# **Table of Contents**

FII	e	1994-0192 Name	uc	- v a	urance – Real Taru Setuack
P r e s	S c a n	A few items are denoted with an asterisk (*), which means retrieval system. In some instances, items are found on the listile because they are already scanned elsewhere on the system	st b 1. T	out The	are not present in the scanned electronic development
e	n	be found on the ISYS query system in their designated catego			
n	e	Documents specific to certain files, not found in the standard of	he	ckli	ist materials, are listed at the bottom of the page.
t	d	Remaining items, (not selected for scanning), will be listed and			
		the contents of each file.			1
		the contents of their rich			
X	v	Table of Contents			
Λ	Λ	Table of Contents			
		*Review Sheet Summary			
X	X	*Application form			
X		Review Sheets			
X		Receipts for fees paid for anything			
X	X	*Submittal checklist			
		*General project report			
$\neg$		Reduced copy of final plans or drawings			
X		Reduction of assessor's map.			· · · · · · · · · · · · · · · · · · ·
		Evidence of title, deeds, easements			
X	X				ette ette ette ette ette ette ette ett
-		*Mailing list to adjacent property owners  Public notice cards			
-					
37		Record of certified mail			· · · · · · · · · · · · · · · · · · ·
X	_	Legal description			
		Appraisal of raw land			**:
		Reduction of any maps – final copy			
		*Final reports for drainage and soils (geotechnical reports)			
_		Other bound or non-bound reports			
		Traffic studies			
X	X	*Review Comments			
		*Petitioner's response to comments			
		*Staff Reports			
		*Planning Commission staff report and exhibits			
		*City Council staff report and exhibits			
		*Summary sheet of final conditions			
		DOCUMENT DESC	RI	PT	ION:
X	X	Site Plan			
X	X	Posting of Publc Notice Signs – 11/28/94			
X	X	Petition for Variance – 11/3/94			
X	X	Letters of Opposition			
X	X	Board of Appeals Staff Review – 12/6/94			
X		Quit Claim Deed – Bk 2070 / Pg 84 – not conveyed to City			
X		Easement and Agreement – Bk 2143 / Pg 780 – not conveyed to			
		City			
$\dashv$		T.			
$\dashv$	1			П	
$\dashv$	$\neg$	WHI WAY IN THE TOTAL CONTROL OF THE TOTAL CONTROL O		П	
$\exists$	$\dashv$			$\Box$	
$\dashv$	$\dashv$			$\Box$	
$\dashv$	$\neg \dagger$			$\Box$	
$\dashv$	+				
$\dashv$	$\dashv$			$\Box$	



# DEVELOPMENT APPLICATION

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

Signature of Property Owner(s) - attach additional sheets if necessary

Original
Do NOT Remove
From Office

Date		 
Rec'd B	У	
	·	

192 94 File No. \_

Receipt

Date

PETITION	PHASE	SIZE	LOCATIO	ON 2	ZONE	LAND USE
[ ] Subdivision Plat/Plan	[ ] Minor [ ] Major [ ] Resub					
[] Rezone				From:	То:	
[ ] Planned Development	[]ODP []Prelim []Final					
[] Conditional Use						
[] Zone of Annex						
Variance			211 Walnu	H RSF	-5	SF Resid
[] Special Use						
[] Vacation						[ ] Right-of Way [ ] Easement
[] Revocable Permit			-		-	
PROPERTY OWN	ER	11	DEVELOPER		KREPF	RESENTATIVE
Thomas M. Wil	kinson	Nai	na ·		Name	
193 27 Road		, va	110		Name	
Address Grand Junctio	n Co 81503	Ado	iress		Address	
City/State/Zip		Cit	//State/Zip		City/State/	Zip
241-2821		•	•			•
Business Phone No.		Bus	siness Phone No.		Business I	Phone No.
NOTE: Legal property of	wner is owner o	f record on da	e of submittal.			
We hereby acknowledge the foregoing information is tr	ue and complete t	o the best of our t we or our repr	r knowledge, and esentative(s) must	that we assume the respo be present at all required	nsibility to monitor to I hearings. In the eve	he status of the application ant that the petitioner is no
and the review comments. represented, the item will be the agginda.	be dropped from the	he agenda, and	an aaamonai jee		00 3 - 19 Date	

