeding the 8-foot above-grade height limitation set forth in the Code. The overall grade increase would be 17 1/2

inches; however, since the current grade included a depression approximately 10" deep, the actual increase to the finished grade would only be about 7 1/2 inches.

STAFF'S PRESENTATION

Senta Costello gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) photos of the site taken from various angles; and 6) an illustration depicting both the existing signage height and grading as well as the proposed modifications. She acknowledged the reconstruction of 27 1/2 Road, which had raised the street grade. The handrailing had been installed for safety reasons but she agreed that it did block the view of the church sign from 27 1/2 Road. Staff concluded that all variance criteria had been met, and approval was recommended.

QUESTIONS

Chairman Dibble asked about the Code's maximum square footage allowance for a freestanding monument backlit sign. Ms. Costello answered that 24 square feet was the maximum allowed for such a sign within a residential zone district, regardless of whether or not the sign was illuminated.

Mr. Wall asked if both the top and bottom sign sections would be visible after proposed modifications. Ms. Costello said that the new top section would be clearly visible above the hand railing and display the name of the church. The bottom section of the sign would contain added text and the times of church services.

PUBLIC COMMENTS

FOR:

Denzel Howard from Angel Sign Company (no address given) said that the proposed sign would be structurally sound and professionally made, so it would look nice and perform well.

AGAINST:

There were no comments against the request.

PETITIONER'S REBUTTAL

Pastor Krause added only that signage for The Commons located to the south had been taken in as part of its planned development. The church's proposed modifications would result in signage that was more consistent with that of The Commons.

DISCUSSION

Mr. Cox agreed with staff that the request met all variance criteria. The hardship wasn't self-inflicted; approval of the request would not adversely affect property values; and it made sense.

Mr. Wall concurred.

MOTION: (Mr. Wall) "Mr. Chairman, on variance request VAR-2005-142, I move that we approve the request to allow an additional 3' x 8' panel to be added to the monument sign at 627 27 1/2 Road, making the sign a total of 48 square feet in an RMF-8 zone district, with the facts and conclusions listed in the staff report."

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

VAR-2005-127 VARIANCE--SIDE YARD SETBACK VARIANCE

A request for a variance of 4 feet to the required 15-foot side yard setback in order to enclose an existing attached carport in an RSF-2 (Residential Single Family, 2 units/acre) zone district.

Petitioner: Leon Stigen & Cecilia Barr

Location: 410 Country Club Park

PETITIONER'S PRESENTATION

Cecilia Barr, petitioner, reiterated her request to reduce the side yard setback requirement to 11 feet so that she could convert her carport into an enclosed garage. She offered photos of her property and the existing carport.

STAFF'S PRESENTATION

Ronnie Edwards gave a PowerPoint presentation containing the following slides: 1) aerial photo map; 2) Existing City and County Zoning Map; and 3) site plan. While the Code allowed an open carport to extend into a side yard setback as much as half the total setback allowance, the same could not be said of a garage. Staff deemed the hardship to be self-inflicted since the variance pertained to an existing structure that was currently conforming. Approval of the variance would create a non-conforming use, which staff could not support. It would also grant a special privilege to the property owners, who have been deriving a reasonable use of the property for many years. Staff recommended denial of the request.

QUESTIONS

Mr. Cox asked why carports could extend so far out into established setbacks. Ms. Edwards was unsure other than the open nature of a carport was viewed more in terms of being outdoor storage versus an enclosed garage, which was regarded as part of the principal dwelling unit, a definition that was supported by Ms. Kreiling.

Mr. Cox asked if the petitioner could enclose that portion of the carport that extended up to but did not exceed the side yard setback line. And if so, would the remaining 4 feet still be considered a carport? Ms. Kreiling read into the record the definition of a carport. Ms. Edwards said that while the 4-foot section would not be considered a carport, it could extend into the setback as an open storage area. When the question of covenants was raised, Ms. Edwards confirmed that the City did not enforce covenants nor should they factor into the Board's decision.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Mr. Cox agreed with staff's conclusions and felt that since the petitioner had failed to meet any of the required criteria for variance approval, he supported staff's recommendation of denial. He added that the petitioner could entertain the option of enclosing that portion of the carport up to the setback line and still have a storage area outside of the garage.

Chairman Dibble agreed that the hardship was self-inflicted, and approval would confer special privilege.

MOTION: (Mr. Cox) "Mr. Chairman, on item VAR-2005-127, I move that we approve the request to allow a variance to the side yard setback for a principal structure to 11 feet in lieu of the required 15 feet in an RSF-2 zone district at 410 Country Club Park Drive, finding the request to be consistent with the Growth Plan and Section 2.16.C.4 of the Zoning and Development Code."

