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File 1994-0008

Name: Rear Yard Setback – 2819 Caper Court

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 ISYS retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will be found on the ISYS query system in their designated categories.</p> <p>Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page. Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for the contents of each file.</p>
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X	X	Table of Contents
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		*Staff Reports
		*Planning Commission staff report and exhibits
		*City Council staff report and exhibits
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DOCUMENT DESCRIPTION:

X	X	Board of Appeals Minutes – 2/3/94 - ** - APPROVED		
X	X	Petition for Variance – 1/20/94		
X		Meeting Agenda - 2/9/94		
X	X	Planning Clearance - ** - issued 2/9/94		
X	X	Floor Plan		
X	X	Picture		
X	X	Site Plan		
X		Proof of Publication		
X		Legal Ad		



DEVELOPMENT APPLICATION
 Community Development Department
 250 North 5th Street Grand Junction, CO 81501
 (303) 244-1430

Receipt _____
 Date _____
 Rec'd By _____
 File No. _____

We, the undersigned, being the owners of property situated in Mesa County,
 State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub				
<input type="checkbox"/> Rezone				From: To:	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input checked="" type="checkbox"/> Variance			2829 Caper Ct	RSF-5	Single Fam Res
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

PROPERTY OWNER DEVELOPER REPRESENTATIVE

Name John and Linda Elmer
 Name Name Name
 2829 Caper Court
 Address Address Address
 Grand Junction, Co. 81506
 City/State/Zip City/State/Zip City/State/Zip
 248-6356, 242-0731
 Business Phone No. Business Phone No. Business Phone No.

NOTE: Legal property owner is owner of record on date of submittal.
 We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all hearings. In the event that the petitioner is not represented, the item will be dropped from the agenda, and an additional fee charged to cover rescheduling expenses before it can again be placed on the agenda.

 Linda S. Elmer 1-20-94
 Signature of Person Completing Application Date

 Linda S. Elmer
 John E. Elmer
 Signature of Property Owner(s) - Attach Additional Sheets if Necessary

Quinn Gustafson
1941 Barberry St.
Grand Junction, Co. 81506

Darius Shurden
2830 Caper Ct.
Grand Junction, Co. 81506

Mark Saro
2009 Barberry
Grand Junction, Co 81506

Patrick Lackey
2849 Applewood
Grand Junction, Co. 81506

William Yant
2110 Barberry
Grand Junction, Co. 81506

Melvin Brennan
2904 Applewood
Grand Junction, Co 81506

Robert Beverly
2855 Applewood
Grand Junction, Co. 81506

Melody Putz
2120 Barberry
Grand Junction, Co. 81506

Jo Dorris
2856 Applewood
Grand Junction, Co 81506

Theodore Balbier
2020 Barberry
Grand Junction, Co. 81506

Paul Ridings
2130 Barberry
Grand Junction, Co. 81506

Janet Anderson
2848 Applewood
Grand Junction, Co 81506

John Trammel
2040 Barberry
Grand Junction, Co. 81506

Mark Gibbons
2049 Barberry
Grand Junction, Co. 81506

Fred Stroh
2815 Beechwood
Grand Junction, Co 81506

Douglas Sorter
2050 Barberry
Grand Junction, Co. 81506

Vicki Sindelar
2109 Barberry
Grand Junction, Co. 81506

Kenneth Cottingham
2825 Beechwood
Grand Junction, Co 81506

Jack Britton
2839 Caper Ct.
Grand Junction, Co. 81506

Jane Ferguson
2119 Barberry
Grand Junction, Co. 81506

Donald Miller
2845 Beechwood
Grand Junction, Co 81506

May Belle Kanavel
2849 Caper Ct.
Grand Junction, Co. 81506

Frank Daniels
2039 Barberry
Grand Junction, Co. 81506

Miguel Curevo, Jr.
2850 Caper Ct.
Grand Junction, Co. 81506

Robin Moreng
2029 Barberry
Grand Junction, Co. 81506

Sandra McCrory
2840 Caper Ct.
Grand Junction, Co. 81506

James Zimmerman
5073 N. Lariat Dr.
Castle Rock, Co. 80104-
9326

PROJECT NARRATIVE
VARIANCE REQUEST FOR 2829 CAPER CT

This request is to vary the rear yard setback from 25 feet to 21 feet so that we can enclose an existing porch. The property, 2829 Caper Ct, is located in Spring Valley Filing No. 2, an RSF-5 zone. The existing porch contains a concrete foundation and roof and was built well before we bought the house in 1989. The southwest corner of the porch if measured to the closest property line is approximately 22 feet away (See Figure 1).

A hardship exists in the shape of the lot and the location of the house on the lot. Instead of a standard rectangular lot, the back lot line is angled. The majority of lots in Spring Valley (See Figure 2) are more rectangular in shape, and if this was the case for this property there would not be a problem. This is depicted in Figure 3. Note that with the property lines shown in Figure 3 the back lot would contain approximately 2240 square feet instead of the 3300 square feet in the existing backyard. Lots on cul-de-sacs present unique shapes and situations and this is one of those cases.

The house is located farther than required from the street, as it sits 33 feet back instead of the 20 foot setback. If it would have been placed with a minimum front yard setback the situation wouldn't exist.

Granting of this variance will meet all of the criteria established in the code as follows:

-The variance will not conflict with the public interest as there is plenty of open space and room in our back yard and the neighbors' yards. Section 5-1-7-A describes the purpose of a setback. This variance does not conflict with that intent as it will not change the streetscape or character of the area. The porch is still 15 feet away from an existing easement that serves only telephone and cable. Clearly the 8 square feet of porch that is affected does not compromise the intent of the code.

-The hardship is as stated. If the variance is not granted we would have to cut the existing concrete floor and roof creating a small angled area in that corner. The angled corner would not fit architecturally with the house and would only add to the cost of the project.

-There is sufficient distance to the neighboring buildings such that health, welfare and safety are not compromised.

-Although the house is a reasonable size it does not meet our current needs and therefore a reasonable use cannot be derived (by our definition).

-The variance will allow the addition to be completed adding more square footage and a corresponding increase in value to this property which in return can only raise the value of surrounding properties.

The porch has been in place many years and existed before we bought the house in 1989. Placing walls on the porch does not ruin anyones views and the project does not add a large structure that may offend the neighbors (as many projects do). Because of the high roof line of the house it is difficult to add on to the house so the porch is the natural extension. (See Figure 4)

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

JAN 3 1994

January 2, 1994

Mr. Larry Timm
Community Development Department
City of Grand Junction
250 N. 5 th
Grand Junction, Co. 81502

Dear Mr. Timm,

Subject: Review of setbacks for 2829 Caper Ct. (Lot 4, Block 4, Filing 2, Spring Valley)

I am proposing to enclose an existing covered porch on the rear of my house located at 2829 Caper Court. The proposed enclosure will not exceed the existing foundation footprint. We do not know when the porch was built but believe from the construction that it was built with the original house in 1975/ 1976 timeframe. From Figure 1 you can observe the relationship of the house and porch to the property lines.

