

**GRAND JUNCTION BOARD OF APPEALS**  
**June 10, 2009**  
**12:00 pm to 12:12 pm**

The regularly scheduled Board of Appeals meeting was called to order at 12:00 pm by Chairman Roland Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Board of Appeals, were Roland Cole (Chairman), Travis Cox, Rob Burnett and Richard Schoenrad. Mark Williams (Vice-Chairman) arrived at 12:06 pm.

In attendance, representing the Public Works and Planning Department, were Lisa Cox (Planning Manager), Ivy Williams (Development Services Supervisor) and Judith Rice (Associate Planner).

John Shaver (City Attorney) was also present.

The minutes were recorded and transcribed by Leslie Ankrum.

One citizen, including the applicant, was present.

**II. CONSIDERATION OF MINUTES**

Available for consideration were the minutes of the August 13, 2008 hearing. Roland Cole (Chairman) indicated there was a misspelled word in the second paragraph from the bottom on the third page. The sentence read "Ms. Rice replied that she was no sure." The correction to the minutes was made to read "Ms. Rice replied that she was not sure."

**MOTION: (Travis Cox) "I move to approve the minutes."**

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

**III. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**IV. PUBLIC HEARING ITEMS FOR CONSIDERATION BY THE BOARD**

**VAR-2009-020 VARIANCE – Vessels Setback Variance**

Request approval for a Variance of the minimum side setback for an existing accessory structure on .377 acre in an R-8 (Residential 8 du/ac) zone district.

**PETITIONER:** Barbara Wolf and Francis Joseph Vessels, Jr.

**LOCATION:** 481 Harris Road

**CITY STAFF:** Judith Rice, Associate Planner

## **STAFF PRESENTATION**

Judith Rice, Public Works & Planning Department, gave a PowerPoint presentation on the request to grant an appeal. Ms. Rice stated that the applicant is requesting a variance to the minimum side yard setback for an existing detached garage, the corner of which was constructed .7 feet or 8.4 inches into the three foot side yard setback. The property is located at 481 Harris Road. Harris Road connects North Avenue and an unimproved section of Gunnison Avenue east of 28 ½ Road and west of North Avenue Wal-Mart. Ms. Rice indicated where the property was located on her PowerPoint presentation.

Future Land Use is Residential Medium for the neighborhood which is surrounded by Commercial and Commercial/Industrial. The property is zoned R-8 with C2 and I2 across Harris Road to the east.

The background for this request began with a Planning Clearance issued in 1994 for the detached garage. The proposed distance of the corner of the garage to the property line as described in the Planning Clearance Site Sketch was five feet; three feet is the minimum side yard setback for accessory structures in an R-8 zone. The corner of the garage was planned and constructed using what was understood to be the property line by both neighbors. Approximately 15 years later in 2008 the applicants discovered the property line was located in a place other than where they thought it was. The neighbor at the time had the south property line surveyed for the purpose of determining the ownership of some trees. According to the survey, .54 square feet of the corner of garage lies .7 feet or 8.4 inches into the setback.

Ms. Rice stated the applicants have met the required variance criteria as presented in the staff report. The encroachment is not detrimental to the value of the neighboring property's public health, safety or welfare. The past and current neighbors did not and do not now object to the location of the garage and reasonable use of the property would include use of the garage without having to tear it down and rebuild it inches away from where it stands now.

The requested variance is consistent with the Growth Plan and meets all criteria contained in Section 2.16.C of the Zoning and Development Code. Ms. Rice recommended the Zoning Board of Appeals approve the requested variance.

## **PETITIONER'S PRESENTATION**

Ms. Barbara Wolf spoke on behalf of her husband, Mr. Francis Joseph Vessels, Jr., the owner of the property located at 481 Harris Road. The Vessel family purchased the property in the 1960's. The garage was built in 1994 in good faith with the property owner of the neighbor to the south at 479 Harris Road in agreement with the placement of the garage and where the property line was. There had never been an issue with the property line and there had been several owners and never a problem with where the garage was built in 1994.

In December 2008, as part of the sale of 479 Harris Road, a survey was done and it was found that the property line was not where all the property owners thought it was. After the survey, it was found that the corner of the garage was 8.4 inches in the three

foot setback. The original plan was to have the garage five feet away from the property line, but in the survey it was found that the property line was different than was thought. Ms. Wolf stated she would like to have the variance granted. When the time comes to sell the property or the present neighbors to the south to sell, she would like to have an official variance on record.

Ms. Wolf had obtained statements from the previous and present owners stating they had no problem with the current placement of the garage. Those statements were given to the Board of Appeals to review.

**QUESTIONS**

There were no questions.

**PUBLIC COMMENT**

There was no public comment.

**REBUTTAL**

There was no rebuttal.

**DISCUSSION**

There was no discussion.

**MOTION: (Travis Cox) “Mr. Chairman, on the Variance requested number VAR-2009-020, I move we approve the request for variance to Table 3.2 of the Zoning and Development Code to allow the southernmost corner of the detached garage structure to be .7 feet/8.4 inches into the setback for 2.3 feet/27.6 inches from the property line with the facts inclusions listed in the staff report.”**

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

**V. ADJOURNMENT**

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