Mr. Wall seconded the motion. A vote was called and the motion failed by a unanimous vote of 0-3.

VAR-2005-133 VARIANCE--GJ SCORES SIGN VARIANCE

A request for approval to vary the 24 Road Corridor Design Standards & Guidelines to allow a building identification sign to have letters higher than 12 inches.

Petitioner: Scott Balcomb, GJ Superbowl

Location: 637 24 1/2 Road

STAFF'S PRESENTATION

Scott Peterson said that the variance applied to the 24 Road Corridor Design Standards & Guidelines, not Zoning Code sign criteria. He offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City Zoning Map; 5) site plan; 6) building elevations; 7) variance request overview; and 8) criteria outline. Photos of the site prior to construction were presented. The site would be accessed via a new F 3/8 Road. The petitioner stated the hardship to be sign recognition based upon the distance of the building from F and 24 1/2 Roads. Surrounding zoning and uses were noted. Referencing building elevation drawings, Mr. Peterson noted that the proposed verbiage "A New Way to Bowl" would exceed the maximum height allowance for building identification signage. City staff in the past had interpreted the Design Standards to allow letters to exceed 12 inches if they were all contained within a single sign cabinet; however, individual letters on a building's facade were limited to no more than 12 inches in height. A variance to that criterion had been granted to the Holiday Inn Express in 2002 to allow letter heights not contained in a single sign cabinet to average approximately 12.7 inches in height, with a maximum height not to exceed 24 inches.

Mr. Peterson clarified statements he'd made in the staff report and said that approval of the variance request would not be detrimental to surrounding property values. Also, the Community Development Director would be rewriting that section of the Design Guidelines pertaining to the 12-inch lettering height limitation, with the revision to go before Planning Commission for consideration.

Staff concluded that variance criteria had been met, and approval of the request was recommended.

QUESTIONS

Chairman Dibble asked if all the letters of the proposed verbiage would be 24 inches in height, with none of them in lower case, to which Mr. Peterson responded affirmatively.

Mr. Wall asked which was the most important consideration, the 100 square foot overall square footage or the individual lettering size? Mr. Peterson said that both the 100 square foot requirement and the one limiting facade lettering height to 12 inches were included in the 24 Road Corridor Design Standards. Ms. Kreiling said that the design standards had been developed with the assistance of a professional consultant and from input gathered during public meetings. So a lot of thought had gone into development of those standards. She added that the question of hardship pertained to just the property in question.

PETITIONER'S PRESENTATION

Greg Motz said that a revision to the text initially proposed could change to something like "The New Bowling Experience." No other revisions to the request were applicable.

QUESTIONS

Mr. Cox asked if the new verbiage would increase the number of characters used and make the line longer. Mr. Motz said that the new wording may extend the line's size by about 6-7 characters, but the sign would still not exceed the 2-foot-high maximum requested nor exceed the 100-square-foot maximum allowed for the sign.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Mr. Cox concurred with staff's conclusions, that the request met established variance criteria, and recommendation for approval. He viewed the Holiday Inn Express and the current request as being unique in their distance from the street. Businesses building close to the area's streets should not expect the same variance from established criteria.

Mr. Wall agreed that the request met established criteria, and he acknowledged that even with more letters, it didn't appear as though the sign would exceed the 100-square-foot maximum. He, too, expressed support for the request.

Chairman Dibble said that it stood to reason that people needed to be able to see a business from the closest available street. The sole purpose of having signage was to provide a utilitarian way of letting people know where a business was located. He felt that even with 24-inch letters, it would be difficult for people to see the business from F Road. Given the distance of the building from the road, and since proposed modifications would not exceed the 100 square foot maximum, he felt he could support the request.

MOTION: (Mr. Wall) "Mr. Chairman, on item VAR-2005-133, I move that we approve the variance request to increase the 12 inch maximum letter height for building mounted signs as described in the 24 Road Corridor Design Standards & Guidelines to 24 inches as requested by the applicant at 637 24 1/2 Road, finding the request to be consistent with the criteria set forth in Section 2.16.C.5 of the Zoning and Development Code."

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

Chairman Dibble agreed with Mr. Cox's sentiments regarding the possible perception of precedence setting for other businesses along the 24 Road Corridor. The circumstances pertaining to the Holiday Inn Express variance and to the current request were unique to those properties and businesses. Each variance request was considered individually.

VAR-2005-134 VARIANCE--CRAWFORD SETBACKVARIANCE

A request for approval to vary the rear yard setback in an RSF-1, Residential Single Family, 1 unit/acre) zoning district to construct a building addition connecting the existing detached garage with the existing single family home.

