

**GRAND JUNCTION BOARD OF APPEALS
April 11, 2007 MINUTES
12:05 p.m. to 12:34 p.m.**

The regularly scheduled Board of Appeals meeting was called to order at 12:05 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, Patrick Carlow and Ken Sublett. Mark Williams arrived late.

In attendance, representing the Community Development Department, were Ivy Williams (Planning Services Supervisor) and Senta Costello (Associate Planner).

Jamie Kreiling, Assistant City Attorney, was also present. The minutes were recorded and transcribed by Bobbie Paulson.

There were three citizens present including the applicants.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of December 13, 2006 hearing.

MOTION: (Travis Cox) "So moved" (to approve the minutes of December 13, 2006 hearing).

The motion was seconded by Ken Sublett. A vote was called and the motion passed by a vote of 4-0.

Available for consideration were the minutes of January 10, 2007 hearing.

MOTION: (Travis Cox) "So moved" (to approve the minutes of the January 10, 2007 hearing).

The motion was seconded by Ken Sublett. A vote was called and the motion passed by a vote of 4-0.

Available for consideration were the minutes of February 14, 2007 hearing.

MOTION: (Travis Cox) "So moved" (to approve the minutes of the February 14, 2007 hearing.)

The motion was seconded by Ken Sublett. A vote was called and the motion passed by a vote of 4-0.

Available for consideration were the minutes of the March 14, 2007 hearing.

MOTION: (Travis Cox) “So moved” (to approve the minutes of the March 14, 2007 hearing.)

The motion was seconded by Ken Sublett. A vote was called and the motion passed by a vote of 4-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

MSP-2006-353 MINOR SITE PLAN – K-9 Kar Wash

Request approval for the west wall of the K-9 Kar Wash to remain in its present location approximately 4 feet from the property line on 0.804 acres in a C-2 (Heavy Commercial) zone district.

PETITIONER: Jeff Williams

LOCATION: 216 North Avenue

CITY STAFF: Faye Hall, Associate Planner

Chairman Dibble announced that City staff and the applicant have requested that item MSP-2006-353, Minor Site Plan Review for the K-9 Kar Wash, be pulled from this agenda.

MOTION: (Travis Cox) “So moved.” (to pull item MSP-2006-353 from the agenda).

The motion was seconded by Ken Sublett. A vote was called and the motion passed by a vote of 4-0.

VAR-2007-015 VARIANCE – Stover Variance

Request approval for a Variance from the required setbacks to allow for renovation of an existing house on 0.148 acre in a RMF-8 (Residential Multi-Family 8 u/a) zone district.

PETITIONER: James Stover

LOCATION: 535 North 12th Street

CITY STAFF: Senta Costello, Associate Planner

PETITIONER’S PRESENTATION

Mr. James Stover stated that he is currently renovating his home located on 535 North 12th Street with an addition and decks. He stated that they removed an existing patio and constructed a new entryway and decks along the North side of the home. The existing footprint of the house is in the setback area however it is grandfathered because of when it was originally built.

Chairman Dibble asked the applicant if they were intending to stucco the outside of the home?

Mr. Stover replied affirmatively.

Mark Williams, Board of Appeals member, arrived at the meeting at approximately 12:10 p.m.

STAFF'S PRESENTATION

Senta Costello gave a PowerPoint presentation of the proposal. Ms. Costello stated that the variance request is to reduce the setback requirements for the home at 535 North 12th Street. She stated that the lots along 12th Street are predominately 50 feet wide by 125 feet deep, the same as this subject property. The property is currently developed with the house positioned on the southern area of the lot, unlike its neighbors along Chipeta Avenue whose homes are generally located on north/central portion of the lots. The future land use designation is residential medium 4 to 8 dwelling units per acre and is surrounded by the same. The property is zoned R-8. The zoning east of 12th Street is predominately R-5. The site plan that was submitted by the applicant shows the proposed addition with the entryway and two proposed decks. Elevation drawings were included with the submittal that show what the exterior will look like. Ms. Costello showed aerials of the existing site and the surrounding area. Ms. Costello stated that staff has reviewed this request and finds it meets the Code criteria for a variance and therefore supports the request.

