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File 1994-0197

Name: 3320 Northridge Drive – Variance – Rear Yard Setback in RSF-4

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.</p> <p>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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		Reduction of assessor's map.
		Evidence of title, deeds, easements
X	X	*Mailing list to adjacent property owners
		Public notice cards
		Record of certified mail
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		Appraisal of raw land
		Reduction of any maps – final copy
		*Final reports for drainage and soils (geotechnical reports)
		Other bound or non-bound reports
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		*Petitioner's response to comments
X	X	*Staff Reports
		*Planning Commission staff report and exhibits
		*City Council staff report and exhibits
		*Summary sheet of final conditions

DOCUMENT DESCRIPTION:

X	X	Correspondence		
X	X	City Council Minutes – 12/31/94 - **		
X	X	Petition for Variance – 11/9/94		
X		Petition for Variances		
X		Tardy letter from the City		
X		E-mails		
X	X	Board of Appeals Minutes – 12/14/94 - ** - Bk 2172/Pg 669		
X	X	Location Map		
X	X	Landscape Plan		
X		Deed of Trust – Bk 1167 / Pg 647 – not conveyed to the City		
X		BOA Notice of Public Hearing mailout – sent 12/6/94		
X	X	Photo of property		
X		Mesa County parcel information		
X		Permit to Build – 4/11/78, 8/8/80, 9/9/81		
X		Warranty Deed – Bk 1167 / Pg 646 – not conveyed to City		

Harry & Debra McWilliams
632 26 Rd.
Grand Jct., Co.
81505

Jon & Linda Swanson
3314 Northridge Dr.
Grand Jct., Co.
81506-1926

Thomas & Suzanne Jenkins
3320 Norwalk St.
Grand Jct., Co.
81506-1928

Jesse & Glennys Jordan
630 26 Rd.
Grand Jct., Co.
81506-1969

David & Gwendolyn Bottger
230 Music Ln.
Grand Jct., Co.
81506-1912

Robert & Terry Drury
3126 Cloverdale Ct.
Grand Jct., Co.
81506-1943

Milton & V.M. Brown
628 26 Rd.
Grand Jct., Co.
81506-1969

Terry & Jane Fine
3343 Norwalk St.
Grand Jct., Co.
81506-1927

John & Linda Gustavson
3325 Star Ct.
Grand Jct., Co.
81506-1944

Thomas Buescher
P.O. Box 3450
Grand Jct., Co.
81502-3450

Rai & Linda Warzecha
3336 Northridge Dr.
Grand Jct., Co.
81506-1926

Almon & Sharon Gillespie
3333 Star Ct.
Grand Jct., Co.
81506-1944

James & Ora Chapman
3225 Northridge Dr.
Grand Jct., Co.
81506-1923

John & Marie Wohlfahrt
3328 Northridge Dr.
Grand Jct., Co.
81506-1926

Craig & Elaine Shelley
3359 Star Ct.
Grand Jct., Co.
81506-1944

Wesley & Tamera Keller
3241 Northridge Dr.
Grand Jct., Co.
81506-1923

Michael & Dyann Blackburn
2673 Bahamas Wy.
Grand Jct., Co.
81506-8622

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From Office

Robert & Jill Jappe
3313 North ridge Dr.
Grand Jct., Co.
81506-1925

Ronald & Carolyn Ford
3323 Norwalk St.
Grand Jct., Co.
81506-1927

* Adjacent Property
Owners within 200'
of property bound-
aries. *

Terry & Deborah Newton
3321 Northridge Dr.
Grand Jct., Co.
81506-1925

Terry & Sandra Kappes
302 Music Ln.
Grand Jct., Co.
81506-1914

Gerald Miller
3320 Northridge Drive
Grand Junction, CO 81506

Robert & Diane Fulcher
3329 Northridge Dr.
Grand Jct., Co.
81506-1925

Paul & Jane Linden
3350 Norwalk St.
Grand Jct., Co.
81506-1928

City of Grand Junction
Community Development Dept.
250 N 5th Street
Grand Junction, CO 81501

Reynold Remington
3337 Northridge Dr.
Grand Jct., Co.
81506-1925

David & Dixie Christensen
3330 Norwalk St.
Grand Jct., Co.
81506-1928

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PROJECT NARRATIVE

Mr. & Mrs. Gerald M Miller, 3320 Northridge Drive, do hereby request a 7 foot set back variance to the required 30 foot rear set back from property line. The addition to be built is a 10'x12'sun room, predominately glass, attached to the existing family room. The addition will be screened from the rear adjoining properties by 6 existing mature Aspen trees, existing landscape and privacy fence.

