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P	S	A few items are denoted with a (*) are to be scanned for permanent record on the ISYS retrieval system. In some						
r e	a	instances, not all entries designated to be scanned, are present in the file. There are also documents specific to						
S.	n	certain files, not found on the standard list. For this reason, a checklist has been included.						
e	n	Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a						
n t	e d	quick guide for the contents of each file.						
	_	Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed						
v	v	in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.						
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		Receipts for fees paid for anything						
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		Reduced copy of final plans or drawings						
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		*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or						
\Box		expiration date)						
		DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:						
V		Patition for Variance						
X		Petition for Variance Site Plan						
X		South Wall, East Wall, North Wall Foundation Sections (diagram)						
X		Adjacent Property Owners						
X	X	Posting of Public Notice Signs – 3/29/95 Board of Appeals – 4/12/95 - **						
X	X	Presentation for City Council – staff member Larry Timm						
X		Aerial shot of property						
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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:

	situated in Meso	a County, Stat	e of Colorado, as des T	cribed herein do	nereby petition thi	s:
PETITION	PHASE	SIZE	LOCATION		ZONE	LAND USE
{ } Subdivision Plat/Plan	[] Minor [] Major [] Resub					
[] Rezone				From:	То:	
[] Planned Development	[] ODP [] Prelim [] Final					
[] Conditional Use						
[] Zone of Annex						
Variance			rear yard Settmick	ESF-4		
[] Special Use						
[] Vacation						[] Right-of Way
[] Revocable Permit						
PROPERTY OWN			DEVELOPER		[] REP	RESENTATIVE
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Address Compared June	crien	Ac ('C'	dress		Address	
City/State/Zip		Ci	y/State/Zip		City/State	:/Zip
Business Phone No.		Bu	siness Phone No.		Business	Phone No.
NOTE: Legal property	owner is owner o	of record on da	te of submittal.			
foregoing information is tr and the review comments.	ue and complete We recognize tha	to the best of ou at we or our rep	ır knowledge, and that resentative(s) must be p	we assume the resp resent at all require	onsibility to monitor d hearings. In the e	on of this submittal, that the the status of the application vent that the petitioner is no re it can again be placed or
Signature of Person Comp	leting Application	1 .			Date	
Cherald To	かか	lla			3/2/45-	
Signature of Property Own	ier(s) - attach add	litional sheets if	necessary		Date	-

Harry & Debra McWilliams
632 26 Rd.

Jon & Linda Swanson
3314 Northridge Dr. Grand Jct., Co. 81505 81505

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

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

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

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

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

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

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

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

Reynold Remington 3337 Nothridge Dr. Grand Jct., Co. 81506-1925 Grand Jct., Co. 81506-1926