My interpretation of the Zoning and Development Code is that the porch meets the intent of the code and that both side and rear yard setbacks are met when taken perpendicular from the house. Although the definition of setback states it should be measured as the closest distance to a property line, it is unclear on what point do the side and rear setbacks apply and not overlap. If the rear yard setback is not measured perpendicular from the house then almost no standard lot and house configuration (See Figure 2) can meet the setback requirements. The fact that the lot has an angled property line should not change how this is measured.

I also believe that this interpretation does not conflict with the intent of Section 5-1-7 of the code, as there is more than enough distance between our house and the three houses behind ours. Please review this matter and let me know your interpretation. If you have any questions or need additional information please do not hesitate to call me at 248-6356. Thank you for your time.

Sincerely,



John Elmer

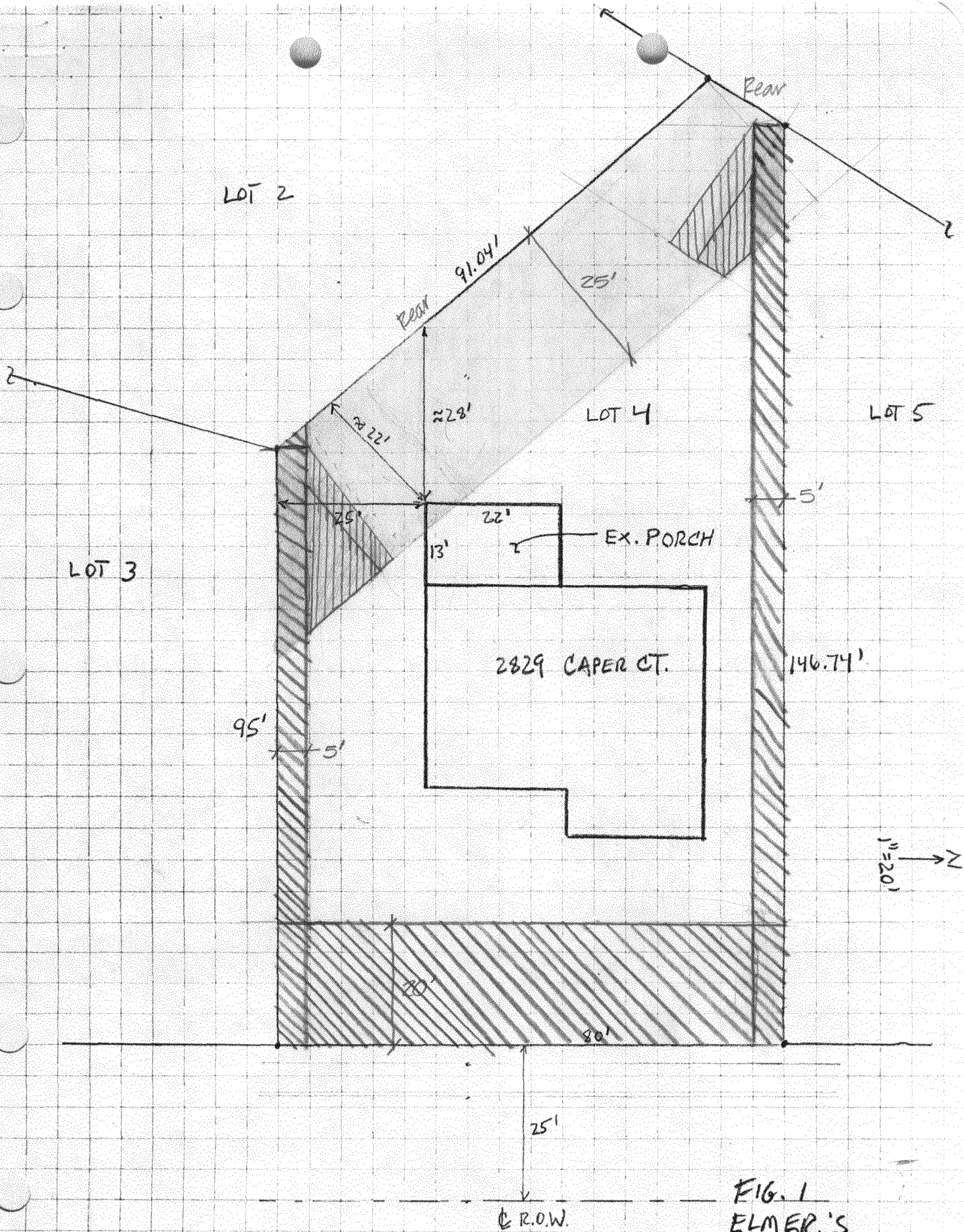


FIG. 1
ELMER'S
2829 CAPER CT.

