

GRAND JUNCTION BOARD OF ADJUSTMENT

April 5, 1979

M I N U T E S

The regular meeting of the Grand Junction Board of Adjustment was called to order at 8:05 a.m. by Vice-Chairman Don Henry. The following members were present: Virginia Flager, Cecil Hobbs, Blaine Ford, Anita Johnson, Mearlen Brown and Cheryl Lynn.

Phil Romeo, Zoning Administrator, and Tamra Miracle, Department Secretary were also present.

Don Henry asked if there were any additions or corrections to the minutes of March 1, 1979.

HOBBS/FORD/PASSED 6-0/A MOTION TO APPROVE THE MINUTES OF MARCH 1, 1979.

Phil Romeo made the following announcements:

Karl Metzner is our new Senior City Planner.

There has been some question as to whether a request should be heard by the Board or not, and it has been determined that only the Board will determine whether any request is valid or not and that should be part of your consideration for each request. Anyone has the right to make an application for variance. You should keep in mind the requirements of a valid request. (Which he read from the City Zoning Ordinance)

Virginia Flager asked if the members of this board could be subject to law suits if they didn't follow the explicit guidelines listed in the ordinance.

Phil Romeo stated that they could be.

Don Henry asked Phil to check and see if the members would be sued as a board or individually.

3. #79-1: Consider a request to vary the setback from the centerline of Juniper Street from 40' to 26' for a car port which has been built into the front yard setback area.

Petitioner: Raymond Paruch  
Location: 1729 Juniper Street

Phil Romeo: A 16' x 20' car port has been added onto the house. This came to our attention as a question and I entered it as a complaint. No permit had been issued and the person who did the work is not licensed to work in the City.

Don Henry: First we should determine whether this case should be heard by this Board or not.

Mearlen Brown: We are dealing with a fact of life.

Phil Romeo: I think in this case there was a misunderstanding between the contractor and the property owner.

Mr. Paruch: We contacted Ken Gross last June and ordered a carport. The carport was constructed and we have had many comments on how well it looks. There is considerable investment involved, it is needed, and I admit it is my fault for not checking on the permit.

Virginia Flager: I know you are a citizen and a taxpayer Mr. Paruch, but you also served on the City Council for four years and cannot plead ignorance.

Blaine Ford stated that Mr. Paruch should have known he needed a permit.

Virginia Flager: As a point of clarification, Mr. Romeo did not make the complaint, a citizen of the community did.

Phil Romeo read the recommendation from Karl Metzner, Senior City Planner as follows: "Hardship was created by the applicant due to no building permit being obtained. Recommend that the Board not hear this case. Question is between the applicant and the contractor and the City should not get involved".

FLAGER/BROWN/PASSED 6-0/A MOTION THAT THIS REQUEST NOT BE HEARD BY THIS BOARD BASED ON THE STAFF RECOMMENDATIONS BECAUSE THIS IS EXISTING AND IT IS A DIRECT VIOLATION OF THE ZONING ORDINANCE. WE WOULD NOT LIKE TO SEE THE PRECEDENCE OF A WHOLE NEIGHBORHOOD GOING OUT 14 FEET INTO THE SETBACK".

4. #79-2: Consider a request to vary the East sideyard setback from 5' to 4' in order to convert a one car garage to a two car garage.

Petitioner: Glenn Foster  
Location: 324 Highland Drive

Phil Romeo: This petitioner needs to go into the setback area one foot. The adjacent house is at least 9' from this house.

Mr. Foster: I have talked to the neighbors and they have no objection.

Phil Romeo read the recommendation from Karl Metzner, Senior City Planner as follows: "By reducing the size of the addition one foot the variance would not be required, 24.5' is adequate for a 2 car garage. Harship seems to be of the applicant's own making, recommend the Board not hear this case.

FORD/FLAGER/PASSED 6-0/A MOTION TO APPROVE THIS REQUEST BECAUSE ONE FOOT WOULD NOT BE DETRIMENTAL TO THE NEIGHBORHOOD.

