

June 1, 1995

Project: Andy's Liquor Mart Warehouse addition.

Address: 922 North First Street, Grand Junction, Colorado

Reason for Variance Request : Change set back requirements on South and East sides of property from 10 feet to 0 feet.

South side is bounded by alley between Belford and Teller Avenues and First and Second Streets.

East side is bounded by property owned by Karen Marquette that is zoned RMF 32

Structure to be built will have cinder block walls and as yet an undetermined type of roof. No water will drain onto the East side. Very little if any water will drain onto the alley side.

Major benefits of the warehouse will be substantial security improvement for stored product, reduced handling costs and a dramatic improvement of the "looks" of the property. Existing 45 foot storage vans will be removed and remaining area will be additional parking, truck delivery space and considerable additional landscaping in addition to existing landscaping.

Existing building will be upgraded to match new building and additional landscaping will be provided on all the property.

Actual size of the new building has not been determined yet since the set back changes being requested will allow a much larger and more efficient building than current set backs would allow. However, it is anticipated that the maximum size of the new building would be 37 1/2 feet by 62 1/2 feet.

The new building will be permanently attached to the existing building and is intended for warehouse use only.

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There are at least two major drawbacks to trying to use the existing set back of 10 feet on two sides.

First, the building would not be either big enough for our needs and also would not be economically feasible to build.

Secondly, leaving 10 feet of open ground on two sides would only create another no mans land to collect wind blown trash an end up being an eyesore for everyone involved.

Cinder block walls provide maximum security and can look nice at all times. The new building would then match the existing building on the alley and the East side would be a natural barrier or fence for the Marquette property.

The removal of the two large vans and the addition of landscaping on the East side of the 1/2 of the lot not built on would be a very positive addition to the neighborhood.

Additional gentle security lighting will be provided around the new building and the new landscaping.

Snow removal will not be a problem and trash bin will be less visible.

Rain and snow water will be directed to a nearby storm drain already used by the existing retail store.

In summary, a properly built, correct size addition will be of significant economic advantage to Andy's Liquor Mart. The removal of the storage vans along with additional landscaping will create a very nice looking property which now basically looks terrible.