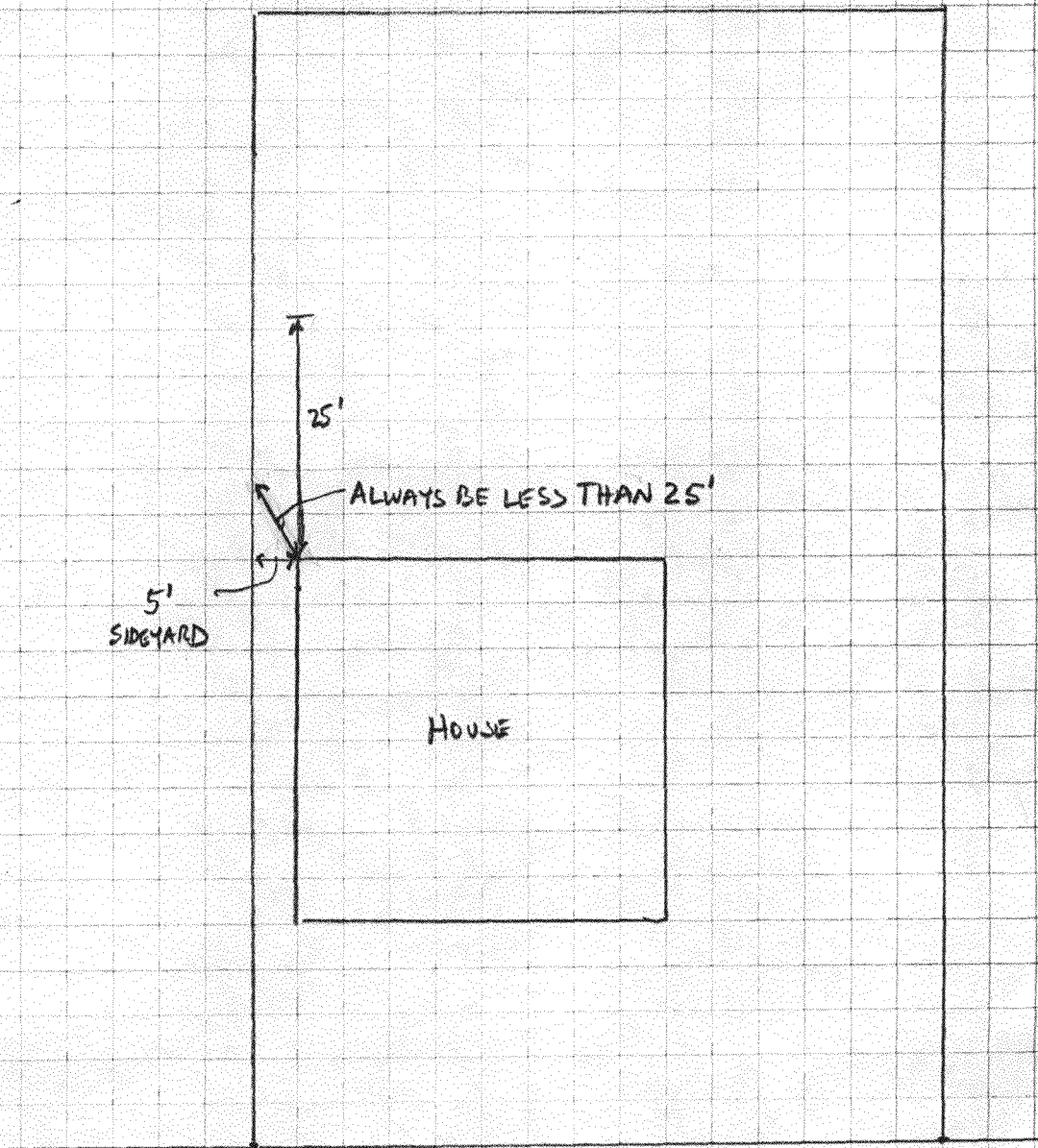
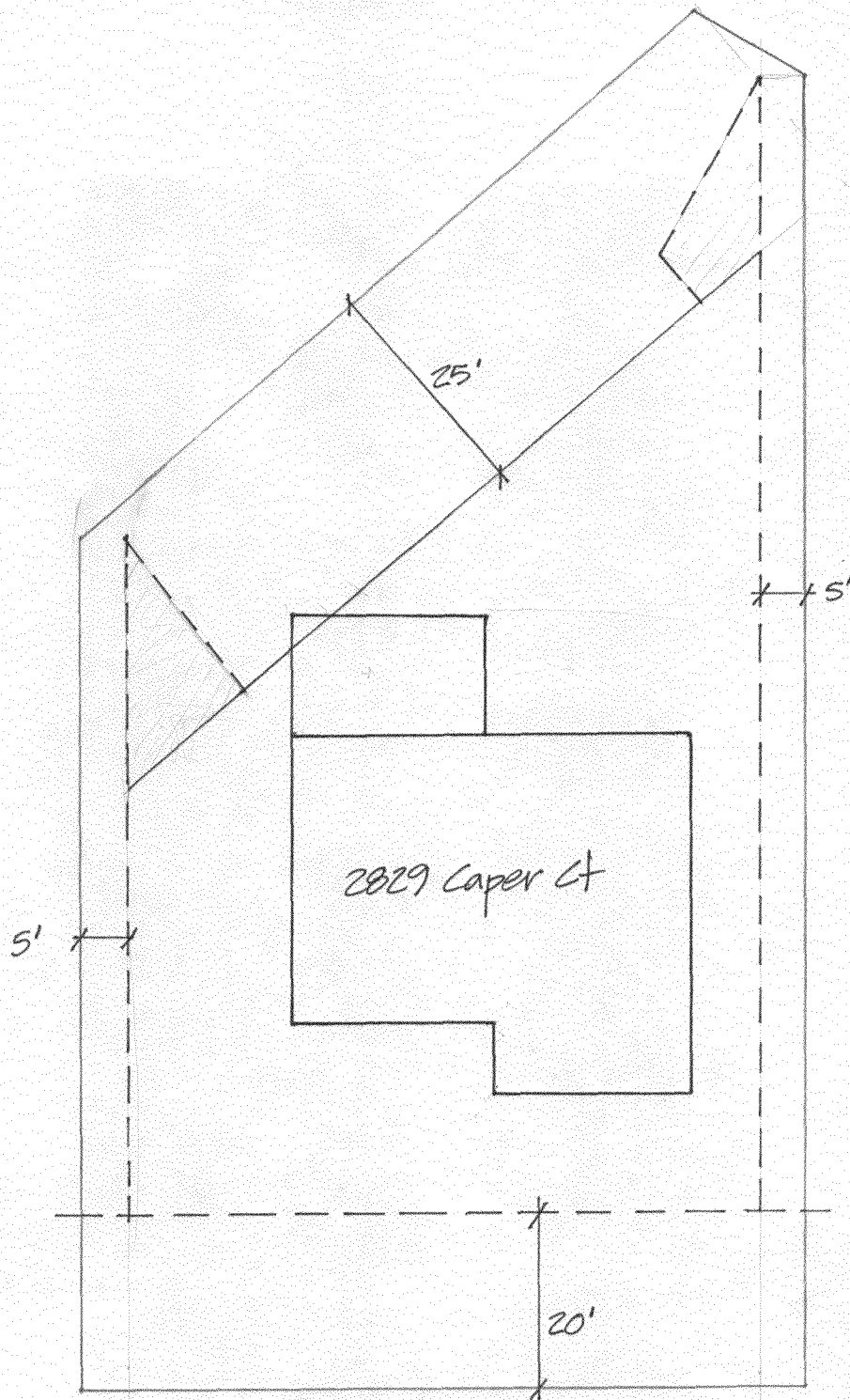