5. #79-3: Consider a request to vary the rear yard setback from 30' to 24' in order to finish a new house.

Petitioner: Harold Dawson  
Location: 2520 Pheasant Run Circle

Phil Romeo stated that this property is located in the Spring Valley Subdivision area.

Mr. Dawson: We started this house during the winter, at which time we had problems with frost and we were pushed for time. We had the house about 80% completed when the mud dried up and we were walking around the yard when we became aware that it didn't look like we were 30' from the property line. We measured the distance from the house and the property line and found that we were only 24' from the line. We stopped construction and applied for a variance. I don't think this is a detriment to adjacent property or to the neighborhood.

Don Henry: Are there existing houses to the left and right?

Mr. Dawson stated that there are.

Phil Romeo read the recommendation from Karl Metzner as follows: "This lot is a regular shaped lot and has no unusual characteristics. Hardship seems of the petitioners own making. Recommend that the Board not hear this case".

HOBBS/FORD/PASSED 6-0/A MOTION TO APPROVE THIS REQUEST BECAUSE IT WON'T BE DETRIMENTAL TO THE NEIGHBORHOOD. THE BOARD STATED THAT THEY ARE AWARE THAT THE APPLICANT DID CREATE HIS OWN HARDSHIP BUT THAT IT CAN'T BE PRACTICALLY CORRECTED.

6. #79-4: Consider a request to vary the sideyard setback from 7' to 5' in order to build an addition.

Petitioner: Darrell & Janice Young  
Location: 1803 North 4th Street

Phil Romeo: The existing house is 5' from the property line. The petitioners would be running the addition along the same line of the house which already sits 2' within the setback area. There has been some question within the Department that variances such as this may be approved in the office.

Mr. Romeo read the recommendation from Karl Metzner as follows: From a review of the plot plan it seems that there is adequate room on the lot to build the proposed addition without violating the setback. Harship seems of the petitioners own making. Recommend that the Board not hear this request".

Virginia Flager asked the petitioner if the addition could be extended 2' in the other direction.

Mrs. Young stated that it could be but the house would not be symmetrical and the cost would be a lot greater.

FLAGER/DIED FOR LACK OF SECOND AND LATER WITHDRAWN BY FLAGER/MOTION TO DENY THIS REQUEST BECAUSE THERE ARE NOT EXTENUATING CIRCUMSTANCES IN THIS CASE, THE ONLY DIFFERENCE IS CONSTRUCTION COST AND I DON'T THINK THAT IS A FUNCTION OF THIS BOARD.

Anita Johnson: I don't agree. I think it sounds very practical to me.. The house has existed there for five years, 2' within the setback area and it hasn't been detrimental to the area.

Virginia Flager retracted her motion because she hadn't understood that the house already is 2' within the setback area.

JOHNSON/HOBBS/PASSED 6-0/A MOTION TO APPROVE THIS REQUEST BASED ON THE FACT THAT THE HOUSE HAS EXISTED 2' IN THE SETBACK FOR YEARS.

7. #79-5: Consider a request to vary the rear yard setback from 30' to 20' in order to build a new house.

Petitioner: Holling & Associates, Inc.  
Location: 2311 Pheasant Run Circle

Phil Romeo read the staff recommendation from Karl Metzner as follows: "This is an odd shaped lot and the intent of a rear yard setback is not violated. I would recommend approval of the variance as shown on the site plan.

Representative of the petitioner: We laid the plans for this out on paper and when we went out on the lot we could see that the house wouldn't look right from the street because of the shape of the lot. I have a letter from the Spring Valley Homeowners Association expressing their support of this request.

HOBBS/FORD/PASSED 5-1, JOHNSON AGAINST/A MOTION TO APPROVE THIS REQUEST BECAUSE IT WOULD BE AN ASSET TO THE NEIGHBORHOOD NOT DETRIMENTAL.

Virginia Flager commended the petitioner on coming before the Board before beginning construction of the house.

The regular meeting of the month adjourned at 9:00 a.m.