Curtis E. Gray
2301 N 17th Circle
Grand Jct., Co. 81501

Edwin Lee Sankey
3447 F Road
Clifton, Co. 81520

Karen K. Marquette
2125 Broadway
Grand Jct., Co. 81503

Alex B. Duran
Michael J. Ferguson
4451 Campus Avenue
San Diego, Ca 92116

Arthur Glen Rose
758 Tulip Drive
Grand Jct., Co. 81506

Mary A. Mcinturff
Edward A Dutton
124 Teller Avenue
Grand Jct., Co. 81501

Ralph A. Belcastro
831 N. 1st Street
Grand Jct., Co. 81501

Earl A. Sevik
609 Serenade Drive
Grand Jct., Co. 81504

James W. Richards
136 Teller Avenue
Grand Jct., Co. 81501

Nicola Belcastro
Etal
1215 N. 1st. Street
Grand Jct., Co. 81501

Mark E. Filkins
147 Teller Aveune
Grand Jct., Co. 81501

Mark R. Vogt
7433 W. Hinsdale Dr.
Littleton, Co. 80123

Larry James Badini
901 N 1st Street
Grand Jct., Co. 81501

Charles A. Fedler
135 Teller Aveune
Grand Jct., Co. 81501

Edwin Buttery
RR 2 Box 174 A
Rising Star, Tx. 76471

A. L. Wing
205 Teller Avenue
Grand Jct., Co. 81501

Angela S. Allen
L S & L J Hartter
127 Teller Avenue
Grand Jct., Co. 81501

Terrence J. O'Connor
30000 Walnut Street
Boulder, Co. 80301

Richard Wrzeski
2930 Kathy Jo Lane
Grand Jct., Co. 81503

William W. Kyle
P. O. Box 40
Loma, Co. 81524

Jerzy Holubowski
Marianna Ujwary
125 North Avenue
Grand Jct., Co. 81501

Reymundo Medina
212 Teller Ave.
Grand Jct., Co. 81501

Bill R. Clevenger
532 Greenwood Drive
Grand Jct., Co. 81503

Tom E. Elder
1755 Crestview Drive
Grand Jct., Co. 81506

John J. Manfro
23250 Dover Lane
Yorba Linda, Ca. 92687

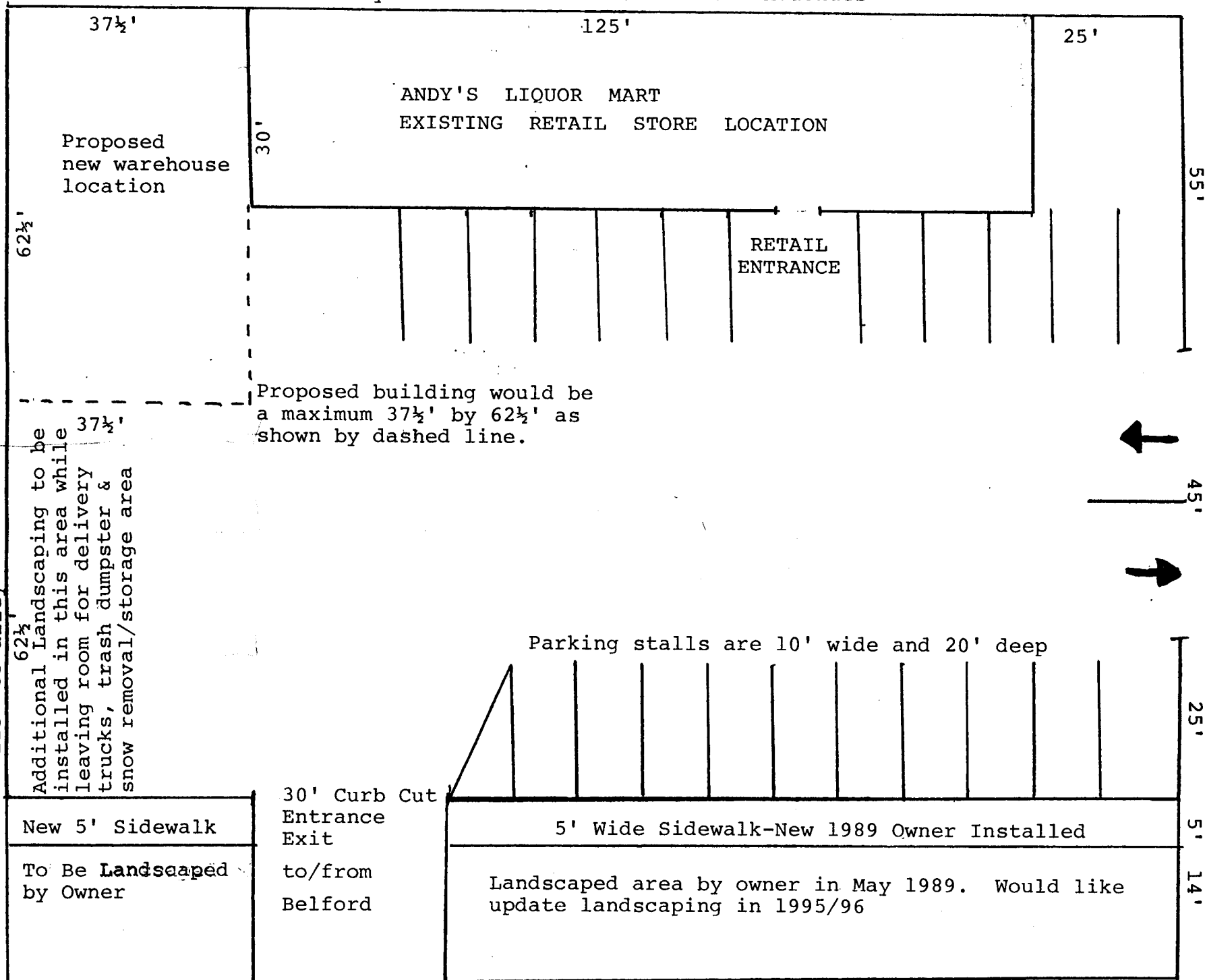
Laura Venable
545 Greenwood Drive
Grand Jct., Co. 81503

Marguerite K. McGinn
672 Eastcliff Drive
Grand Jct., Co. 81506

Thomas L. Goerke
Andy's Liquor Store
922 N 1st Street
Grand Junction, CO 81501

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

SOUTH
Alley between Belford & Teller Avenues



WEST
Andy's Liquor Mart Thomas L. Goerke
922 North First Street Grand Junction, Co. 81501

EAST
Karen Marquette Property
125' to alley

62½'
Additional Landscaping to be installed in this area while leaving room for delivery trucks, trash dumpster & snow removal/storage area

Proposed building would be a maximum 37½' by 62½' as shown by dashed line.