QUESTIONS

Travis Cox asked if the variance request is for the setback along North 12th Street or Chipeta Avenue?

Ms. Costello stated that it is for the setback along North 12th Street.

Mr. Cox asked what the setback requirement is from North 12th Street?

Ms. Costello stated that the subject property is a corner lot so there are two front yard setbacks along North 12th Street and along Chipeta Avenue which is 20 feet. The existing home sits approximately 5 feet from the North 12th Street property line. Mr. Stover's proposal for the addition and a deck will be setback 8 feet from that property line and the deck is proposed to be 17 feet back.

Chairman Dibble pointed out that it appears from the aerial photos that several homes along 12th do not meet the existing setback requirements.

Ms. Costello said that she estimated that about 75% of the homes in that area probably did not meet the front yard setback requirement for the R-8 Zone District.

Chairman Dibble said that he felt, based on this information, a variance of the setback would not necessarily be a privilege to the applicant.

Mr. Cox added that because of the layout of the existing house, there really isn't any other logical place to make the type of additions owner is proposing.

Mr. Cox asked what the side yard setback in the R-8 zone district is?

Ms. Costello stated that the side yard setback is 5 feet. The proposed addition is setback further than the existing home. She added that she had also received several telephone calls from neighbors who said they supported the applicant's request and felt it would be an overall improvement to the neighborhood.

PUBLIC COMMENT

Linda Golden, 1147 Chipeta Avenue, stated that she owns lives in the home directly west of the applicant's property. She said she was concerned that the addition would bring his home closer to her property which isn't the case. She also requested that the applicant be required to put in their own driveway off of Chipeta so that they didn't use her driveway to access their property.

APPLICANT'S REBUTTAL

James Stover stated that they had used Ms. Golden's driveway a few times to access their property but had gotten permission from her husband. Mr. Stover said they plan to put in their own driveway which will be parallel to Ms. Golden's driveway off of Chipeta Avenue. The Stover's current driveway is off of 12th street but access can be difficult because of traffic. Mr. Stover discussed changing their access from North 12th to Chipeta Avenue with the Planning Division's engineers and they were in agreement with this proposal. The neighbor's driveway is being used as a temporary access only during construction.

Mr. Cox asked if the addition would make the home closer to Ms. Golden's property?

Mr. Stover replied no, definitely not.

Chairman Dibble asked if the applicant will be proposing a garage?

Mr. Stover replied no, not at this time.

Chairman Dibble asked if the curb cut on North 12th Street would be abandoned when the new driveway is constructed?

Mr. Stover replied that is the plan.

Mr. Williams questioned Mr. Stover again about the use of the neighbor's driveway and confirmed that it was only being used during this construction phase.

Mr. Stover replied that it was only being used during this construction phase.

Mr. Williams asked Ms. Golden is she was satisfied with this solution.

Ms. Golden replied affirmatively.

DISCUSSION

The Board was in agreement that this addition and the driveway relocation would be an improvement to the neighborhood and that the variance request met the criteria of the Code.

MOTION: (Ken Sublett) “Mr. Chairman, on variance request, #VAR-2007-015, I move we approve the request for a variance to Table 3.2 of the Zoning and Development Code reducing the front yard setback to 8 feet; to allow a 9 foot entryway and deck on the front of the home in an R-8 zone district, finding the request to be consistent with the Growth Plan and the review criteria of Section 2.16.C.4 of the Zoning and Development Code.”

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

MISCELLANEOUS DISCUSSION

Mr. Williams informed the other board members of an incident that happened the prior week. Mr. Williams stated that last week he was in his downtown office checking out a firearm and scope that he had recently purchased. His blinds were open and apparently someone across the street saw him and called the police. He said that there were no charges made against him but still offered his resignation from the board if they felt it was needed adding that him being on the board may impact their integrity.

Ms. Kreiling advised Mr. Williams that City Council appoints members to the board and suggested he discuss the matter with her after this hearing to decide what his next step should be.

With no further business to discuss, the meeting was adjourned at 12:34 PM.