



# SUBMITTAL CHECKLIST

## VARIANCE

Location: 568 Cindy Ann Rd

Project Name: Fr. Yd. Setback

ITEMS		DISTRIBUTION																							
DESCRIPTION	SSID REFERENCE	<input checked="" type="radio"/> City Community Development	<input checked="" type="radio"/> City Dev. Eng.	<input checked="" type="radio"/> City Utility Eng.	<del>City Property Assessor</del>	<input checked="" type="radio"/> City Attorney	<input checked="" type="radio"/> City Board of Appeals (7 sets)	<input type="radio"/> City Downtown Dev. Auth.	<input type="radio"/> City Parks and Rec.	<input type="radio"/> County Planning	<input type="radio"/> Code Enforcement	<input type="radio"/> Sign Consultant													TOTAL REQ'D.
Date Received	6-9-95																								
Receipt #	2477																								
File #	VAR-95-110																								
● Application Fee	VII-1	1																							
● Submittal Checklist *	VII-3	1																							
● Review Agency Cover Sheet*	VII-3	1	1	1	1	1		1	1	1	1	2													
● Application Form*	VII-1	1	1	1	1	1	7	1	1	1	1	2													
● Reduction of Assessor's Map	VII-1	1	1	1	1	1	7	1	1	1	1	2													
● Evidence of Title	VII-2	1			1	1																			
● Names and Addresses*	VII-2	1																							
● Legal Description*	VII-2	1			1																				
● General Project Report	X-7	1	1	1	1	1	7	1	1	1	1	2													
● Location Map	IX-21	1																							
● Vicinity Sketch <u>Site Plan</u>	IX-33	1	1	1	1	1	7	1	1	1	1	2													

NOTES: \* An asterisk in the item description column indicates that a form is supplied by the City.



# DEVELOPMENT APPLICATION

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

Receipt 2477  
Date 6-9-95  
Rec'd By RE  
File No. VAR-95-110

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			568 Cindy Ann Grand Jct., Co	RSF-8	residential single family
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

<input checked="" type="checkbox"/> <b>PROPERTY OWNER</b>	<input type="checkbox"/> <b>DEVELOPER</b>	<input type="checkbox"/> <b>REPRESENTATIVE</b>
Joe C. Voytilla Lawrence F. Hansen, Kenneth A. Heitt		
Name	Name	Name
3041 North 15th St		
Address	Address	Address
Grand Junction, Colorado 81506		
City/State/Zip	City/State/Zip	City/State/Zip
241-4000 (Heitt)		
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 required 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.

	<u>6/9/95</u>
Signature of Person Completing Application	Date
	<u>6/9/95</u>
	<u>6/9/95</u>
Signature of Property Owner(s) - attach additional sheets if necessary	Date

## GENERAL PROJECT REPORT

The variance request is consideration to vary the front yard setback from 45' to 40' along Cindy Ann Rd. on property located at 568 Cindy Ann Rd., Grand Junction, CO 81501. The property is legally described as Lot 12 in Block 2, North Star Subdivision, Mesa County, Colorado.

If the above variance is not approved, the lot will be unbuildable. The reason for this hardship is that the corner lot currently has two 45' front setbacks, a 15' back setback and a 10' easement along the East sideyard. This leaves a building envelope that is too narrow for a single family home.

The granting of the variance will allow the petitioner to build a single family residence that is of similar size and quality of homes on comparable lots within North Star Subdivision. The granting of the request will not create any conflicts with public interest, health, safety or welfare.

Attached is a copy of minutes from the Grand Junction Board of Adjustments meeting on October 6, 1983 showing a previous approval to vary the front yard setback from 45' to 40'. This variance was never exercised, thus the original variance has become null and void.