Petitioner: Susan and Greg Crawford

Location: 687 26 Road

PETITIONER'S PRESENTATION

Susan Crawford, petitioner, said that approval of her variance request would allow construction of an 800-square-foot two-story addition to her home. The addition would not create any adverse impacts to the property, her neighbors or neighborhood, and it would not be visible from any major roadway. The addition would extend the primary dwelling unit to include her now detached garage. Her home had originally been constructed in the early 1900s and many additions and modifications had occurred over time. The addition would increase the value of her home in the existing neighborhood.

QUESTIONS

Mr. Cox referenced the 2002 aerial photo map and asked for clarification on where the detached garage was currently located, which was provided. When asked if the detached garage met rear yard setbacks, Mr. Peterson responded affirmatively.

Mr. Cox asked how many homes used the single driveway as their primary access. Ms. Crawford said that the driveway served as access to five homes.

Mr. Wall asked if there was currently a room above the existing garage, to which Ms. Crawford replied negatively. The addition would just extend the roofline from the existing home over the detached garage. She provided Board members with a copy of her renovation plans. Ms. Crawford said that she'd spoken with Building Department staff and they'd indicated that if the variance were not passed, she could still construct the addition to within 12 inches of the detached garage. She felt that that would create additional problems and wondered why she couldn't just attach the addition directly to the garage.

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City Zoning Map; 5) photos of the home and garage; 6) site plan; 7) outline of/response to variance criteria; and 8) findings of fact and conclusions. The variance request included reducing the rear yard setback for a primary structure from 30 feet to 11 feet. He briefly recapped that a planning clearance had been granted in 2002 to allow construction of the detached garage. Approval of the variance would create a legal non-conforming use. If that were the case and the building was damaged over 50 percent, the structure could not be reconstructed unless all building setbacks were complied with. Also, the Zoning Code would not allow any expansion of non-conforming structures. The petitioner had options, one of which included building the addition to within feet or inches of the garage. He noted the presence of a door in the rear of the garage. If allowed to construct her addition, that door would have to be sealed off.

Mr. Peterson addressed each of the Code's variance criteria and concluded that the request didn't meet criteria. The hardship, he said, would be self-inflicted and not unique to the property. Approval of the request would confer a special privilege to the petitioner and create a legal non-conforming use. Also, there was nothing to prevent the petitioner from continuing to derive reasonable use from her property, and options were available which would still allow her to construct her addition without its attachment to the existing detached garage. Staff recommended denial of the request.

QUESTIONS

Chairman Dibble asked for confirmation that the existing driveway currently served five homes, which was given.

Mr. Cox asked for confirmation that the addition could be constructed to within inches of the detached garage provided that there were no doors or windows on the facing walls, which was given.

PUBLIC COMMENTS

FOR:

Sherri Walker (687 1/2 26 Road, Grand Junction) expressed support for the variance request. She felt that the petitioner's improvements would improve property values throughout the neighborhood, and building the addition to within a few inches of the garage would be an "eyesore."

Robert Walker (687 1/2 26 Road, Grand Junction) added only that the referenced driveway was not a public right-of-way; it only served the five homes in the immediate area.

AGAINST:

There were no comments against the request.

DISCUSSION

Mr. Wall agreed that while attaching the addition to the garage might add value to the home on the surface, if later sold and if a catastrophic event did occur, the new owners would find themselves in the position of being unable to rebuild to the home's former configuration. For people buying a home, they wouldn't be aware of such limitation until an even occurred.

Ms. Kreiling clarified that if the variance was approved, it would render a non-conforming use conforming. The variance would then allow reconstruction of a non-conforming use in the event that more than 50 percent of it was destroyed since a variance was attached to the land use.

Mr. Wall remarked that other options were available to the petitioner, ones that would allow her to have her addition and still be in compliance with Code criteria. He expressed support for staff's recommendation of denial.

Mr. Cox agreed that while attaching the addition to the garage might add value to the property and to the neighborhood, the request clearly did not meet variance criteria. As such, he felt he could not support the request.

Chairman Dibble agreed that other options were available to the petitioner, that approval of the request would confer special privilege, there was nothing unique about the property to support a non self-inflicted hardship, and that other criteria had not been met as well. He, too, felt he could not support the request.

MOTION: (Mr. Cox) "Mr. Chairman, on item VAR-2005-134, I move that we approve the variance request to reduce the rear yard setback for a principal structure in an RSF-1 zoning district, finding the request to be consistent with the Growth Plan and Section 2.16.C.4 of the Zoning and Development Code."

Mr. Wall seconded the motion. A vote was called and the motion failed by a unanimous vote of 0-3.

With no further business to discuss, the meeting was adjourned at 1:18 p.m.