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

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

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

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

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

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

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

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

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

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

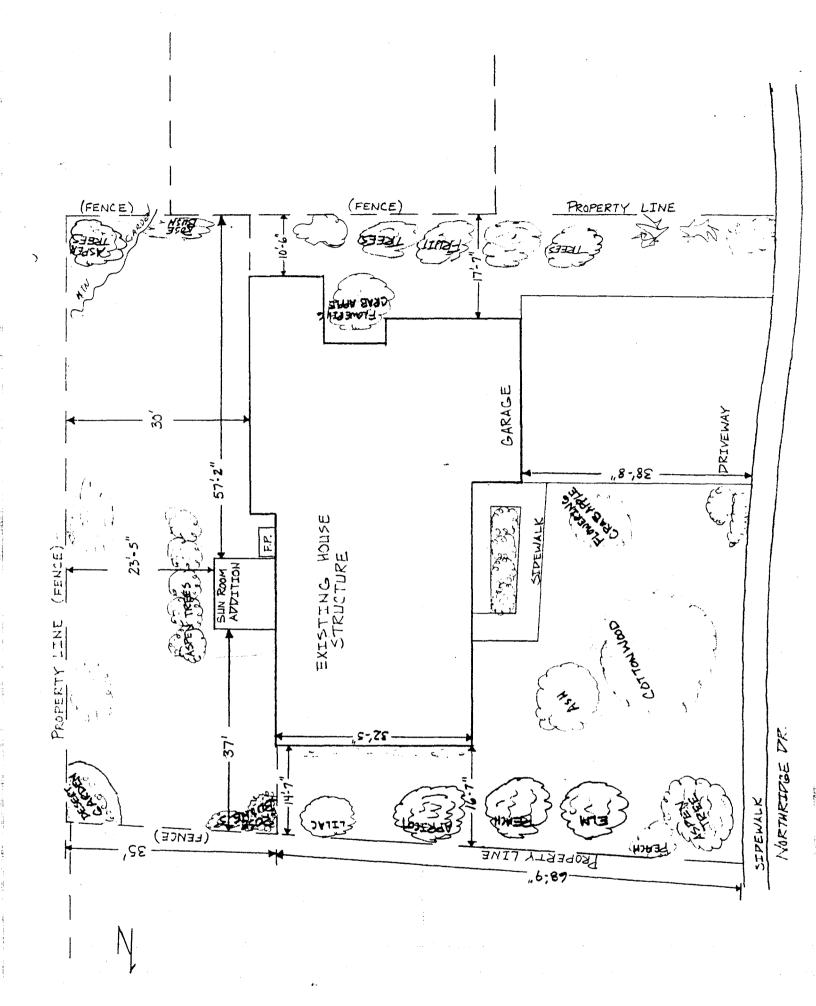
Craig & Elaine Shelley 3359 Star Ct. Grand Jct., Co. 81506-1944

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* Adjacent Property Owners within 200' of property boundaries. *

Gerald Miller 3320 Northridge Drive Grand Junction, CO 81506

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



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 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

BOARD OF APPEALS - STAFF REVIEW

FILE: VAR 95-45

DATE: April 4, 1995

REOUEST: P. ---

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 property owner, in the variance application, stated that "The majority of the existing neighboring properties do not meet the required 30-foot rear setback. The average setback 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 Drive) of the subject property is built within the 30-foot rear yard setback. The home to the north is set back 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 fact that the property owner to the north 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 not, however, meet the intent of the Code for a variance 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 without the need for a variance.

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

STAFF RECOMMENDATION: Based on the above criteria set forth in the Code relevant to review of variance proposals, staff recommends denial of the rear yard setback variance request. However, staff further recommends that the Board consider the proposal in light of the new text amendment (see attached - approved by City Council April 5, 1995) which allows the Board some discretion in reviewing proposals that may not meet the standard

VAR 95-45 / 4/4/95 BOA / Page 3

criteria. In this case, if there are no objections from any of the 4 abutting property owners (2 to south, 1 to north and 1 to east), staff recommends approval of the rear yard setback variance request.

RECOMMENDED BOARD MOTIONS:

Mr. Chairman, on item VAR 95-45, a variance request of 7' for an addition to a principal structure to be located 23' from the rear property line at 3320 Northridge Drive, I move that we DENY the request for the following reason: failure to meet all Zoning and Development Code criteria for a variance, in particular demonstration of exceptional conditions or undue hardship.

Mr. Chairman, on item VAR 95-45, a variance request of 7' for an addition to a principal structure to be located 23' from the rear property line at 3320 Northridge Drive, I move that we APPROVE the request for the following reason: the Board finds that, although not all of the criteria for a variance are met, this request would harm no one and would be a general benefit to the neighborhood.

ŧ	Adjacent Prijerty Owners: within 200 feet.
*	Harry & Debra McWilliams 632 - 26 Rd
	Grand Jct., Co. 81505
*	Jesse & Glennys Jordan
	630 - 26 Rd. Grand Jet., Co. 81506 - 1969
*	Milton Brown
	628 26 Rd. Grand Jct., Co. 81506-1969 V
*	Thomas Buescher
	P.O. Box 3450 Grand Jct., Co. 81502-3450
\	James & Ora J. Chapman
	3225 Northridge Dr. Grand Jct., Co. 81506-1923
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* Wesley & Tamera Keller / 3241 Northridge Dr. Grand Jct., Co. 81506-1923

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