## CITY OF GRAND JUNCTION-PETITION FOR VARIANCE



DATE RECEIVED:		•	FILE NO.:	
RECEIVED BY:			RECEIPT	NO.:
PROPERTY OWNER: _	Thomas M. Wilkinsor	1		
MAILING ADDRESS:	193 27 Road , Grand	JUnction Co. 8	1503	
PHONE: (HOME)	241-2821	(WORK)	241-2821	
I (We), the undersigned ADDRESS:	I, hereby petition for a variance	on the property loc	ated at:	
TAX SCHEDULE #:	2945-112-00-067		ZONE CLASSIFICATION	PSF-5
• •	ty of Grand Junction Zoning and Setbacks: 5'(side.			be varied:
			Original Do NOT Remove From Office	
PREPARATION OF THIS SUB THAT WE ASSUME RESPON REPRESENTATIVE MUST BE DROPPED FROM THE AGEN ON THE AGENDA  Signature of Property O		RMATION IS TRUE AND OF THE APPLICATION OF EVENT THAT THE P ED TO COVER RESCHE	O COMPLETE TO THE BEST OF N. WE RECOGNIZE THAT WE ETITIONER IS NOT REPRESEN	OUR KNOWLEDGE, AND COURSELVES, OR OUR TED THE ITEM WILL BE
NOV 3nd	, 199 <u>†</u>	Date		

# SUBMITTAL CHECKLIST

	ע ע ש ש ע ע	И И.	U		ك	•	$\bigcup$	V U	U	L	=	$\overline{C}$		7		<del>:</del> d	$\underline{\underline{\mathcal{G}}}$	j .	U							
		V	1	\F	31	A	1	10	)	E								1	9	2_	(	) <u> </u>				
Location: 21 Wall	rut		4					Ρ	roje	ect	Na	ım	e: _		P	SF		5		5	e	He	a	d	<u>'S</u>	
ITEMS												٥	IS	rai	εu	TIC	NC									
Original Description Office Due 2nd Wednesday of month for hearing 2nd Wed of following month	SSID REFERENCE	City Community Development     City Dev. Eng.     City Utility Eng.	City Property Agent	• City Attorney 7	O City Downtown Dev. Auth.	O Cily Parks and Rec.	O County Planning O Walker Field	· Grand Jet Diainage	5																	N TOTAL
Application Fee \$180	VII-1	1	╀	- -	-		+	-	$\dashv$	+	+	-	i	i	1	! !	+	1	+		+	+	+	$\vdash \vdash$	$\dashv$	
<ul> <li>Submittal Checklist*</li> <li>Review Agency Cover Sheet*</li> </ul>	VII-3 VII-3	1 1 1 1	†	111	1	1	1   1	1	$\dashv$	+	+				<del>-</del>		<del>-</del>	÷	+		$\dashv$	+	+-		+	-
Application Form*	VII-1	1111	1	174	7-11	11.	111	i		1	T		- 1	i	ī		Ì	Ī	T		Ì					_
• TTX17" Reduction of Assessor's Map	VII-1	1 1 1 1	1	1 79	1	1	11							I	1			١						$\Box$	$\Box$	_
<ul> <li>Evidence of Title</li> </ul>	VII-2	1 1	1	11			1	$\sqcup$	4	4	4		1	1.	!	<u> </u>		<u> </u>	_		4	_	$\perp \perp$	$\dashv$	_	
Appraisal of Raw Land	VII-1		#	+	#	#	#	##	#	#	‡=		<del>+</del>	$\pm$	+	4	+	ᆜ	-		4	+	+	$\dashv$	-	
Names and Addresses	VII-3		H		+	-+	+	<del>                                     </del>	-+	+	+		-	-	<del> </del>	-	+	+-	1		$\dashv$	+	+	-	-	-
Legal Description	VII-2		}	-	+	+	+	┼┤	+	+	+		+	<del>-</del>	;	1 1	<del></del>	+-	-		$\dashv$	+	┼┤	$\dashv$	$\dashv$	
O Deed	VII-1	1	+	1	╁┤	+	+	1-1	$\dashv$	+	+	$\vdash$	+	+	<del>!</del>	+	$\dot{-}$	+		$\vdash$	+	+	+	$\dashv$	$\dashv$	
O Easement O Avigation Easement	VII-2 VII-1	1	+	11	+	$\dashv$	+	╁┤	$\dashv$	+	╁	$\vdash$	<u>-</u> -	<del></del> -	<del>'</del>	+	+	+			$\dashv$	+	++	$\dashv$	$\dashv$	
O ROW	VII-3	1 1 1 1	1	1	+	<del>-</del>	$\dot{ o}$		$\dashv$	+	+		$\dot{}$	÷	<del>i</del>	+	+	十			+	┿	$\dot{H}$	$\dashv$	$\dashv$	
General Project Report	X-7	11111	1	1 75	11	111	111	IT	十	+	$\dagger$		<del>-</del>	i	1	Ť	i	Ť	$\Box$		寸	+	$\sqcap$	$\dashv$	十	_
Location Map	IX-21	1	T				工	$\Box$	7	丰	-			. 1	i		I	T			T	$\top$				