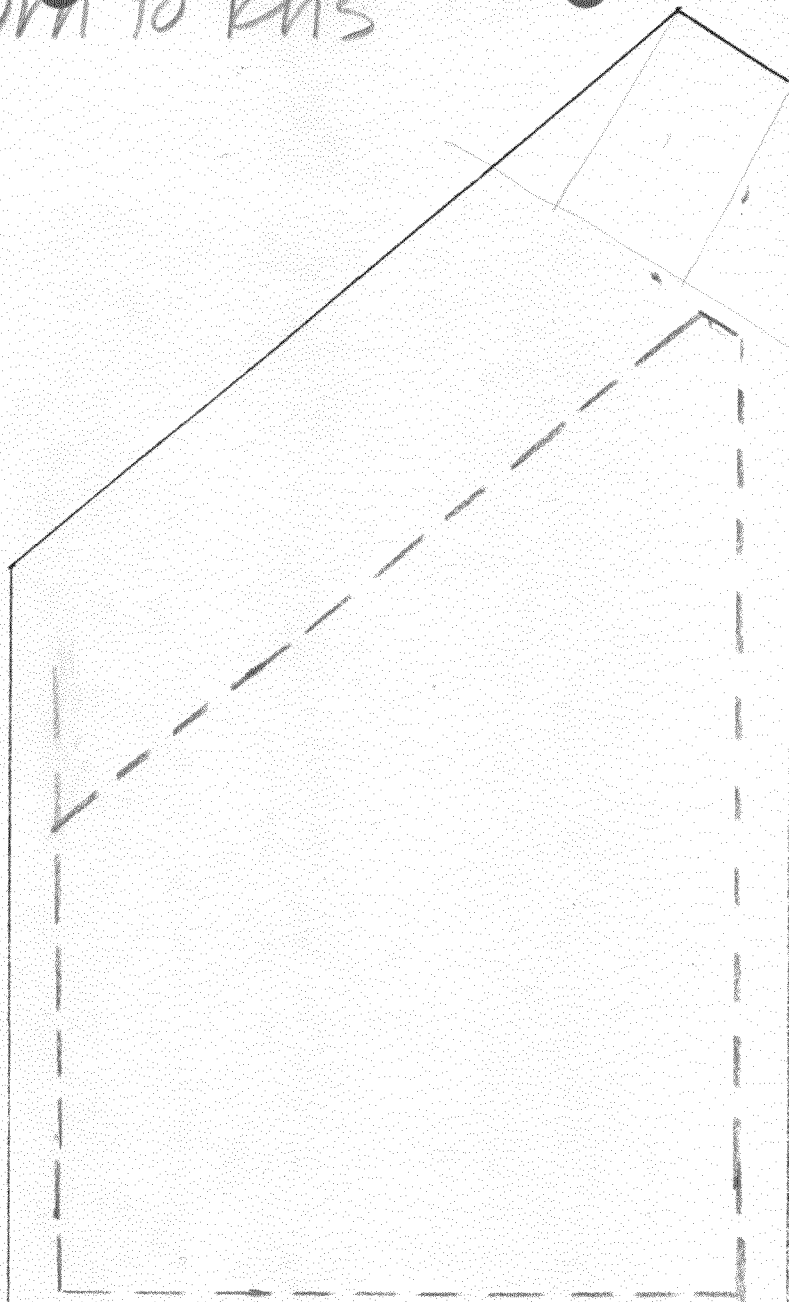
FIG. 2
EXAMPLE



Building Envelope

"Overlap" AREA that could possibly be considered buildable

Test: return to Knis



STREET

Draw on Building Envelope

1" = 20'

Setbacks:

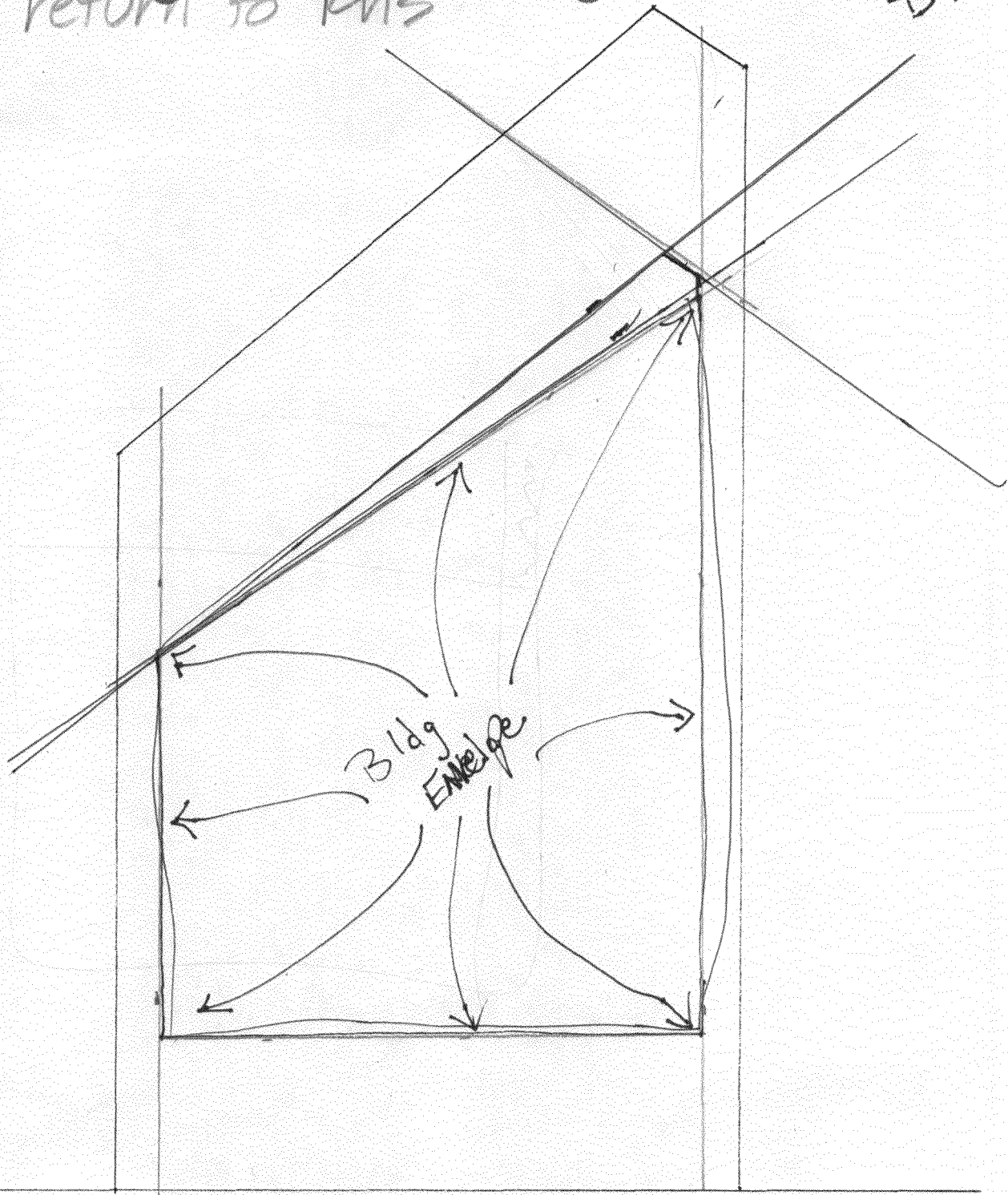
Side - 5'

Front - 20'

Rear - 25'

Test: return to Kris

DTM



STREET

Draw on Building Envelope

Setbacks:

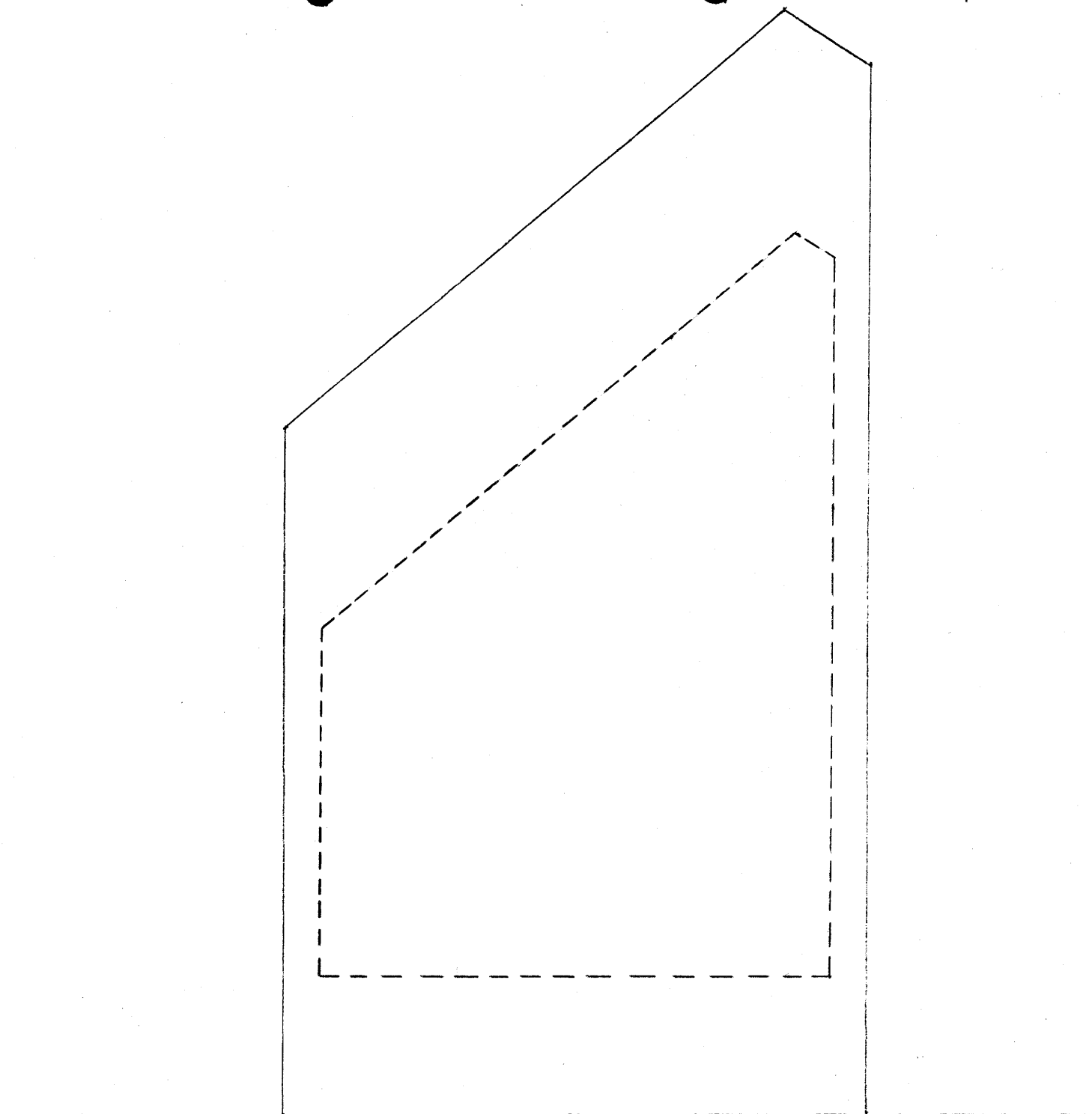
Side - 5'

Front - 20'

Rear - 25'

1" = 20'

Ronnie



STREET

Draw on Building Envelope

1" = 20'

Setbacks:

Side - 5'
Front - 20'
Rear - 25'

SUBMITTAL CHECKLIST

VARIANCE

Location: 2329 Cooper Ct

Project Name: Elmer Variance

ITEMS		DISTRIBUTION													
DESCRIPTION	SSID REFERENCE	1	2	3	4	5	6	7	8	9	10	11	12		
		● City Community Development	● City Dev. Eng.	● City Utility Eng.	● City Property Agent	● City Attorney	● City Board of Appeals (seis)	○ City Downtown Dev. Auth.	○ City Parks and Rec.	○ County Planning	○ Walker Field	○ Spring Valley (HOA)			
● Application Fee \$180	VII-1	1													
● Submittal Checklist*	VII-3	1													
● Review Agency Cover Sheet*	VII-3	1	1	1	1	1	1	1	1	1	1	1	1	1	
● Application Form*	VII-1	1	1	1	1	1	5	1	1	1	1	1	1	1	
● 11"x17" Reduction of Assessor's Map	VII-1	1	1	1	1	1	5	1	1	1	1	1	1	1	
● Evidence of Title	VII-2	1	1	1	1	1	1	1	1	1	1	1	1	1	
● Appraisal of Raw Land	VII-1	1	1	1	1	1	1	1	1	1	1	1	1	1	
● Names and Addresses	VII-3	1													
● Legal Description	VII-2	1													
○ Deed	VII-1	1				1									
○ Easement	VII-2	1	1	1	1	1									
○ Avigation Easement	VII-1	1				1									
○ ROW	VII-3	1	1	1	1	1									
● General Project Report	X-7	1	1	1	1	1	5	1	1	1	1	1	1	1	
● Location Map	IX-21	1	1	1	1	1	1	1	1	1	1	1	1	1	
● Vicinity Sketch / site plan	IX-33	1	1	1	1	1	5	1	1	1	1	1	1	1	

TOTAL REQ'D. 12

- NOTES:
- 1) An asterisk in the item description column indicates that a form is supplied by the City.
 - 2) Required submittal items and distribution are indicated by filled in circles, some of which may be filled in during the pre-application conference. Additional items or copies may be subsequently requested in the review process.
 - 3) Each submitted item must be labeled, named, or otherwise identified as described above in the description column.

REVIEW COMMENTS

Page 1

FILE #8-94

TITLE HEADING: Variance from Rear Yard Setback
in RSF-5 Zone from 25' to 21'

LOCATION: 2829 Caper Court

PETITIONER: John & Linda Elmer

PETITIONER'S ADDRESS/TELEPHONE: 2829 Caper Court
Grand Junction, CO 81506
242-8788

PETITIONER'S REPRESENTATIVE: Linda Elmer

STAFF REPRESENTATIVE: Kristen Ashbeck

CITY DEVELOPMENT ENGINEER
Jody Kliska

1/24/94
244-1591

No comment.

CITY ATTORNEY
John Shaver

1/24/94
244-1501

No comment.

CITY UTILITY ENGINEER
Bill Cheney

1/31/94
244-1590

No comment.

SPRING VALLEY HOMEOWNER'S ASSOCIATION
Chris Whitehead

2/1/94

Spring Valley Board - approved 1/31/94 by Architectural Control Committee.

BOARD OF APPEALS - STAFF REVIEW

FILE: 8-94

DATE: February 3, 1994

REQUEST: Variance of Rear Yard Setback

LOCATION: 2829 Caper Court

APPLICANT: John and Linda Elmer

EXISTING LAND USE: Single Family Residential

PROPOSED LAND USE: Same

SURROUNDING LAND USE: All Single Family Residential

EXISTING ZONING: Residential Single Family 5 Units Per Acre (RSF-5)

SURROUNDING ZONING: All RSF-5

ZONING AND DEVELOPMENT CODE REQUIREMENT:

Section 4-2-4 F. - Minimum Rear Yard Setback, Principal Structure: 25 feet

APPEAL OR VARIANCE REQUESTED: 4 feet, allowing a 21-foot rear yard setback

APPLICANT'S REASON FOR REQUEST: The applicant is proposing to enclose an existing patio as an attached addition to the existing home. The shape of the lot and the placement of the existing principal structure are such that requirement of the 25-foot setback is unreasonable.

STAFF ANALYSIS: Staff does not concur that there is a hardship in this case. While this lot does have an angled rear property line, it does not render the rear yard entirely unbuildable in terms of additions such as that proposed. The angle shortens the rear yard on the south side of the property (where the existing concrete slab patio exists), yet it increases the rear yard on the north side of the property. Consequently, the petitioner could construct the addition elsewhere on the property without the need for a variance. The financial impacts of relocating the proposed addition cannot be considered a hardship.

The setback in the front yard is larger than the typical 20-foot minimum throughout the City; however, this larger-than-minimum setback appears to be typical on most lots within the Spring Valley subdivision. The lots, including that of the petitioner, are appropriately sized to account for the larger setback and provide an adequate rear yard.

Staff concurs that this variance would not have an impact on the character of the neighborhood nor would it be detrimental to surrounding properties. The proposal does, however, compromise the intent of the Code when defining exceptional conditions and undue hardship.

FINDINGS OF REVIEW:

No Conflict with Public Interest. This proposal will not conflict with the public interest.

Exceptional Conditions / Undue Hardship not Self-Inflicted. There are no exceptional conditions on this property. The conditions stated are not unlike others in the neighborhood. The hardship appears to be self-inflicted in that the petitioner has chosen a location for the construction based on the location of an existing patio--there are other options for the construction.

Not Detrimental to Public Health, Safety or Welfare. This proposal is not detrimental to the public health, safety or welfare.

No Reasonable Use of Property without a Variance. This property can still be used as a reasonably-sized single family home as it exists or expanded in other ways/locations without the need for a variance.

Not Injurious to or Reduce Value of Surrounding Properties. This proposal will not be injurious to nor will it reduce the value of surrounding properties.

STAFF RECOMMENDATION: Denial of the rear yard setback variance request.

CITY OF GRAND JUNCTION
PETITION FOR VARIANCE



DATE RECEIVED: _____

FILE NO.: _____

RECEIVED BY: _____

RECEIPT NO.: _____

PROPERTY OWNER: John and Linda Elmer

MAILING ADDRESS: 2829 Caper Court, Grand Junction, Colorado 81506

PHONE: (HOME) 242-8788 (WORK) 248-6356 or 242-0731

I (We), the undersigned, hereby petition for a variance on the property located at:

ADDRESS: 2829 Caper Court, Grand Junction, Co

TAX SCHEDULE #: 2945-014-11-004 ZONE CLASSIFICATION RSF-5

1. Section(s) of the City of Grand Junction Zoning and Development Code which are requested to be varied:

Section 4-2-4

F. Minimum Rear Yard Setback, Principle Structure 25 feet

I (WE) HEREBY ACKNOWLEDGE THAT WE HAVE FAMILIARIZED OURSELVES WITH THE RULES AND REGULATIONS WITH RESPECT TO THE PREPARATION OF THIS SUBMITTAL, THAT THE FOREGOING INFORMATION IS TRUE AND COMPLETE TO THE BEST OF OUR KNOWLEDGE, AND THAT WE ASSUME RESPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION. WE RECOGNIZE THAT WE, OURSELVES, OR OUR REPRESENTATIVE MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED TO COVER RESCHEDULING EXPENSES BEFORE IT CAN AGAIN BE PLACED ON THE AGENDA.

