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File 1988-0052

Name: 1516 Crestview Way – Amended Final and Easement Vacation

P r e s e n t	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the in some instances, not all entries designated to be scanned by the department are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been provided.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>	
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<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>			
X	X	Action Sheet	X X Letter from Norm Mitchell, Chairman, Architectural Control Committee to James Darnell re: architectural committee cannot approve variance – 6/30/92
X	X	Review Sheets	X X Letter to Board of Directors, Crestview Homeowners Assoc. re: not approved – 7/1/92
X	X	Development Summary	X X Letter from Karl Metzner to Tim Ryan, Mesa County Bldg Dept. re: construction is not in accordance with plans as approved – 7/2/92
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X		Ordinance No. 2419 - **	X X Letter from Joe Kendrick, President of Crestview Homeowners Assoc. to Norm Mitchell re: special meeting – no objections to eaves and footers extending over adjacent common area-7/6/92
X		City Council Minutes - ** - 2/15/89	X X Letter from Karl Metzner to Tim Ryan re: approved minor change to plan-7/14/92
X		Public Notice Posting - 12/29/88	X Quit Claim Deed – Crest View I Homeowners Assoc. to Edith R. Darnell
X		Planning Commission Minutes - ** - 1/10/89	X Request for Treasurer's Certificate of Taxes Due – 11/29/88
X		Notice of Public Hearing – 1/10/89	X X Letter from Thomas Logue to Planning Commission re: request for vacation – 11/30/88

Henry Faussone
3318 Crestview Way
Grand Junction, CO 81506

Paul Brown
1533 Crestview Way #3
Grand Junction, CO 81506

Chris Miller
394 E. Valley Drive
Grand Junction, CO 81504

Michael Bell
1533 Crestview Way #4
Grand Junction, CO 81506

Laird Burkey
1525 Crestview Court
Grand Junction, CO 81506

C. Peterson
647 27 $\frac{1}{4}$ Road
Grand Junction, CO 81506

John Tomlinson
1533 Crestview Court
Grand Junction, CO 81506

Lee Johnson
1920 Hwy. 135
Rifle, CO 81650

Delbert Findley Jr.
1534-A Crestview Way
Grand Junction, CO 81506

Ern Smith, M.D.
1534 Crestview Way #B
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Ione O'Brien
1564 Crestview Way
Grand Junction, CO 81506

Josephine A. Deonier
1572 Crestview Way
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Albert Martinez
1533 Crestview Way #1
Grand Junction, CO 81506

Kay Jones
1533 Crestview Way #2
Grand Junction, CO 81506

ARMSTRONG CONSULTANTS, INC.

861 Rood Avenue

— Grand Junction, Colorado 81501 —

(303) 242-0101

November 30, 1988

Grand Junction Planning Commission &
Grand Junction City Council
250 N. Fifth Street
Grand Junction, CO 81501

Dear Members:

Accompanying you will find an application for an Easement Vacation and an Amendment to the Final Development Plan for Lots 16-1 through 16-5 of the Crestview Townhomes Subdivision located northeast of 15th Street and Crestview Way.

The requested Easement Vacation is for a small portion of an existing 10 foot utility easement lying along the north side of Lot 16-5. There are no known utilities located within the portion of the easement requested for vacation. Vacation of the easement will allow the construction of a terrace or patio to the rear of a planned single-family dwelling, which is to be constructed at some point in the future.


The second part of the request is for an amendment for the Final Development Plan which would change the existing 11 and 15 foot building setbacks for those structures along 15th Street to a total setback of 10 feet. The four affected lots are vacant at this time.

The accompanying drawings illustrate the location of the proposed easement vacation and the area in which the requested setback amendment is located.

A member of our firm and a petitioner will be present at the scheduled public hearings to discuss the request in detail and answer any questions which may arise.

Respectfully,

ARMSTRONG CONSULTANTS, INC.