NOTES:

Site Hau

Vicinity Sketch

IX-33

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

# PRE-APPLICATION CONFERENCE

Date: 10/19/94 Conference Attendance: Wisten A	shbeck, Tom Wilkinson
Proposal:	
Tax Parcel Number: 2945-112-00-06  Review Fee: #180  (Fee is due at the time of submittal. Make check payal	Pole to the City of Grand Junction.)
Additional ROW required?  Adjacent road improvements required?  Area identified as a need in the Master Plan of Parks a Parks and Open Space fees required?  Recording fees required?  Half street improvement fees required?	and Recreation?
Applicable Plans, Policies and Guidelines	
Located in identified floodplain? FIRM panel #  Located in other geohazard area?	
Located in established Airport Zone? Clear Zone, Crit Avigation Easement required?	ical Zone, Area of Influence?
	ful thought, preparation and design, the following "checked" ag special attention or consideration. Other items of special
O Access/Parking O Drainage O Floodplain/Wetlands Mitigation O Other Related Files:  O Screening/Bu O Landscaping O Availability of	O Traffic Generation O Geologic Hazards/Soils
	coring property owners and tenants of the proposal prior to the City.
PRE-APPLICAT	ON CONFERENCE
and it is our responsibility to know when and where the In the event that the petitioner is not represented, the additional fee shall be charged to cover rescheduling ex-	proposed item will be dropped from the agenda, and an penses. Such fee must be paid before the proposed item can
Community Development Department prior to those ch	
	ot be accepted and submittals with insufficient information, ressed by the applicant, may be withdrawn from the agenda.
	ny deadlines as identified by the Community Development roject not being scheduled for hearing or being pulled from
Rignature(s) of Petitioner(s)	Signature(s) of Representative(s)

Grand Junction Drainage Dis. Thomas A Halter 111 2586 Hiway 6 & 50 Grand Jct. Co. 81505-7167

1923 No. 2nd Court Grand Junction Co. 81501-2106

Kimberly J. Emrlich 230 Walnut Avenue 81501-7451

Eddie D. Cisneros 183 E 4800 S Murray Utah 84107-3848

Gail R. Mosher 1932 No. 2nd Court Grand Jct. Co. 81501-2106 Alan B. Bower 210 Orchard Avenue Grand Junction Co. 81501-2154

Louis M Hall P.O. Box 40222 Grand Jct. Co. 81504-0222

Peter J. Tait 225 Walnut Ave. Grand Jct. Co. 81501-7450

Nellie L. Jones 128 Hillcrest Grand Jct. Co. 81501-7442

Brach Enterprises 444 E. Scenic Drive Grand Jct. Co. 81503-1570

Lahoma F. Warrington 245 Walnut Avenue Grand Jct. Co. 81501-7450 Hillcrest Professional Group % Dr. Wilford Moses 132 Walnut Avenue Grand Jct. Co. 81501

Lynda J. Bayman 130 Orchard Avenue Grand Jct. Co. 81501-2154 Gerald W. Redd 221 Walnut Avenue Grand Jct. Co. 81501-7450 Thomas Wilkinson 193 27 Road Grand Junction, CO 81503