This project will not be in conflict with the public's interest. The variance will not be detrimental to the property value, it will only increase the value and make the back yard more aesthetically pleasing. The variance will not be injurious to or reduce the value of adjacent properties or improvements.

(See Attached petition)

The exceptional condition is as follows:

- A. The majority of the existing neighboring properties do not meet the required 30 foot rear set back. The average set back is approximately 20 foot, (acquired by measuring the neighboring properties, while gathering signatures for a Petition to Waive the 30 foot rear set back requirement).

In Multi Family Zoned Districts, the Planning Board can grant exceptions for additions to the set back rule, if you do not exceed the average rear set back in the block. Even though this is a single family zoned District, the average rear set back is approximately 20 feet with some neighboring properties having less than the 20 feet.

The new addition would have a 23 foot set back to the rear, 37 foot set back from the North property boundary and 57'-2" set back from the South boundary.

Bids for the addition had been taken, and Phillips Construction was selected. Lynn Phillips contacted the Mesa County Building Dept. and was advised of no special requirements. Due to the neighboring properties having smaller set backs than what the new addition would have, no additional problems were foreseen. The addition was designed and drawn up by Phillips Construction. The structure was to meet and exceed most local building codes. Some materials were ordered due to a 5 week waiting period on delivery. The plans were submitted to the Mesa County Building Dept. and were checked by Bob Lee, who stated "they look good" and he advised that we needed a Planning clearance and Gamma survey. The Gamma survey was acquired, however, when we applied for the Planning Clearance, we were notified of the 30 foot set back.

CITY OF GRAND JUNCTION
PETITION FOR VARIANCE



DATE RECEIVED: 11-9-94

FILE NO.: 197 94

RECEIVED BY: MP

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RECEIPT NO.: _____

PROPERTY OWNER: Gerald Miller

MAILING ADDRESS: 3320 Northridge Dr., Grand Jct., Co.

PHONE: (HOME) 245-7899 (WORK) _____

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

ADDRESS: 3320 Northridge Dr., Grand Jct., Co.

TAX SCHEDULE #: 2945-023-18-023 ZONE CLASSIFICATION RSF-4

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

4-2-4 subsection F rear yard setback
From 30' to 23'

2. **Ten (10)** copies of the project narrative. In the Project Narrative, state what the variance request is, the purpose of the variance and the unnecessary hardship or practical difficulty in meeting the requirements of the Zoning and Development Code (see handout).

3. **One (1)** copy of a list of the petitioners' name(s) and address(es) and the names and addresses of all adjacent property owners within 200 feet of all boundaries of the property typed on a form provided by the Community Development Department.

4. **Ten (10)** copies of a site plan showing location of the property, existing buildings, distance from property lines, the dimensions of the variance, and abutting street names (8 1/2" x 11" or 11" x 17").

5. **Ten (10)** reduced copies of an Assessor's map of the area with the parcel outlined in red (8 1/2" x 11" or 11" x 17").

6. **One (1)** copy of a legal description of the property the variance is requested for as listed on the deed (see #11 on reverse side).

7. **One (1) original and nine (9)** copies of the front page of this form, completed, including all signatures.

8. **Five (5)** copies of the Review Agency Cover Sheet (provided by the Community Development Department); 1 each for: City Engineer, Building Department, Fire Department, Assistant City Attorney and Community Development.

9. **Submittal fee of \$115.00.**

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.