Thomas A. Logue
Project Manager

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DALY29

Enclosure

Original
Do NOT Remove
From Office

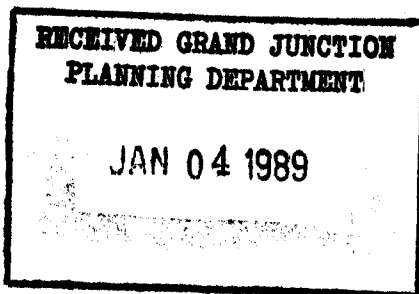
#52 88

CONSULTING ENGINEERS

RESPONSE TO REVIEW AGENCY COMMENTS

FILE: #52-88
ACTIVITY: Easement and Amendment to Plan for Crestview Townhomes
LOCATION: 1516 Crestview Way
PETITIONER: Henry Faussonne

<u>AGENCY</u>	<u>RESPONSE</u>
Building Department	No response required.
Fire Department	Vacation of the easement and the planned amendment will not affect accessibility to the area.
Public Service, Electric	The petitioner has met with the Public Service Co. After further review of the proposal, it was determined that there are no electric facilities located within the proposed easement vacation. Public Service has provided the City a letter of clarification under separate cover.
Public Service, Gas	No response required.
Ute Water	No response required.
City Engineer	No response required.
U.S. West	No response required.
Public Works	No response required.
Planning Department	<ol style="list-style-type: none">1. A revised plan showing building locations and access configurations has been transmitted to the Development Department for their review under separate cover.2. See Public Service electric response.



REVIEW SHEET SUMMARY

FILE NO. 52-88 TITLE/HEADING Crestview Easement Vacation & Amend DUE DATE 12-19-88
Plan
ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES Easement Vacation and Amendment to Plan
for Crestview Townhomes. Location: 1516 Crestview Way. Property owner:
Henry Fausone. Representative: Tom Logue

PETITIONER ADDRESS 3318 Crestview Way

ENGINEER Tom Logue, 861 Rood Ave.

DATE REC. AGENCY COMMENTS

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED
A MINIMUM OF 48 HOURS PRIOR TO THE FIRST SCHEDULED PUBLIC HEARING.

12/09/88	Building Dept.	No comments.
12/12/88	Fire Dept.	We have no objections to this easement vacation as it doesn't effect on our access for the area.
12/13/88	Public Service (Electric) (Gas)	Electric: PSCo has an an existing primary electric distribution line through this proposed development. Some conflicts with other utility locations are anticipated. Additional electric facilities will be required to provide services to this location. F.B. 12/8/88 Gas: No Objections. C.B. 12/8/88
12/13/88	Ute Water	No Objections.
12/15/88	City Engineer	No Objections.
12/12/88	US West	No objection.
12/16/88	Public Works	No comments or objections.
12/21/88	Planning Dept.	1. The footprints of buildings shown on the Amended Plan indicate conformance to the 15 foot setbacks which currently exist. Will this change? If so, the Planning Department needs a revised plan showing buiding locations and any access configurations (i.e., sidewalks or driveways) from 15th Street. This should be submitted A.S.A.P. 2. Concerns of Public Service (electric) must be resolved to their satisfaction prior to final approval of the easement vacation. Please request that a letter be sent to City Planning indicating resolution of these concerns.

Sent
12/23/88

development summary



File # 52-88 Amended Final/Vacation Name Crestview Date 1/13/89

PROJECT LOCATION: 1516 Crestview Way

PROJECT DESCRIPTION:

Request for easement vacation and amended final plan for Crestview Townhomes. Amended plan changes a three-unit townhome structure to single family and amends setbacks from 15 feet to 10 feet along 15th Street.

REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES NO*		TECHNICAL REQUIREMENTS	SATISFIED NOT SATISFIED*	
	YES	NO*		SATISFIED	NOT SATISFIED*
Complies with adopted policies	X		Streets/Rights Of Way	X	
Complies with adopted criteria	X		Water/Sewer	X	
Meets guidelines of Comprehensive Plan	X		Irrigation/Drainage	X	
			Landscaping/Screening	X	
			Other: _____		

* See explanation below

STATUS & RECOMMENDATIONS:

All technical review requirements have been satisfied. The amended plan reduces previously approved density. There are no utilities located or proposed to be located in the easement requested for vacation. No objections received on this proposal.

Planning Commission Action

Final approval on amended development plan. Recommend approval of easement vacation.

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Grand Junction Community Development Department
Planning & Zoning & Code Enforcement
150 North Fifth Street
Grand Junction, Colorado 81501-2668
303 244-1400 FAX 303 244-1599

James Darnall
1550 Crestview Way
Grand Junction, Co. 81501

Dear Mr. Darnall:

On 6/29/92 I provided you with the determination that a setback is measured from a property line to the base of the foundation of a structure and, that for the purpose of measuring setbacks we do not consider eaves or foundation footers which may extend beyond the foundation wall. I also confirmed that the Crestview Townhomes development was approved as a planned development with zero side yard setbacks.

This letter is to clarify that it is your responsibility to ensure that, if eaves or footers do cross a property line, you have obtained approval from the appropriate property owner. It was my understanding from our conversation that you had received approval from the homeowners association for the siting of this structure.

Please let me know if there are any additional questions regarding this matter.

Sincerely

A handwritten signature in cursive script that reads "Karl G. Metzner".

Karl G. Metzner
Senior Planner

xc. Joe Kendrick, Crestview Homeowners Association
Norm Mitchel, Architectural Control Committee
Dan Wilson, City Attorney

Mr. James Darnell
2361 Rana Rd.
Grand Junction, CO 81503

June 30, 1992

Dear Jim:

Regarding the final approval of the home you are building at 1550 Crestview Way. As a follow up to the hand written letter from Mr. Metzner, dated June 29, 1992, which you dropped off at my house last evening. This afternoon I received a copy of another letter written on city letter head from Mr Metzner.

It appears from this letter, that in fact you do not have proper approval from the planning department for the construction of your home on the site as presented and as we discussed. In Mr. Metzner's letter he alludes to the fact that he gave you the original approval for foundation and roof overhang based on your conversation, in which he states gave him the impression you already had approval for the building site from the Crestview Homeowners Association. He states in his letter "that it is your responsibility to ensure that, if eaves or footers do cross a property line, you have obtained approval from the appropriate property owner" or in this case owners.

As we have previously discussed, we as the Architectural Control Committee can not speak for the Crestview Homeowner's Association in granting you a variance of this nature. My verbal approval of your building site, given last evening in our telephone conversation, was based on the assumption that Mr. Metzner's first letter was the final word. Since in his second letter, he has now more clearly defined that original authorization to include the necessity of Crestview Homeowners approval, we as the architectural control committee can not, at this time, provide you with approval of your construction. As I had previously related to you as being a possibility, you will now have to go back to the Board of Directors for the approval according to the by-laws, of a variance to allow for your foundation footers and roof eaves overhang to extend north beyond the south property line of the common area immediately north of your lot.

Therefore in summation, before the Architectural Control Committee can give you authorization to build the proposed home at 1550 Crestview Way, you must first provide us with written approval from the Board of Directors of the Crestview Homeowner's Association, stating that this variance has been approved by the shareholders and property owners of the common area adjoining your proposed building site on the north. Any further action on your part to continue construction activities until final written approval is granted shall be deemed as in direct violation of section 3.2 of the covenants of this subdivision.

I would like to suggest that you have a proper plot plan drawn up before presenting your request to the board of directors. In addition, considering this whole situation, the ACC will require, according to the covenants, that this plot plan be properly prepared, with proper elevations and a more accurate description of how you intend to deal with the drainage around this structure before final approval will be considered.