Jamie R. Richardson 132 Orchard Avenue Grand Jct. Co. 81501-2154

Jerald W. Capps 124 Hillcrest Drive Grand Jct. Co. 81501-7442 Grand Junction Drainage 2586 Highway 6 & 50 Grand Junction, CO 81505

Charles L. Coleman 148 Orchard Avenue Grand Jct. Co. 81501-2154

Ralph Pacini 125 Hillcrest Drive Grand Jct. Co. 81501-7442 City of Grand Junction Community Development Dept. 250 N 5th Street Grand Junction, CO 81501

Røy/R//Aansen 212/0rchard/

Joseph M. Lacy 155 Hillcrest Grand Jct. Co. 81501-7442

Roy C. Hansen 212 Orchard Avenue Grand Jct. Co. 81501-2154

Earl W. Gerharter 127 Hillcrest Grand Jct. Co. 81501-7442 192

Cash R. Bartimus 1913 No. 2nd Court Grand Jct. Co. 81501-2106

Robert L. Richardson 220 Walnut Grand Jct. Co. 81501-7451

Origina! Do NOT Remove From Office

## POSTING OF PUBLIC NOTICE SIGNS

The posting of the Public Notice Sign is to make the public aware of development proposals. The requirement and procedure for public notice sign posting are required by the City of Grand Junction Zoning and Development Code.

To expedite the posting of public notice signs the following procedure list has been prepared to help the petitioner in posting the required signs on their properties.

- 1. All petitioners/representatives will receive a copy of the Development Review Schedule for the month advising them of the date by which the sign needs to be posted. IF THE SIGN HAS NOT BEEN PICKED UP AND POSTED BY THE REQUIRED DATE, THE PROJECT WILL NOT BE SCHEDULED FOR THE PUBLIC HEARING.
- 2. A deposit of \$50.00 per sign is required at the time the sign is picked up.
- 3. You must call for utility locates before posting the sign. Mark the location where you wish to place the sign and call 1-800-922-1987. You must allow two (2) full working days after the call is placed for the locates to be performed.
- 4. Sign(s) shall be posted in a location, position and direction so that:
  - a. It is accessible and readable, and
  - b. It may be easily seen by passing motorists and pedestrians.
- 5. Sign(s) MUST be posted at least 10 days before the Planning Commission hearing date and, if applicable, shall stay posted until after the City Council Hearing(s).
- 6. After the Public Hearing(s) the sign(s) must be taken down and returned to the Community Development Department within three working days to receive full refund of the sign deposit. For each working day thereafter the petitioner will be charged a \$5.00 late fee. After eight working days Community Development Department staff will retrieve the sign and the sign deposit will be forfeited in its' entirety.

Community Development Department staff will field check the property to ensure proper posting of the sign. If the sign is not posted, or is not in an appropriate place, the item will be pulled from the hearing agenda.

I have read the above information and agree to its terms and co	onditions.
M/ Pelkensin	11/28/94
SYSMATURE	DATE
FILE #/NAME # 192-94	RECEIPT #
PETITIONER/REPRESENTATIVE: Jon Wilkenson	PHONE # 241-2821
DATE OF HEARING: 12/14/94 POST SIGN(S)	BY: 74 28 94
DATE SIGN(S) PICKED-UP 11/28/94	12/2/94
DATE SIGN(S) RETURNED 12-14-94	RECEIVED BY:
V # 40 0	75831 40

### **REVIEW COMMENTS**

Page 1 of 1

FILE #192-94 TITLE HEADING: Variance - Rear Yard Setback

**LOCATION:** 211 Walnut

**PETITIONER:** Thomas Wilkinson

PETITIONER'S ADDRESS/TELEPHONE: 211 Walnut

Grand Junction, CO 81501

241-2821

STAFF REPRESENTATIVE: Kristen Ashbeck

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS

REQUIRED ON OR BEFORE 5:00 P.M., DECEMBER 1, 1994.

CITY UTILITY ENGINEER 11/9/94
Bill Cheney 244-1590

No comment. The way the lot is depicted on the drawing there is no access to Walnut Avenue.

CITY DEVELOPMENT ENGINEER 11/10/94

Jody Kliska 244-1591

No comment.