John Elmer

Signature of Property Owner

Linda A Elmer

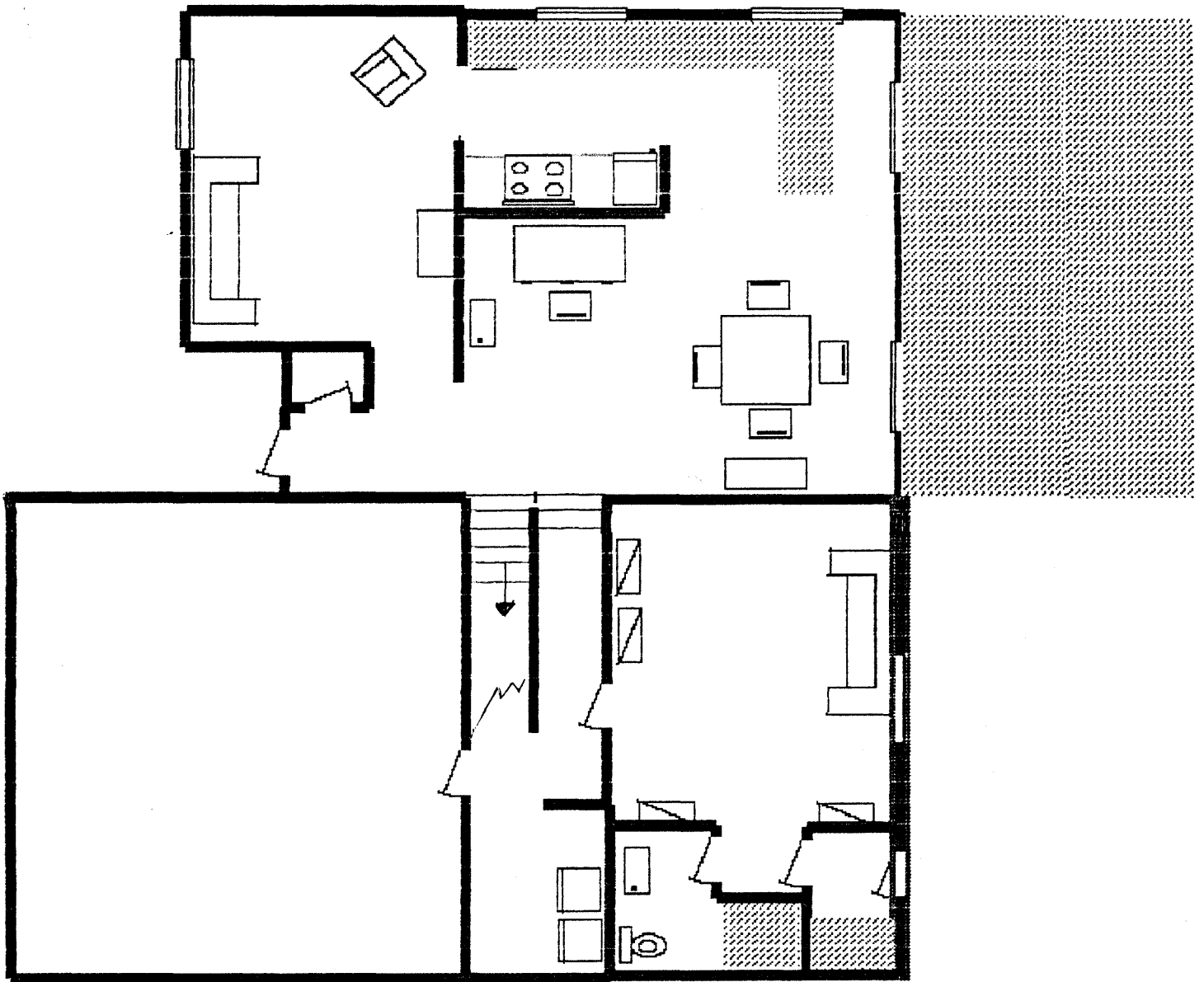
Signature of Joint Property Owner

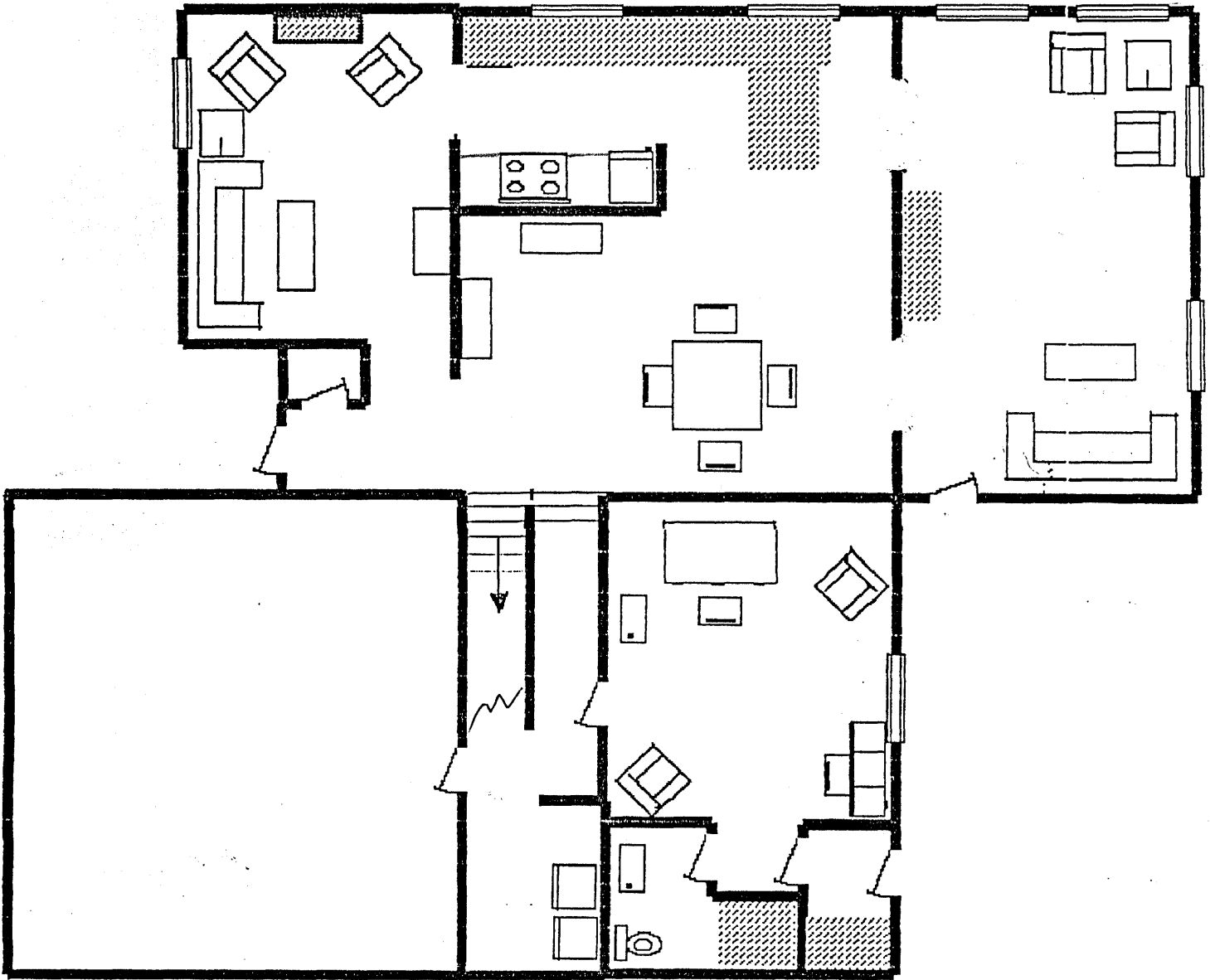
1/20/94

Date

1/20/94

Date





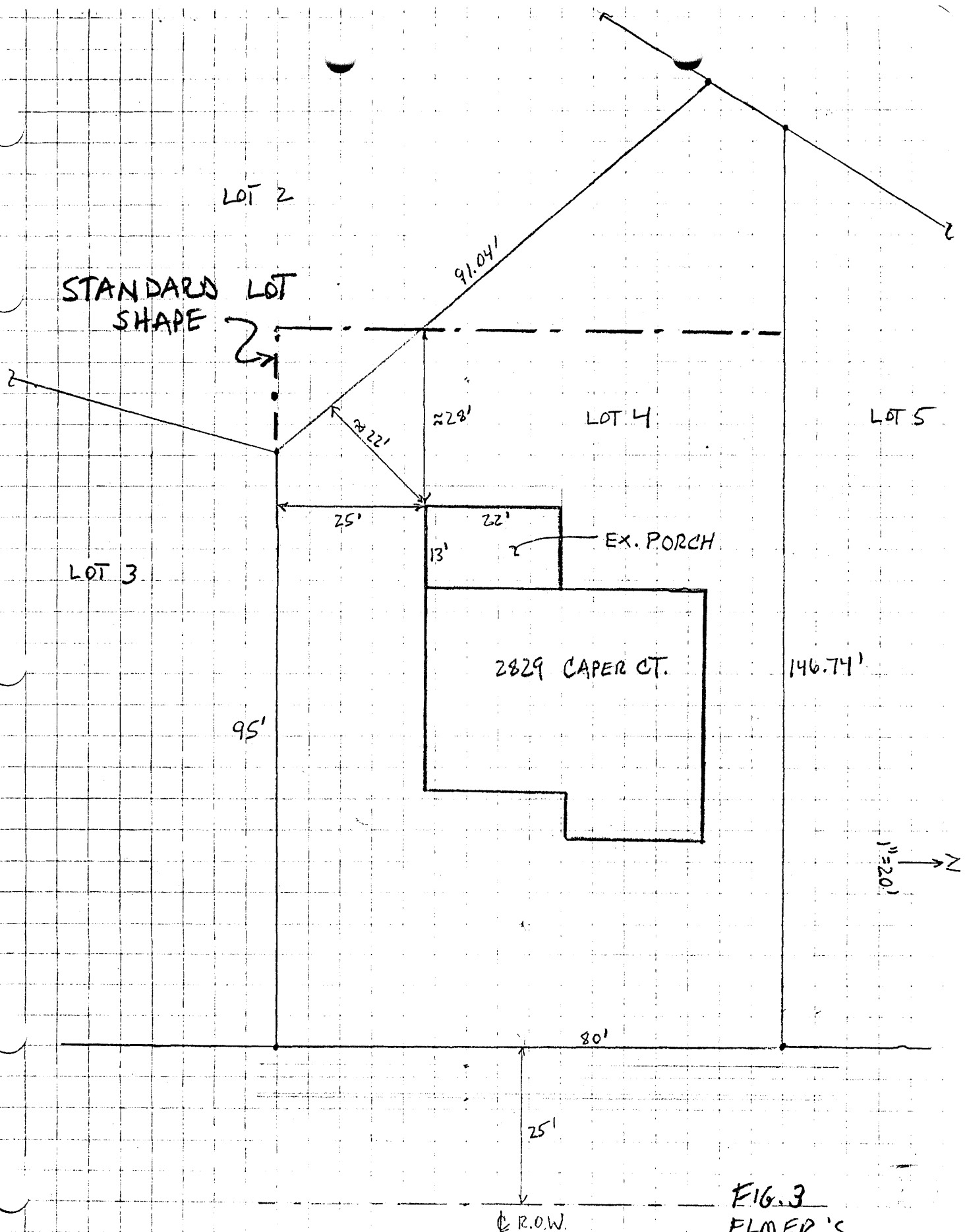


FIG. 3
 ELMER'S
 2829 CAPER CT.

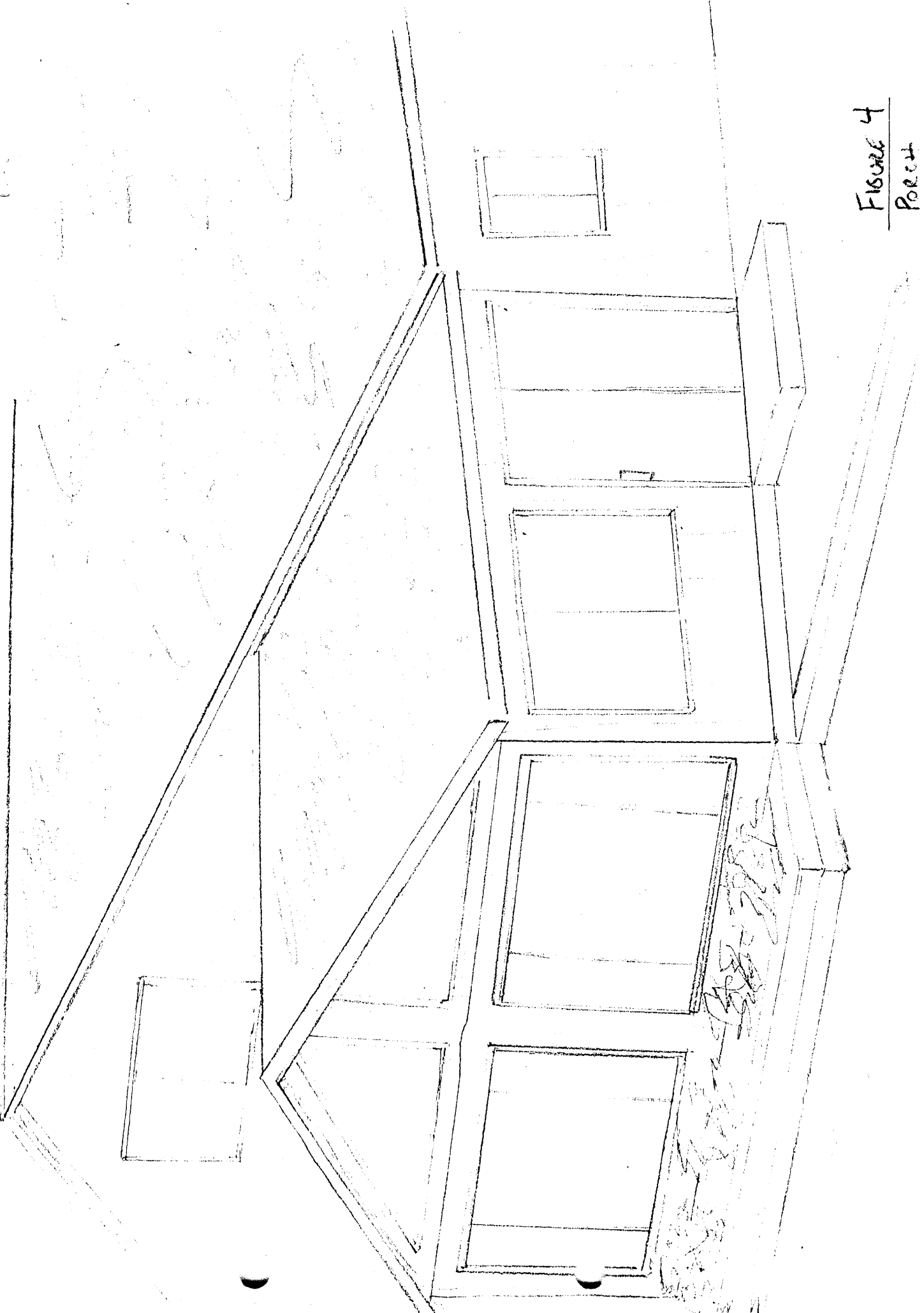


Figure 4
Porett

8-94

STATE OF COLORADO

County of Mesa)
) ss.

.....Nancy Ketchum.....

being duly sworn, says that I am Legal Secretary.....of
The Daily Sentinel a daily newspaper, published and duly printed in Grand
Junction, Colorado in said County and State; that said newspaper has a general
circulation in said County and has been continuously and uninterruptedly
published therein, during a period of at least fifty-two consecutive weeks next
prior to the first publication of the annexed notice; that said newspaper is a
newspaper within the meaning of the act of the General Assembly of the State
of Colorado, entitled "An Act to regulate the printing of legal notices and
advertisements," and amendments thereto; that the notice of which the an-
nexed is a printed copy taken from said newspaper, was published in said
newspaper, and in the regular and entire issue of every number thereof, once a
.....day..... for...1...~~SUCCESSIVE~~.....day.....; that said notice
was so published in said newspaper proper and not in any supplement thereof,
and that first publication of said notice as aforesaid, was on
the.....02.....day of February....., 19⁹⁴, and the last, on
the.....02.....day of February....., 19⁹⁴

PUBLIC HEARING
The City of Grand Junction Board of Appeals will hold a
public hearing at 8:00 a.m. on February 5, 1994 in the City
Auditorium, 520 Rood Avenue, to consider the following
item:
**#8-94 VARIANCE - REAR YARD SETBACK - 2829 CAPER
COURT**
Request for approval of a variance from the rear yard setback
requirement in an RSF-5 Zone District from the required 25'
to 21' for a 4' variance in order to build an addition to an
existing single family structure.
PETITIONER: John & Linda Elmer
LOCATION: 2829 Caper Court
LEGAL DESCRIPTION: Lot 4, Block 4, Filing #2 Spring Valley
Subdivision, City of Grand Junction, Mesa County, Colorado
Published February 2, 1994

.....*Nancy Ketchum*.....

Subscribed and sworn to before me, this..... day of....., 19.....

.....
.....
.....

Printer's Fee \$.....





