

JEE ALSO PERMIT # 21516

DATE SUBMITTED: 3-21-85

PERMIT # 22902

FEE \$ 10.00

PLANNING CLEARANCE

GRAND JUNCTION PLANNING DEPARTMENT

FOR TEMPORARY STRUCTURE ONLY !!

BLDG ADDRESS: 1824 N 12TH

SQ. FT. OF BLDG: 64

SUBDIVISION: _____

SQ. FT. OF LOT: _____

FILING # _____ BLK # _____ LOT # _____

NUMBER OF FAMILY UNITS: 0

TAX SCHEDULE NUMBER: _____

NUMBER OF BUILDINGS ON PARCEL BEFORE THIS PLANNED CONSTRUCTION: _____

2945-123-03-D19

PROPERTY OWNER: ALBERTSONS

USE OF ALL EXISTING BUILDINGS: SKAGGS ALBERTSONS Temporary structure for Tropical Snow sales

ADDRESS: 1838 N 12TH
243-2299

PHONE: 242-2030 % LAWRENCE SUMNER

DESCRIPTION OF WORK AND INTENDED USE:

SUBMITTALS REQ'D: TWO (2) PLOT PLANS SHOWING PARKING, LANDSCAPING, SETBACKS TO ALL PROPERTY LINES, AND ALL STREETS WHICH ABUT THE PARCEL.

CONSESSION STAND - HAWAIIAN ICE (TROPICAL SNOW)

FOR OFFICE USE ONLY

ZONE: B-3

FLOODPLAIN: YES _____ NO

SETBACKS: F 15 1/2 / 35' LS 0' R 0'

GEOLOGIC HAZARD: YES _____ NO

MAXIMUM HEIGHT: 40'

CENSUS TRACT #: 60

PARKING SPACES REQ'D: EXISTING

TRAFFIC ZONE: _____
(see attached letter)

LANDSCAPING/SCREENING: EXISTING

SPECIAL CONDITIONS: 1) re application when this permit expires... 2) permit valid for only that time business is "open for the season" or 1 yr. whichever expires first.

- ④ utilities must be disconnected when Bldg. is removed from site.
- ③ when your structure is closed for the season the structure is removed from the 12th St. location

ANY MODIFICATION TO THIS APPROVED PLANNING CLEARANCE MUST BE APPROVED, IN WRITING, BY THE DEPARTMENT. THE STRUCTURE APPROVED BY THIS APPLICATION CANNOT BE OCCUPIED UNTIL A CERTIFICATE OF OCCUPANCY (C.O.) IS ISSUED BY THE BUILDING DEPARTMENT (SECTION 307, UNIFORM BUILDING CODE.)

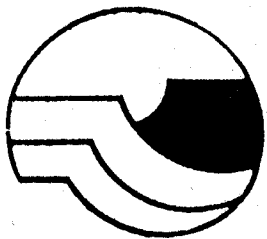
ANY LANDSCAPING REQUIRED BY THIS PERMIT SHALL BE MAINTAINED IN AN ACCEPTABLE AN HEALTHY CONDITION. THE REPLACEMENT OF ANY VEGETATION MATERIALS THAT DIE OR ARE IN AN UNHEALTHY CONDITION SHALL BE REQUIRED.

HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THE ABOVE IS CORRECT AND I AGREE TO COMPLY WITH THE REQUIREMENTS ABOVE. FAILURE TO COMPLY SHALL RESULT IN LEGAL ACTION.

DATE APPROVED: 3-22-85

APPROVED BY: [Signature]
per CJPC/CC waiver of Row requirements Sec. 5-3-3/ 5-3-4d.

[Signature]
SIGNATURE




Mesa County
Building
Department

634 Main Street
Grand Junction, Colorado
81501 - 2791

(303) 244-1631

MEMORANDUM

TO: Bob Goldin, Senior City Planner
FROM: Roy "Andy" Anderson, Chief Building Official 
DATE: October 9, 1985
SUBJECT: Temporary Structures

It appears that during the "Boom" cycle in the latter part of the 1970's and the early 1980's, there became a very real need for the use of temporary office buildings, churches, schools, bank buildings, etc. During that time there were many permits issued for these types of temporary buildings. The intent, of course, was that a new permanent structure would be constructed within a certain time frame (normally 18 to 24 months) and the temporary facility would be removed.

Although temporary structures were recognized in the 1973, 1976, 1979, and in the presently adopted 1982 Edition of the Uniform Building Codes, there appears to have been an error in the application of that code section.

Let me clarify, for the record, the section of the 1982 Uniform Building Code that allows the use of temporary structures. That section is 104(e) and reads as follows:

(e) MOVED BUILDINGS AND TEMPORARY BUILDINGS. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

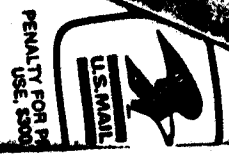
This provision was included in the code primarily to allow for construction of temporary structures to provide protection from falling debris, inclement weather, etc. for pedestrians during the construction of a building which has caused the normal pedestrian walkways to become unsafe and non-usable. It was never the intent of this section to allow for the placement of mobile homes or other temporary structures to be used to house businesses, churches, banks, etc. for any length of time. That type of use is restricted to permanent, code complying structures built under permit and inspections

It would be my recommendation that if the City (or County) desires to allow temporary structures, that the current ordinances be amended to allow for it, because it is apparent that no such building code ordinance presently exists.

RAA/bc
cc Bennett Boechenstein, Director of County Planning

USE STAMPS TO ARTICLE TO COVER FIRST-CLASS AND CHARGES FOR ANY SELECTED OPTI...
marked, stick the gummed stub on the left side of the article at a post office service...
present the article at a post office service...
gummed stub on the...
postmarked, stick the gummed stub on the...
the receipt, and mark the article...
write the certified mail number and your...
front of the article by means of the gummed...
of article. RETURN RECEIPT RE...
to the addressee, or to the...
on the front of the article.

Planning Dept.
of Sender)
Avenue, Rm 60
P.O. Box
stion, CO 81501
ite, and ZIP Code)



Grand Junction Planning Department
559 White Ave. Room 60
Grand Junction, Colorado 81501-2643
(303) 244-1628

October 30, 1985

Mr. Lawrence E. Sumner
Tropical Sno
1350 Cedar Avenue
Grand Junction, CO 81501

Dear Mr. Sumner:

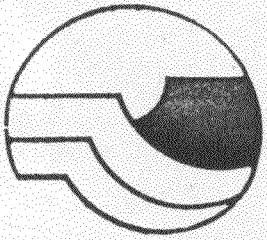
Your formal request to waive the temporary structure and site requirements for the Tropical Sno building located at 1824 North 12th was received and reviewed by the Building Department, Planning Department, City Attorney and the Grand Junction Planning Commission.

It was determined that the Planning Commission and City Council do not have legal authority to waive the UBC requirements except through amending the City ordinance and adopting changes to the 1982 Uniform Building Code (UBC). An amendment would be necessary to allow certain types of structures on a temporary basis.

The Planning and Building Departments, with the help of the Grand Junction Planning Commission, will pursue changes allowing temporary structures under the provision of utilizing the temporary structure in conjunction with the application and approval of a permanent structure permit only. The UBC has been misused in the past as indicated in the attached letter from Andy Anderson. There are no current provisions which really allow you to remain under your current status.

The City will allow you to pursue the following alternatives:

- 1) Make the existing structure conform to UBC requirements.
- 2) Apply for and get approval for a permanent structure, utilizing the existing structure until such time the permanent structure is occupied.
- 3) Remove the structure.




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Mr. Lawrence E. Sumner
October 30, 1985
Page 2

We have worked with you for the last two years in dealing with your specific situation. We are now forced to ensure compliance. The City has been consistent in our dealings with all those individuals having occupied temporary structures in the attempt to bring them into compliance. This includes banks, the school district, churches, daycare facilities and yourself.

While your discussion of appearance may be true, your building is occupied; the newspaper recycling enclosures are not. If you anticipate being open for the time you have indicated, you should pursue a permanent building on the site. Please note, however, the other requirements including the right-of-way dedication for 12th Street will be required. We will be more than willing to work with you within reason. I will keep you apprised of the City's efforts to amend the UBC. I'm sorry the City could not be more accommodating.

If you have questions, please contact me at the Planning Department (244-1648) or Andy Anderson at the Building Department (244-1631).

Sincerely,



Bob Goldin
Senior City Planner

BG/tt

Enclosures

xc: Gerry Ashby, City Attorney
Andy Anderson, Building Dept.
Grand Junction Planning
Commission members

October 30, 1985

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MEMORANDUM

TO: Whom It May Concern

FROM: City Planning Department
City/County Building Department

RE: Temporary Structures

This memo is a reminder to all those with projects in non-compliance of the 1982 UBC regulations regarding temporary structures and for those considering the use of temporary structures in the future.

In the past, the City has made provisions to allow certain types of temporary structures in conjunction with an overall plan and within established timeframes. Many of those requesting temporary structures have complied. However, many have not fulfilled their obligations, promises, or requirements to complete the necessary improvements and upgrades, or have failed to meet the timeframes established for bringing the project into compliance. Due to the non-compliance of UBC regulations, the City Planning and Building Departments have met with the City Planning Commission, City Attorney and administration to discuss the appropriate action required.

The 1982 UBC does not allow temporary structures for many uses including: bank buildings, offices, daycare facilities, church additions, classrooms or retail sales areas. Currently, there are projects utilizing temporary structures for these uses. The City Attorney has established a date of no later than September 27, 1986 to allow all those existing temporary structures time for compliance. Compliance can be achieved in the following ways:

- 1) Meet all UBC requirements on the existing structure.
- 2) Remove the temporary structure within the timeframe.
- 3) Receive an approved building permit for a permanent structure.
(This will allow the existing temporary structure to be utilized in conjunction with construction of the permanent building permit, but for a limited time period only.)


The City Planning Commission, with the assistance of the Planning and Building Departments, will continue pursuing clarification of the UBC and provisions to allow temporary structures only in conjunction with permanent buildings. This may require policy direction and ordinance action by the City Council and should be discussed in the first part of 1986.

Anyone having questions should contact Andy Anderson with the Building Department at 244-1631 or Bob Goldin with the Planning Department at 244-1648.



Grand Junction Planning Department
559 White Ave. Room 60
Grand Junction, Colorado 81501-2643
(303) 244-1628

MEMORANDUM

TO: Karl Metzner
FROM: Bob Goldin 
DATE: February 13, 1986
RE: Tropical Sno

Timeframe of Events:

- 1) 08/07/84 Lawrence Sumner is issued first permit for Tropical Sno with a 90 day limit. Right-of-way dedication requirements of 10 feet for 12th Street is waived unless permit is requested again.
- 2) 03/85 Mr. Sumner requests second permit. None issued until right-of-way dedication issue is resolved.
- 3) 03/14/85 Mr. Sumner requests formal waiver of right-of-way dedication, and waiver of permanent building classification.
- 4) 03/22/85 A second permit is issued for Tropical Sno after the Grand Junction Planning Commission (GJPC) and City Council (CC) waive Section 5-3-3 and 5-3-4d of the Grand Junction Zoning and Development Code requiring right-of-way dedication. Permit is for a temporary structure for one year maximum.
- 5) 09/05/85 Mr. Sumner requests waiver of temporary structure Uniform Building Code (UBC) requirements before City Council. No action is taken by City Council and the issue is referred to the City Attorney, Planning and Building Departments.
- 6) 09/85 The City Attorney, Planning, and Building Departments meet with the Planning Commission to discuss applicability of the UBC and temporary structures within the City. It is determined the GJPC and CC do not have any authority to waive the UBC requirements.

February 13, 1986

- 7) 10/09/85 The Building Department responds with a letter on the interpretation of the UBC and temporary structures.
- 8) 10/30/85 The City Planning Department sent a certified letter to Mr. Sumner describing the results of the meetings and the determination of compliance. He is required to meet the UBC regulations or remove the building.
- 9) 11/85 - present The City Planning and Building Departments begin inventory and notification to all owners of temporary structures within the City of a September 1986 UBC compliance deadline.

Attached are copies of the permits, letters, memos and correspondence on the items discussed above.

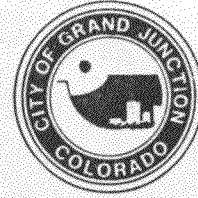
Andy Anderson is responsible for ensuring compliance of the UBC requirements, and is in the process of having the Tropical Sno structure brought into compliance or removed. The Planning Department, in conjunction with the Building Department, is involved in the inventory and notification process. All those with temporary structures within the City limits will be notified of the September, 1986 compliance deadline, as determined by the City Attorney.

If you have questions regarding Tropical Sno or temporary structures, please contact me or Andy.

BG/tt

Attachments

xc: Andy Anderson
Gerry Ashby



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BG/tt

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Grand Junction Planning
Commission members

tropical sno™

1824 No. 12th. St.

5 Sep. 1985

GRAND JUNCTION PLANNING DEPT.
GRAND JUNCTION CITY COUNCIL
CITY MANAGER

LETTER OF INTENT

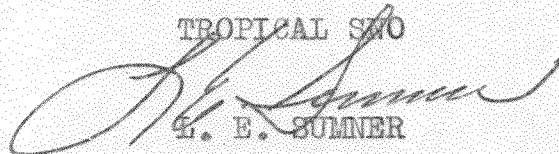
This is a formal request to waive the requirement to remove our building from it's present location at 1824 No. 12th. St. during the winter months that it is not in use.

We have noticed that there are a number of other temporary structures around the city (picture enclosed) at a number of locations (eg. 1st. & Orchard, 7th. & North, 12th. & Orchard among others) that remain year around. We feel that our building is considerably better looking than these (picture enclosed) and is in a location that is out of the way of any traffic flow, not in anyone's way and does not present a hazard of any kind. Albertson's has no objection to our leaving the building there during the winter months and we have had no complaints from anyone about our location. The grounds around the building are kept clean by us even during the months we are not occupying the building. Therefore we feel the building should be allowed to remain in place during the aprox. five Mo. it is not in use.

In addition to the inconvenience of having to move the building, there are a number of expenses we feel are unnecessary too. Aprox. cost of elecrticity hookup, trailer rental, jack rental, etc. is \$300.00.

Your consideration in this matter is greatly appreciated.

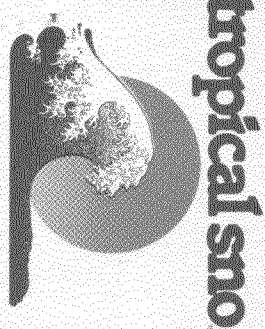
TROPICAL SNO



E. E. SUMNER

cc. file
Planning Comm.
City council
City Mgr.

WE POSSIBLY WILL USE THE BUILDING FOR A SANTA'S WORKSHOP THROUGH CHRISTMAS (WEATHER PERMITTING). IN THAT EVENT WE WOULD NOT BE USING THE BUILDING APPROX. THREE MONTHS.



Lawrence E. &
Dorothy Sumner

1350 Cedar Avenue
Grand Junction, CO 81501
(303) 242-2030