GRAND JUNCTION DRAINAGE DISTRICT 11/16/94

John Ballagh 242-4343

The Drainage District has worked out the easements as shown on the sketch provided by Mr. Wilkinson. He does need to complete the official easement papers. The Drainage District <u>SUPPORTS</u> the rear yard setback variance request at 211 Walnut.

The sketch is being returned with need easements highlighted (SEE ATTACHED). If Mr. Wilkinson will provide a copy of his survey, the District will prepare the legal for the easement.

COMMUNITY DEVELOPMENT DEPARTMENT	11/22/94
Kristen Ashbeck	244-1437

- 1. Will need copy of recorded easements (see Grand Junction Drainage comments) prior to issuing Planning Clearance for Building Permit.
- 2. Driveway between Walnut Avenue and garage restricted to 10.07' width of property. Encroachment onto neighboring property would require an easement.
- 3. Parcel does not correspond to shape of parcel on assessor's map particularly the portion along Walnut Avenue. Revise drawing to show property accurately.

2945-112-00-069 Sheet lots WM. (\$192-94 VARIANCE) CHARLES COLEMAN 148 ORCHARD AVE DATE - 4-17-94 MY PROPERTY BORDERS THE BACK OF THIS PROPERTY ASKING FOR VARIANCES. I AM OPPOSED TO THESE VARIANCES) IT WILL CAUSE ENCROUCHMENT ON MY PROPERTY BRING ONLY 9'-91/2' BETWEEN. AND THESE FOOTAGE ARE QUESTIONABLE DUE TO THE EDVERING OF DRAIDAGE DITCH I HAVE LIVED AT 148 ORCHARD SEICE 1948. IN THE LATE 1950 A DERINAGE DITCH THAT PAN BETWEEN THE TWO PROPERTIES WAS COVERED UP BY LOUIS BEACH FROM IST TO MY PROPERTY + 20'. I USER THIS TO GET TO MY BACK OFF WALNUT AVE. THE DITCH CO. ALSO USED IT TO CLEAN OUT THE DEBECA GRATES. I THOUGHT IT WAS THE DITCH CO. EASEMENT, I WAS NEVER TOLO OR WARNED THAT I WAS TRASPASSING THEN IN 1987 THE DRAINAGE CO COVERED UP THE DITCH FROM MY PROPERTY EAST TO

WALNUT CT. AND REPOUTED THE PART THAT HAD BEEN BURIED PREVIOUSLY. THE REPOUTE WENT ACCROSS MY PROPERTY ON THE WEST GRAFE DIFFERENT FROM WHAT IT WAS THEN IN OCT. 1990 I GET THIS LETTER FROM PRUDENTIAL (MTW. HEALTY) THAT SAID I WAS ENCLOPEHING ON THIS PROPERTY OF THEIR CLIENTS, I SAID I WASN'T THAT I WAS 3' SHORT OF MY CORNERS & I SHOULD GAIN LAND WITH THE COVERING OF PRAIN DITCH. THEY SAID I WOULD NOT GAIN ANY That IT WAS THEIR CLIENTS. I AGREGO WITH HIM TO HAVE BOTH PROPERTIES SURVEYED SO WE COULD SETTLE OUR DISPUTE I WOULD PAY 1/2 + HE WOULD PAY 1/2 OF CHARCE, I AGREED TO HAVE UDELL WILLIAMS TO SURVEY. I DID NOT HEAR ANY TAING FORM HIM AFTER THOY, THEN IN THE SPENCE 1994. WILKERSON + CO. SAID THEY HAD OWNERSHIP THAT THEY WERE GOING TO SURVEY A STAKE WAS PRACED ABOUT 30' OVER ON MY WEST CORNER TO THE SOUTH, THEN I CALLED

UDELL WILLIAMS TO HAVE MINE
SURVEYED. HE SURVEYED 7-1994.
MY FENCE WAS SHORT OF WHERE IT
SHOULD HAVE BEEN, I MOVED IT TO
THE SURVEY. NO FOOTAGE FOR THE
COUFRING OF DRAIN DITCH I SHOULD
HAVE GAINED. WILKERSON + CO. GOT
THAT (AMBIGIOUS DISCRIPTION) FOOTAGE CLEAR
TO SO. SIDE OF PRAIN DITCH WHEN
IT SHOULD HAVE BEEN ON NORTH
SiDE.
RESIDENTS TO THE WEST OF ME
ARE HAVING DISPUTES NOW OVER
SAME DIE TO RE-ROSTE DE DRAID DITCH
NOTE: THIS LOT OLIGINATED OFF 121 WALNUT
TVATE, TAIS COT OCIGINATED OF TELEWICHUT
PROPERTY HOLDING AT ONE Time 1983.
PROPERTY HOLDING AT ONE Time 1983.

Board of Appeals Community Development 250 M. 5th St. Hnand Act., Colo. 81501

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

DEC 0 9 1994

RE: # 192-94 Variance from rear yard setback and minimum lot area - 211 Walnut avenue

This letter is to let you know that we are strongly opposed to any variance being granted that would allow a house to be built on the land in question at 2nd and Walnut avenue for the following reasons.

I. CHANGE IN NATURAL DRAINAGE

High water in the Covered dack area last
of the Proposed building site would not have
a place to run. The open drainage ditch provided
for this eventuality. In 1987 the drainage ditch
was replaced with pipe and Covered over. The
natural lay of the land is the only replacement
for drainage of the area. A building at the
proposed location would set up a water trap
directly behind my property. Wistern Colorado

has been known to have flash floods. I would ask that this be Considered, as damage to my property Could occur if this lot is built upon.

## 2. OVERCROWDING OF AREA

Walnut avenue makes a sharp southward Curve at the north end of the proposed building site. This curve is what makes the lot as small. Dur neighborhood Consists of houses reasonably spaced along Walnut avenue and Orchard avenue and We enjoy a feeling of open space. This is not by accident. The foresight of reasonable people provided for setbacks on buildings and minimum lot dimensions I do not feel that because of growth in the Community we must start building in every small space that is available. There is plenty of open ground in our county that can be developed. I would ask that variances not be granted next to my property. a building at this Proposed location would appear crowded and possibly lower the valuation of all properties that are rear it. It would be a detraction from the view we enjoy in that direction. This lot

should never have been split from the lot at 221 Walnut avenue in my opinion. To build on this lot would be a continuation of poor decision making.

## 3. PUBLIC SAFETY HAZARD

a building on this lot would cause
a pafety hazard to motorists on Walnut Avenue.
The proposed garage location would have the
occupants of the proporty backing out onto
Walnut Avenue. The sharp curve that Walnut
Avenue taken at the proposed driveway entrance
ristricts the view and would cause a hazard
to vehicles traveling westbound. Exotbound traffic
would also be affected as the grade from the
proposed building site to the street is quite steep.
This would not allow motorists to see an automobile
backing onto Walnut ave. until the last possible
moment.

The area east of the lot has had to have bun accessed at various times by police Checking on the rear of the properties bordering this area. On the eventuality of a fine to one of these

properties there would be no way for the police

and fire department to access this area. I ask

that the variances not be granted because

my property has only a 20 foot frontage on

Dichard avenue, restricting emergency

personnel in the front. With a building at the

proposed location the access to the rear of

my property by emergency personnel would

be severely blocked. The closest fire hydrant

to my property is on Walnut avenue. The close

proximity to my property of a building would

uncrease the risk of fire being able to jump from

that location to my property. I consider this

building a needless risk to my family and myself.

Sincerely, B. alan Bower Lisa H. Bower 210 Orchard Ave. Brand Sct., Colo. 81501 Dear Sirs:

This letter is in reference to the notice I received in the mail in regards to a variance on a lot located at 211 Walnut Ave(#192-94). I understand Mr. Wilkinson's desire to build on his property, however, I do have several concerns. Although I have not had the time to research it, I was told by a neighbor, Chuck Coleman, that the property mentioned was once part of my lot. It seems like an odd place to put a dwelling and it will be very close to my property. I'm concerned that the residents will possibly use my property directly to the north, as they will be very limited for space.

Because it is such a small house, I'm assuming that it will be built as a rental. I am already unhappy that the house to the west of me at the present time is a rental in very bad condition. It does nothing for the neighborhood and I believe if it were a nicer house, my home would probably appraise for more. If another rental were constructed, it would further depreciate values.

I also wonder why it is that Mr. Wilkinson can put a house on such a small lot but the city denied Mr. Coleman that right.