Gerald M. Miller
Signature of Property Owner

Nancy C. Miller
Signature of Joint Property Owner

11-4-94
Date

11-4-94
Date

Due to the length of the appeal process and expenses already incurred due to this unfortunate situation, we would greatly appreciate your consideration and expediency in this matter.

Gerald M. Miller

GERALD M. MILLER

Nancy Charlene Miller 11/9/94

NANCY CHARLENE MILLER

REVIEW COMMENTS

Page 1 of 1

FILE #197-94

TITLE HEADING: Variance from Rear Yard
Setback Requirement in an
RSF-4 Zone District

LOCATION: 3320 Northridge Drive

PETITIONER: Gerald Miller

PETITIONER'S ADDRESS/TELEPHONE: 3320 Northridge Drive
Grand Junction, CO 81505
245-7899

PETITIONER'S REPRESENTATIVE: Lynn Phillips / Phillips Construction / 245-7478

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.**

MESA COUNTY BUILDING DEPARTMENT
Bob Lee

11/10/94
244-1656

No comments.

CITY DEVELOPMENT ENGINEER
Jody Kliska

11/15/94
244-1591

No comment.

GRAND JUNCTION FIRE DEPARTMENT
Hank Masterson

11/17/94
244-1414

The Fire Department has no requirements for this proposal.

COMMUNITY DEVELOPMENT DEPARTMENT
Kristen Ashbeck

11/23/94
244-1437

No comment.

Approval - motion defeated. - denied

BOARD OF APPEALS - STAFF REVIEW

FILE: 197-94

DATE: December 6, 1994

REQUEST: Rear Yard Setback from 30 feet to 23 feet

LOCATION: 3320 Northridge Drive

APPLICANT: Gerald and Nancy Miller

EXISTING LAND USE: Single Family Residence

PROPOSED LAND USE: Same

SURROUNDING LAND USE: All Single Family Residential

EXISTING ZONING: Residential Single Family 4 units per acre (RSF-4)

SURROUNDING ZONING: All RSF-4

ZONING AND DEVELOPMENT CODE REQUIREMENT:

Section 4-2-4 F. - Minimum Rear Yard Setback, Principal Structure: 30 feet

VARIANCE REQUESTED: 7 feet, allowing a 23-foot rear yard setback

APPLICANT'S REASON FOR REQUEST: The applicant is proposing to construct a 10' x 12' sunroom addition to the existing home. The majority of the existing neighboring properties do not meet the required 30 foot rear yard setback--the average is approximately 20 feet.

STAFF ANALYSIS: Staff does not concur that there is a hardship in this case. While some of the adjacent property owners have encroached upon the rear yard setback, this does not create a unique situation for this property nor does the setback requirement render the property unbuildable. The fact that other property owners may have constructed into the rear lot setback illegally is not sufficient reason to approve a variance for other lot owners. Research shows that the rear yard setback has not changed since the subdivision was originally platted.

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 Northridge 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 design that requires a variance.

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 with 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 COUNCIL

Date: January 25, 1995

CITY OF GRAND JUNCTION

Staff: Larry Timm
Director of Comm. Dev.

DISCUSSION ITEM

Northridge Subdivision
Rear Yard Setback Issue

Background

Mr. and Mrs. Miller, property owners at 3320 Northridge Drive, have requested that they be allowed to construct a 10'X 12' sunroom addition which would encroach 7 feet into the rear yard setback, leaving a rear yard setback of 23 feet. The neighborhood is zoned RSF-4, which requires a 30 foot rear yard setback. On December 14, 1994 the Board of Appeals denied the request for a variance from the rear yard setback. The property owner has requested some sort of relief from the City Council so as to enable him to proceed with construction.

The property owner, in the variance application, stated that "The majority of the existing neighboring properties do not meet the required 30 foot rear set back. The average set back is approximately 20 feet..."

Using aerial photos taken in March, 1994, and further checking by an on-site visual inspection, it can be seen that only one property on the block, the one immediately north (3328 Northridge Dr.) of the subject property is built within the 30 foot rear yard setback. The home to the north is setback approximately 16 feet from the rear lot line. At first glance the home to the east (rear) of the subject site may appear to have built into the rear setback, but the foundation of that building is at the 30 foot setback line--the wood deck is legally within the setback.