Lana R. Malan John K Malan 1531 Lowell Ln. Grand Junction, CO 81506	Janus Leonardi Catherine Alice Leonardi 566 28 Rd. Grand Junction, CO 81501	A. Patricia Ulibarri Robert Joseph Ulibarri 561 Court Rd. Grand Junction, CO 81501
Larry Julian & Lora J. Julian 572 Cindy Anne Rd. Grand Junction CO 81501	Nick L. & Carma Brown 567 Cindy Anne Rd. Grand Junction, CO 81501	Grant J. Kinkade Shelly L. Kinkade 2806 Walnut Avenue Grand Junction, CO 81501
Jody Fitzgibbon 570 Cindy Anne Rd. Grand Junction, CO 81501	William A. Barreith Barbara E. Barreith 565 Cindy Anne Rd. Grand Junction, CO 81501	Binkley & Sons Painting 2957 North Avenue Grand Junction, CO 81504
Lola Wales 568 1/2 Cindy Anne Rd. Grand Junction, CO 81501	Bernadine F. Phillips 563 Cindy Anne Rd. Grand Junction, CO 81501	Robert J. Werner Kathleen M. Werner 571 Court Rd. Grand Junction, CO 81501
Andy W. Kelley & Maria Kelley 2806 Bookcliff Avenue Grand Junction, CO 81501	Robert D. Torline Frances Torline 561 Cindy Anne Rd. Grand Junction, CO 81501	John E. Phillips Charlotte M. Phillips 573 Court Rd. Grand Junction, CO 81501
Robert J. Edwards Stephanie L. Edwards 2806 1/2 Bookcliff Ave. Grand Junction, CO 81501	Margie L. Cribari 562 Cindy Anne Rd. Grand Junction, CO 81501	Edward Vincent Gemoya Shirley Ann Gemoya 575 Court Rd. Grand Junction, CO 81501
Bryan T. and Carla Ryan 2802 1/2 Bookcliff Avenue Grand Junction, CO 81501	Norma Jean Rose 1907 Vista Creek Dr. Roseville, CA 95661	Carl L. Boydstun Debbie D. Boydstun 562 Court Rd. Grand Junction, CO 81501
G.D. Investments 2802 Bookcliff Avenue Grand Junction, CO 81501	Ruth I. Schellhammer 566 Cindy Anne Rd. Grand Junction, CO 81501	Lila M. Royle 564 Court Rd. Grand Junction, CO 81501
Barbara A. DeMarco 562 28 Rd. Grand Junction, CO 81501	Sandra E. Vig Kevin T. Vig 565 Court Rd. Grand Junction, CO 81501	Christy A. McMullen 566 Court Rd. Grand Junction, CO 81501
Dean D. Hannigan 564 28 Rd. Grand Junction, CO 81501	Randy Wayne West Stacey Ann M. West 563 Court Rd. Grand Junction, CO 81501	Carey W. Stieb Vicky L. Stieb 568 Court Rd. Grand Junction, CO 81501

Norma I. Michaud  
570 Court Rd.  
Grand Junction, CO 81501

Jerry A. Gaddy  
Charline K. Gaddy  
2811 Bookcliff Avenue  
Grand Junction, CO 81501

Gary W. Gentry  
Becky J. Gentry  
2613 Bookcliff Avenue  
Grand Junction, CO 81501

Max V. Watts  
Louise & Lela Ellis  
2615 Bookcliff avenue  
Grand Junction, CO 81501

Diane R. Gibson  
565 28 Rd.  
Grand Junction, CO 81501

Glenda Horton  
563 28 Rd.  
Grand Junction, CO 81501

Norma I. Michaud  
570 Court Road  
Grand Junction, CO 81501

Joe Voytilla, Lawrence F.  
Hansen & Kenneth Heitt  
3041 N 15th Street  
Grand Junction, CO 81506

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

# REVIEW COMMENTS

Page 1 of

FILE #VAR-95-110

TITLE HEADING: Variance - Front Yard Setback in  
RSF-8 Zone District

LOCATION: 568 Cindy Ann Road

PETITIONER: Joe Voytilla, Ken Heitt, Lawrence Hansen

PETITIONER'S ADDRESS/TELEPHONE: 3041 N 15th Street  
Grand Junction, CO 81506  
243-5578

PETITIONER'S REPRESENTATIVE: Joe Voytilla

STAFF REPRESENTATIVE: Mike Pelletier

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**NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 5:00 P.M., JULY 5, 1995.**

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CITY UTILITY ENGINEER 6/28/95  
Trent Prall 244-1590

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No comment.

CITY DEVELOPMENT ENGINEER 6/69/95  
Jody Kliska 244-1591

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No comment.