I question how the drainage problem will be dealt with. I foresee that the residents will have the same problem that I do and that is that when it rains, all the water comes off the street and through my yard like a river. The lot at 211 looks to be even worse than my lot.

Thank you for listening to my concerns as well as those of my neighbors.

Sincerely,

Jerry Redd

BOARD OF APPEALS - STAFF REVIEW

Against: Charles Coleman (our Utton)

Alaw Bower

Linda Fedd

- pasement does

Colude northwest

Trio engle

FILE: 192-94

DATE: December 6, 1994

REQUEST: Rear Yard Setback from 25 feet to 9 feet

Minimum Lot Size from 6,500 square feet to 6,000 square feet

LOCATION: 211 Walnut Avenue

APPLICANT: Thomas Wilkinson

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Single Family Residence with Attached Garage

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 REQUIREMENTS:

Section 4-2-5 A. - Minimum Lot Area: 6,500 square feet

Section 4-2-5 F. - Minimum Rear Yard Setback, Principal Structure: 25 feet

VARIANCES REQUESTED:

500 square feet, allowing a 6,000 square foot lot 16 feet, allowing a 9 foot rear yard setback

APPLICANT'S REASON FOR REQUEST: The applicant is proposing to build a small single family residence with an attached garage on this parcel. The lot has an unusual configuration and easements required by the Grand Junction Drainage District pose additional constraints to the buildable area. The parcel previously met the minimum lot area, but a recent adverse possession claim reduced the lot to its current size and configuration.

STAFF ANALYSIS: Granting these variances will allow for a reasonable use of the property--construction of a 704 square-foot residence with an attached garage. It is reasonable to allow a variance in order for the lot to be buildable.

#### BOA 192-94 / December 6, 1994 / page 2

The construction will improve the value of this as well surrounding properties and will have no adverse impact on the neighboring parcels.

#### FINDINGS OF REVIEW:

No Conflict with Public Interest. It is within the public interest to allow for the reasonable us, and improvement of property.

Exceptional Conditions / Undue Hardship not Self-Inflicted. In this case, the undue hardship/exceptional conditions are the configuration of the parcel and the required drainage easements.

Not Detrimental to Public Health, Safety or Welfare. The granting of this variance will not be detrimental to the public health, safety or welfare.

No Reasonable Use of Property without a Variance. Without this variance, the property cannot be developed for a reasonable single family residential use.

Not Injurous to or Reduce Value of Surrounding Properties. This variance will not adversely affect the surrounding properties.

STAFF RECOMMENDATION: Approval of the variance for minimum lot area. Approval of the variance for rear yard setback.

- Produce of productions from the or CONTRACTOR RECOGNICATES OF MANAGED LOS OF LIVER OF \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

211 Walnut Street Sch # 2945-112-00-067

#### PROPERTY DESCRIPTION:

All that part of the following described property lying North of the drainage ditch beginning at a point from whence the West Quarter corner of Section 11 Township 1 South, Range 1 West of the Ute Meridian, bears 420.5 feet due West and 330 feet on a bearing South 0°06' East; thence due East 102.5 feet; thence due South 55 feet; thence South 72°43' West 107.2 feet; thence due North 86.9 feet to the place of beginning; TOGETHER WITH a tract or parcel of land located in Lot 43 of Hillcrest Manor Subdivision, Section 11, Township 1 South, Range 1 West of the Ute Meridian, more particularly described as follows: Commencing at the West Quarter corner of said Section 11; thence North along the West line of the SW% NW% said Section 11, 330 feet to the South line of said Hillcrest Manor subdivision; thence along said South line East 401.00 feet to the True Point of Beginning which is a non-tangent point of a curve and the Southerly boundary of Walnut Avenue; thence along said boundary along the arc of a 99 foot radius curve to the left 38.81 feet (the chord of the arc bears North 55°55' East 35.98 feet) thence South 20.60 feet to the South line of said Hillcrest Manor Subdivision; thence West along said South line 29.50 feet to the Point of Beginning, Mesa County, Colorado.

Property Description and Easements of Record per First American Title Insurance Company, Commitment No.115296, dated February 16, 1993.

Origin-Do NOT Remove From Office

192 94

270-00-111-542

170-00-111-5HBC