The residence to the north at 3328 Northridge Drive obtained a planning clearance in August, 1980, which indicated a 30 foot rear yard setback. The Mesa County Building Department, neither in 1980 or now, checks new construction for compliance with City setback requirements. A search of City variance files show that no variance was ever heard by the Board of Appeals for the residence to the north at 3328 Northridge Drive.

Staff research on the Northridge subdivision shows that nothing has been done to change rear yard setback requirements in the subdivision at least as far back as the time of the original plat. An adjustment was made to the rear lotline of the subject property in September, 1978 by adding a portion of the lot to the rear to

the subject lot. This may have been done to correct a rear lot deficiency to the subject lot.

It appears that there may be three other structures in the Northridge subdivision that are less than the 30 feet from the rear yard setback; however, these setback violations generally appear to be 5 feet or less in distance. These setback violations may be the result of inaccurate measurements at the time of construction or may be the result of fences being placed off of the actual property line.

The Zoning Code, at section 10-1-1.B.5.b. allows, in multi-family zones, exceptions to rear yard setbacks for additions to existing structures to an average of all existing rear setbacks within the same block frontage. However, even if this section would apply to the subject site (which it does not), the applicant would still be required to have a rear yard setback of 28.5 feet instead of the now-required 30 feet (7 lots with 30' rear yard and 1 lot with a 16' rear yard yields an average rear setback of 28.25).

Options

The apparent options to address this situation are as follows:

A. Do nothing, leaving the Board of Appeals decision as the City's position on the matter.

B. Rezone the Northridge subdivision from RSF-4 to a Planned Residential zone that was worded in such a way as to change the minimum rear yard setback in the Northridge subdivision from 30 feet to 20 feet. This will require a public hearing before the Planning Commission and the City Council.

C. Amend the RSF-4 zoning district to change the rear yard setback from 30 feet to 20 feet. This will affect all areas of the City zoned RSF-4, and will require a public hearing before the Planning Commission and the City Council.

D. Amend the Zoning and Development Code (generally to apply to all zones, all residential zones, or just the RSF-4 zone) by adding a provision which generally is as follows:

Wherever an existing building A is on a lot abutting a lot that contains a building B that is legally or illegally nonconforming with regard to rear yard setback, additions to building A may extend into building A's required rear yard setback to the extent of 50% of the encroachment of building B into building B's required rear yard setback.

This will require a public hearing before the Planning Commission and the City Council.

Staff Recommendation

If the residents and property owners in the Northridge subdivision do not object to changing the minimum rear yard setback in the subdivision from 30 feet to 20 feet, Option B may be the best approach to take. In the absence of support for that option by either the City Council or the neighborhood, Option A is preferred since the other options may yield a result that is not satisfactory for the City as a whole.

Update following City Council Jan. 16 Workshop

At the January 16, 1995 Workshop, staff was directed to review the files for the variances granted in Northridge Subdivision to find out what the Board of Appeal's rationale for granting the variances were. The variance granted at 3421 Northridge Drive, granted on March 9, 1988, was to allow the rear yard to be reduced from 30 feet to 22 feet. This was to enable the construction of an addition of a family room and upstairs bedrooms. The minutes contain no statements of rationale for the variance; only the statement that the variance was approved. However, it appears that the rationale for this variance was that since the rear of the property abutted an irrigation canal, the rear yard setback could be varied without any negative impacts on residences to the rear of the property. The variance for the property at 237 Music Lane allowed a 26 foot rear yard setback to enable the construction of a solar greenhouse. That variance was granted on December 2, 1982. The minutes of that Board of Appeals meeting contained no statements as to the rationale for the approval, and simply state that the variance was approved.