If you have not already done so I would suggest you read the covenants of this subdivision, most particularly sections 3.2 and 3.3 on page 2. Under section 3.2 it clearly states "**No building shall be erected, placed or altered on any lot unless two complete sets of architectural plans and specifications for such construction or alteration and plans and specifications for all landscaping to be placed on the lot are submitted to the and approved by the ACC prior to the commencement of such construction. All decisions of the ACC shall be in writing**". Under section 3.3 it states "**Plans shall contain a plot plan, showing lot layout, including location of home on lot, flow and manner of surface drainage, finish and natural grade elevations.**"

It is most regretful that you may be significantly delayed in your construction by these events, however as you can see, these problems would not have developed had you followed to the letter the proper procedure in obtaining ACC approval. The responsibilities of the ACC are to follow the covenants as best as can be interpreted. The same responsibility must be assumed by a prospective home builder.

Please contact me again as soon as you have an official letter spelling out board approval of your proposed variance.

Sincerely,

Norm Mitchell
Chairman Architectural Control Committee
Crestview Homeowner's Association

Board of Directors
Crestview Homeowners Association

July 1, 1992

Subject: Residence construction at 1550 Crestview Way.

Regretfully the Architectural Control Committee is unable to approve at this time, the construction of the proposed residence at 1550 Crestview Way by Mr. James Darnell.

Mr. Darnell brought to the committee a set of incomplete plans for this residence a couple of weeks ago. The committee, after some discussion gave tentative verbal approval of the basic house plan. However, we were unable to give final written approval as required by the covenants of this subdivision, because a Plot Plan as required, was not submitted. Mr. Darnell said he would provide same in a couple of days, but stated he had scheduled for the removal of the dirt early the next day. I informed him at that time he would be doing so at his own risk without official, final written approval. The next morning Mr. Darnell commenced excavation of the building site and the next day dropped off a very crude sketch of the building site, void of any grade elevations and accurate flow patterns of surface drainage as required by the covenants before final approval can be granted.

Before the ACC had an opportunity to meet again to discuss the crudely drawn plot plan we noticed Mr. Darnell had poured the footers for his foundation. It was our observation that these footers extended approximately one foot beyond the south property line of the common area immediately north of Lot 16-1. Mr. Darnell was immediately contacted about this encroachment and he stated he thought on a zero lot line he could align his stem wall on that lot line and the encroachment of the footers and the roof eaves was allowed.

At my request Mr. Darnell, on Monday morning, went to the building department to discuss the matter with the Senior Planner, Mr. Karl Metzner. Mr. Metzner approved this encroachment in a hand written note given to Mr Darnell. Mr. Darnell proceeded that day to pour his stem wall and proceed with his construction. Later on Monday, Mr.

Metzner, after discussions with City Attorney Dan Wilson, wrote an official letter on city stationary, defining further the meaning of his earlier authorization. In this definition he states the approval of this encroachment of footers and roof eaves by his department was contingent on the approval of the property owner or owners of the property to be encroached upon. The ACC, of course, does not have the authority to grant such approval as we believe this requires board action, what ever that may be.


Subsequent to this letter from Mr. Metzner, the ACC is unable to grant final approval for the construction of his proposed residence. Last evening I informed Mr. Darnell, by telephone, of the inability of the ACC to grant such approval without the appropriate action being taken by the board of directors and their giving the ACC official notice of same. Mr. Darnell informed me he intended to continue on, uninterrupted, with his construction. I have also given Mr. Darnell official written notification of the fact that to continue said construction without ACC written approval is in direct violation of Section 3.2 of the covenants of this subdivision.

In light of the apparent fact that Mr. Darnell appears to be continuing his construction project without final approval of the ACC, Mr. Phipps and myself have been attempting to contact Mr. Bob Lee of the building department and Mr. Metzner of the Community Development Department for the purpose of obtaining their assistance in stopping this building project until proper legal approval is obtained.

I have advised Mr. Darnell both by telephone and in writing that he should immediately contact the board of directors before further construction activity. I trust he has by now made such contact.

Please advise this committee in writing when or if permission is or is not granted for this encroachment and the ACC will proceed with final written approval or rejection of the project.

Sincerely,



Norm Mitchell

Chairman, Architectural Control Committee



Grand Junction Community Development Department
Planning, Zoning, Code Enforcement
250 North Pine Street
Grand Junction, Colorado 81501-2343
800-244-1100 Fax: 800-244-1588

July 2, 1992

Mr James N. Darnell Jr.
3339 C Road
Palisade, Co. 81526

Dear Mr. Darnell:

I regret to inform you that we have found it necessary to revoke your planning clearance for a residential structure at 1550 Crestview Way. Upon inspection of the structure it was determined that the construction was not in accordance with the site plan as approved by planning commission on Jan. 10, 1989. In order to reactivate the building permit the structure will have to be revised to fit the approved site plan or a revised site plan will have to be approved. In order for a new site plan to be approved the additional extension into the common area will require approval from the common area owners.

I am sorry for this inconvenience and trust that this matter may be resolved quickly.

Sincerely

A handwritten signature in cursive script, reading "Karl G. Metzner".

Karl G. Metzner
Senior Planner

xc: Dan Wilson, City Attorney



Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430 FAX (303) 244-1599

July 2, 1992

Tim Ryan
Mesa County Building Department
750 Main Street
Grand Junction, Co., 81501

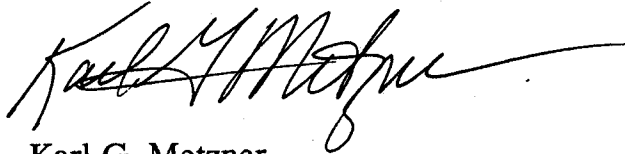
Dear Tim:

On 6/10/92 a building permit was issued for a new residential structure at 1550 Crestview Ct. In accordance with the approved setbacks and an approved amended final development plan a planning clearance was issued by this department for a zero side yard setback. We have received information from some residents of Crestview Subdivision that the structure under construction may not be in substantial compliance with the approved plan. If this is the case construction must cease until either the building conforms to the approved plan or a revised plan is submitted and approved through the appropriate development process.

We would appreciate your assistance in reviewing the construction and approved building plans to determine if these are in substantial compliance with the approved plan. I have enclosed a copy of the approved plan for your use. You will notice from the plan that a portion of the structure is at zero setback with a roof overhang extending beyond the property line an approximate two scale feet. This is the area evidently in question at this time.

I appreciate your assistance in this matter and ask that you let us know your findings as soon as possible in order that we can take whatever action may be necessary before any additional construction takes place.

Sincerely

A handwritten signature in black ink, appearing to read 'Karl G. Metzner', with a long horizontal flourish extending to the right.

Karl G. Metzner
Senior Planner

xc: Norm Mitchell
Joe Kendrick
James Darnell
Dan Wilson
File



Grand Junction Community Development Department
Planning & Zoning Department
150 North First Street
Grand Junction, Colorado 81501-2888
303 244-1400 Fax 303 244-1589

July 2, 1992

Tim Ryan
Mesa County Building Department
750 Main Street
Grand Junction, Co.

Re: Building Permit at 1550 Crestview Way, Revocation of Planning Clearance

Dear Tim:

On 7/2/92 Bob Lee and I inspected the construction at 1550 Crestview Way for compliance with City approvals. The construction is not in accordance with plans as approved by the Grand Junction Planning Commission on January 10, 1989. Specifically, an approved eave overhang into the common open area of approximately 25 scale feet has been extended the entire length of the building. As a result of this unapproved modification to the plan we, by this letter revoke the planning clearance of 6/10/92 issued by this department and request that you order all construction to cease until revised plans are approved or the construction is modified to meet existing plans.

Thank you for your assistance in this matter.

Sincerely

A handwritten signature in cursive script, reading "Karl G. Metzner".

Karl G. Metzner
Senior Planner

xc: Dan Wilson, City Attorney