COMMUNITY DEVELOPMENT ENGINEER 6/29/95  
Mike Pelletier 244-1447

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See attached comments.

COMMENTS NOT RECEIVED AS OF 6/30/95:

City Property Agent  
City Attorney

## Utility Engineer Review Comments

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Date: June 28, 1995

By: Trent Prall

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**VAR-95-110 Front yard Setback on 568 Cindy Ann from 45'to 40'  
Petitioner: Joe Voytilla 243-5578**

No Comment



BOARD OF APPEALS - STAFF REVIEW

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FILE: VAR-95-110  
DATE: July 5, 1995  
STAFF: Mike Pelletier  
REQUEST: Front Yard Setback from 45' to 40'  
LOCATION: 568 Cindy Ann Road  
ZONING: RSF-8  
APPLICANT: Joe Voytilla, Lawrence Hansen, & Kenneth Heitt

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EXISTING LAND USE: Single Family Residential

PROPOSED LAND USE: Single Family Residential

SURROUNDING LAND USE:

NORTH: Single Family Residential  
SOUTH: Single Family Residential  
EAST: Single Family Residential  
WEST: Single Family Residential

EXISTING ZONING: RSF-8

SURROUNDING ZONING:

NORTH: RSF-8  
SOUTH: RSF-8  
EAST: RSF-8  
WEST: RSF-8

ZONING AND DEVELOPMENT CODE REQUIREMENT:

Section 4-2-6 establishes the front yard setback for RSF-8 as 45 feet from the centerline of the right-of-way for local streets (Cindy Ann Road is a local street). Section 5-1-7-A lists the general reasoning for setbacks. They are as follows:

1. To be proportionate to the size and scale of the land use;
2. To provide an appropriate streetscape in character with the lot sizes allowed;
3. To provide a certain character to an area based on the uses allowed;
4. To provide for the interrelationship between principal uses;
5. To require structures to be separated from traffic corridors and adjoining uses;  
and
6. To encourage solar energy uses.

Section 5-1-7-C states that all front yard setbacks must be at least 20 feet from the property line. Section 5-1-7-D states that structures shall meet the front yard setback from all abutting streets.

**VARIANCE REQUESTED:**

Change the front yard setback along Cindy Ann Road from 45 feet to 40 feet.

**APPLICANTS REASON FOR REQUEST:**

It is necessary in order to build a home with the footprint desired by the applicant.

**STAFF ANALYSIS:**

This property received an identical variance on October 6, 1983 with a vote of 5-0 to approve. Earlier, the property was denied an identical variance with a vote of 4-0 to deny on April 7, 1983. The reasoning for these decisions are not in the file and are unknown to staff. The proposed house is a single story with 1,035 sq.ft. The petitioner should address the possibility of building a two-story house with the square footage desired and that is contained within the existing setbacks.

The only neighborhood response to the planning department was from Ruth Schellhammer at 566 Cindy Ann Road. Her concern was that her property value would decrease because of the developer building homes at this density.

**FINDINGS OF REVIEW:**

Section 10-1-1B(2) of the Zoning and Development Code says that the applicant must meet all of the following criteria in order to be granted a variance.

- a) The granting of a variance will not conflict with the public interest as expressed by the City's adopted comprehensive plan;
- b) There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- c) The granting of a variance will not be detrimental to the public health, safety or welfare;
- d) The applicant and the owner of the property can not derive a reasonable use of the property without a variance, and
- e) The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements. In granting a variance, the Board may impose conditions deemed necessary to protect affected property owners and to protect the intent of this Code. In considering variance requests to the bulk requirements of the zone districts, if all of the criteria listed in this subsection are not met, yet the Board finds that the variance request would harm no one and would be a general benefit to the neighborhood or community, a variance may be permitted.

**STAFF RECOMMENDATION:**

Using strict interpretation of the above criteria, staff feels that the variance should be denied. However, since the variance will probably harm no one and be a general benefit to the builder (thus a net benefit to the community) staff recommends approval.

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**RECOMMENDED BOARD MOTIONS:**

Mr. Chairman, on item 95-110, a variance request from the front yard setback restriction at 568 Cindy Ann Road, I move that we ("**deny**" or "**approve**") the request for the following reasons: