

**GRAND JUNCTION BOARD OF APPEALS
JUNE 14, 2006 MINUTES
12:00 p.m. to 12:11 p.m.**

The regularly scheduled Board of Appeals meeting was called to order at 12:00 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), Mark Williams, Travis Cox, Patrick Carlow and Ken Sublett.

In attendance, representing the Community Development Department, were Kathy Portner (Assistant Community Development Director), Kristen Ashbeck (Senior Planner), and Sheryl Trent (Assistant to the City Manager).

Jamie Kreiling, Assistant City Attorney, was also present.

The minutes were recorded by Bobbie Paulson and transcribed by Elizabeth Buren, an S.O.S. temporary staffing employee.

There were no citizens present other than the applicant's representative, Coleen Simpson, during the course of the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the May 10, 2006 public meeting.

MOTION: (Mr. Williams) "So Moved [Consideration of the minutes of May 10th]"

Mr. Cox seconded the motion. A vote was called and the motion passed by a vote of 5-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-2006-132 VARIANCE—PHOENIX APARTMENTS

Request a variance to the required front yard setback to allow for the installation of a lift for mobility impaired access to an apartment building in a RMF-16 (Residential Multi-Family 16 units/acre) zone district.

Petitioner: Coleen Simpson, Phoenix, LLP

Location: 1333 North 13th Street

Staff: Kristen Ashbeck, Senior Planner

STAFF'S PRESENTATION

Kristen Ashbeck gave a PowerPoint presentation. She stated that the applicant is requesting a variance from the front yard setback of the property in order to install a pit-access lift to aid mobility impaired access to an existing 8-unit apartment building on a 0.143 acre parcel in a RMF-16 zone district. Future land use shows residential medium high 8 to 12 units per acre.

The apartment building was constructed in 1975 and did not have to meet ADA (American Disabilities Act) requirements. There is need to do that. Housing Resources purchased the building with federal funds and committed to attempt to bring the building up to the ADA requirements. The proposal is to build a lift (4 ½' x 4') for at least one of the units on the northeast corner of the building to provide access down to one of the garden level units. The setback area on Kennedy (Avenue) is 20 feet in RMF-16 and the building already encroaches into that setback. There will only be a 10 foot setback off of Kennedy Avenue. For the reasons stated above, the criteria meets the requirements that the hardship is unique to the property and is not self-inflicted.

Ms. Ashbeck pointed out that the applicant is not requesting any type of special privilege in requesting the variance. The variance is needed in order to promote this as an ongoing use. This is a reasonable request when trying to retrofit older buildings.

Not allowing the variance would cause undo hardship on the owner and the operating agency as they would be unable to comply with federal requirements applicable to the funds that were accepted by the agency. She also added that reasonable use for a mobility impaired individual cannot be achieved on this property without the variance request.

Other options were explored such as providing a ramp on this property. The solution (lift) takes up less space than a ramp and is accepted as the minimum variance. The lift shouldn't have any impact on the surrounding properties.

This variance does not conflict with any purpose or intent of the Code. It also is in conformance with the policies in the Growth Plan. The review criteria of Section 2.16.C.4 have all been met.

Staff recommends approval of the requested variance to Section 3.2 front yard setback, specifically for this small addition rather than allowing the entire building to go to 10 foot setback for lift structure.

QUESTIONS

Mr. Carlow asked if the wording of the motion has the location of the specific location of the property.

Ms. Ashbeck answered that this is actually just showing the specific location of the property, but referencing a 10 foot front yard setback specifically for the lift.

Mr. Carlow asked if this was purchased with federal funds. Ms. Ashbeck answered that it was.

Mr. Carlow asked if the Board could override a federal mandate as far as accessibility.

Ms. Ashbeck replied that it's a federal mandate tied to the applicant's funding. Although it is related to their funding, it is not necessary to the actions that the City could take.

Ms. Kreiling asked a question related to applicant but not the land use.

PETITIONER'S PRESENTATION

Staff addressed everything.

PUBLIC COMMENT

There were no comments either for or against the request.

DISCUSSION

Board did not have any further comments.

MOTION: (Mr. Williams) "Mr. Chairman, on VAR-2006-132 a request for a variance to allow a front yard setback for an access lift for the mobility impaired from the north property line for the property located at 1333 North 13th Street, I move that we approve the variance with the findings and conclusions stated in the staff report.

Commissioner Sublett seconded the motion. A vote was called and the motion passed by a unanimous vote of 5-0.

With no further business to discuss, the meeting was adjourned at 12:11 p.m.