

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

197 94
Original
Do NOT Remove
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

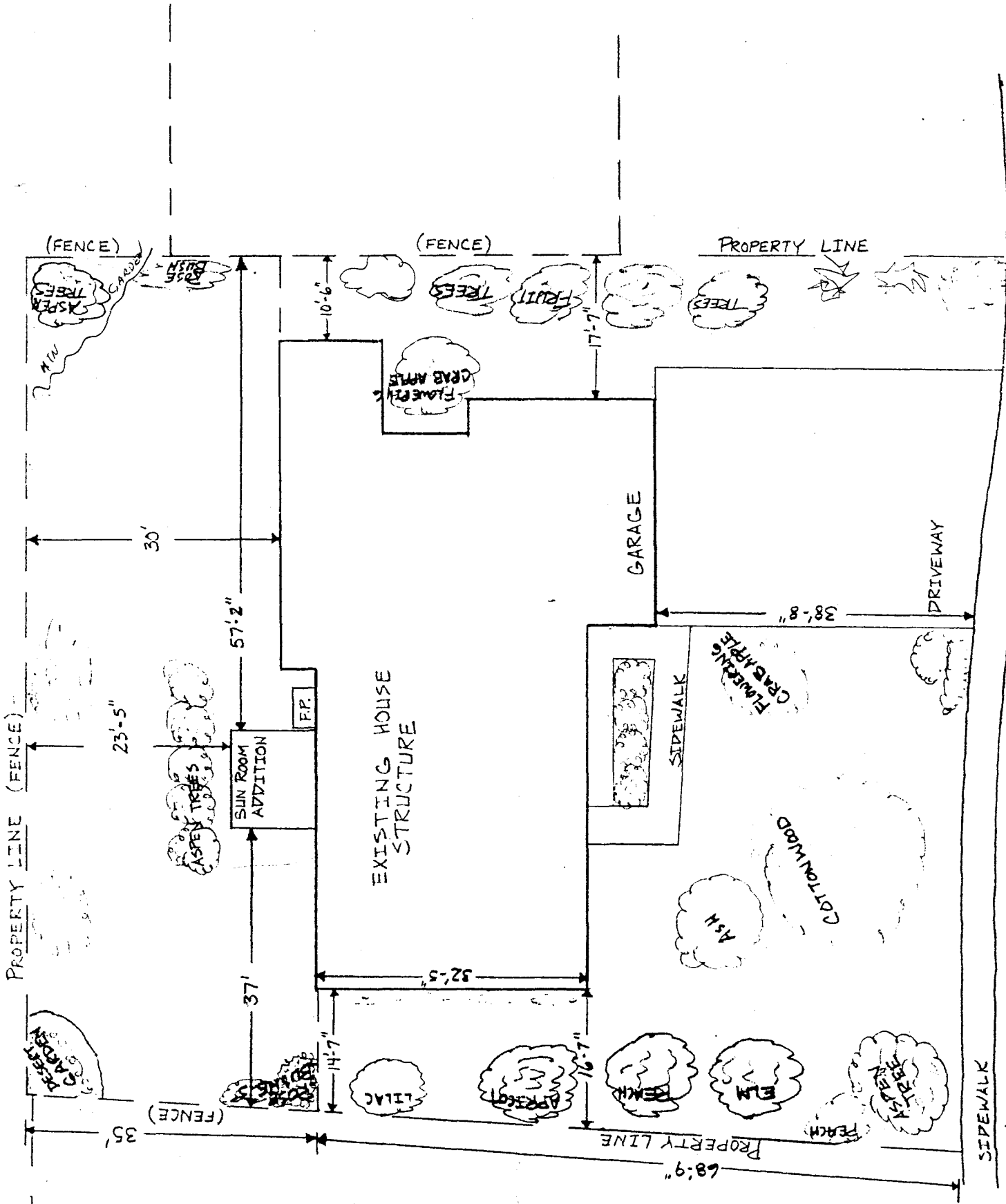
Robert & Diane Fulcher
3329 Northridge Dr.
Grand Jct., Co.
81506-1925

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



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

*as proposed
for 10' x 12'
addition only*

FILE: VAR 95-45

Approved 5-0

DATE: April 4, 1995

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 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: 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

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.

Adjacent Property Owners:
within 200 feet.

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

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

* Milton ^{v.m.} Brown ✓
628 26 Rd.
Grand Jct., Co. 81506 - 1969

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

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

* Wesley & Tamara Keller ✓
3241 Northridge Dr.
Grand Jct., Co. 81506 - 1923

* Robert & Jill Jappe ✓
3313 Northridge 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 Northridge Dr.
Grand Jct., Co. 81506-1925 ✓

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

David & Gwendolyn Bottger ✓ *
230 Music Lane
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 ✓

* Terry & Sandra Kappes
302 Music Lane
Grand Jct., Co. 81506-1914 ✓

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

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

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

* Robert & Terry Drury
3126 Clowdale Ct.
Grand Jct., Co. 81506-1943 ✓

* 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 ✓