NRTRDGVAR

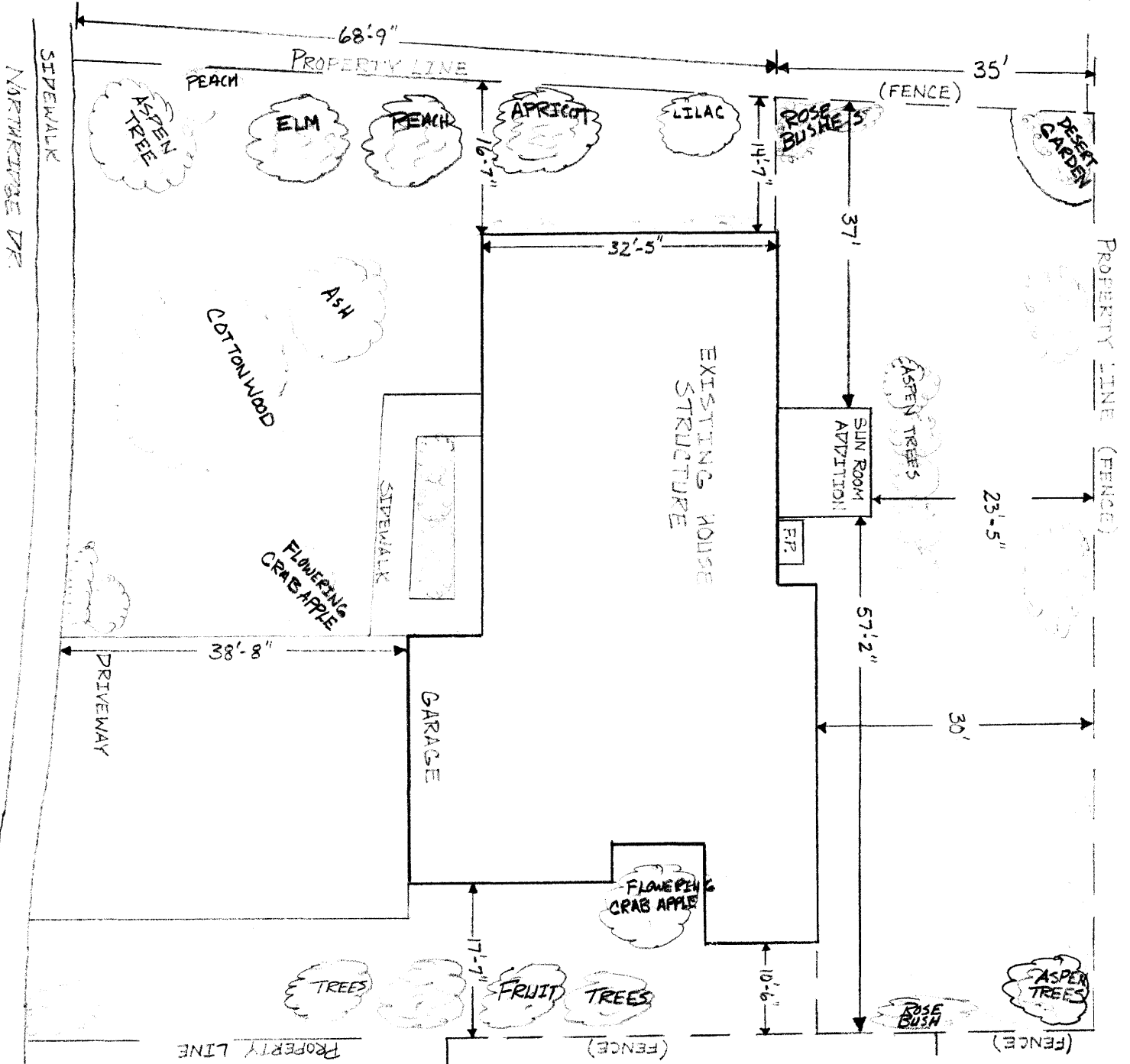
Option: add 1 more setback - ~~setback~~ OK if no problem. For
AV to setbacks unless
all of
Music

To AV - Code Amendment
to all of Appeals.

2229 Northside



3' + access side
1' access rear
aprox



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