30' Curb Cut Entrance Exit to/from Belford

NORTH
Belford Avenue

3 July, 1995

Project: Andy's Liquor Mart Warehouse addition

Address: 922 North First Street, Grand Junction, Colorado

Owner: Thomas L. Goerke 243-1176

Original Variance Request was to change set back on South and East sides of property from 10 feet to 0 feet.

The South side being the alley between Belford and Teller Avenues and First and Second Streets. The review agencies have no objection to this being set at 0 feet to match existing retail store building.

The East side is bounded in full by property owned by Karen Marquette that is zoned RMF 32.

I have discussed my building plans with Karen and she has discussed her building plans with me. We are both in agreement that the best set back would be 2 feet for both of us.

Therefore, I am amending my request for the East side to be changed from the current 10 foot set back to 2 foot set back. This would allow for proper footings for both buildings and room for construction of both buildings. In addition, it would allow for proper maintenance of both buildings in the future.

I have assured Karen that there would be no water drainage from my building to the East. In fact, I am expecting that most if not all the water from my roof will drain onto my existing parking lot and then drain directly to a storm drain on First Street.

Karen is also very happy with my proposed landscaping plan which will enhance both properties. I feel that my proposed building and Karen's future building plans will certainly make the entire block look much better and provide substantial improvement in total landscaping and parking.

It has been initially recommended that my request for a 0 set back on the East side be denied. I had always planned on being back about 2 feet and should have requested that number officially the first time.

If my request for the 2 foot set back is denied then the proposed building will not be built and the only way for me to get additional storage will be to add additional trailers which I do not like in the first place.

The only way that I can make any kind of building economically feasible is to build it out from my existing building to a 2 foot set back on the East side.

Any building that is narrower will simply not have the internal room to store sufficient product and still have room to efficiently move around within the building while handling the product.

I can add about 30 % additional storage space while increasing the cost of the building by only about 10 % if I can build to a 2 foot set back. Of course, I also feel that any more of a set back only creates a trash collection problem area that is very difficult to control.

I have spent 5 years planning this building in my mind and for me the cost of a smaller building using a 10 foot setback is just too expensive and not efficient use of my property. The highest and best use on my property will be to build to a 0 set back on the alley and to a 2 foot set back on the East side bounded by Karen Marquette's property.

She has stated that it is her intent to build a 12 or 13 unit apartment complex on her property with the building backing up next to my building. This would give her sufficient off street parking on the front of her property along with excellent landscaping.

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Considering Ms. Marquette's plans for her property, there is no need or justification for a 10 foot set back on my side of the property line. A permanent building like I am planning on building will be a nice asset for the property.

The real advantage for the neighborhood will be the removal of the two storage trailers and the additional landscaping that will be provided on all of the property in question.

I am aware of the requirements for utilities, water drainage, fire safety and other normal needs to obtain a building permit. Mr. Robert Jenkins will be my architect on this building.

This new building will be a very nice addition to the neighborhood and I will also be upgrading the existing building and existing landscaping.

In review, while I feel that landscaping, water drainage and property maintenance are very important issues, they can and will be addressed to everyone's satisfaction.

The real problem for me is the economic situation. I must build a building that is of sufficient size and the proper shape for my warehouse needs for it to be a financial success. Anything less than a 2 foot set back creates a building that is neither large enough for my needs nor economically feasible to build and maintain.

I need the additional warehouse space and want to remove the storage trailers permanently. The safety and security factors of a warehouse building attached to my existing retail store are much easier to address than my being required to add additional storage trailers to provide for my warehouse needs.

The entire project, new building, new landscaping, upgraded existing landscaping, upgraded existing retail store, property and product security and related issues will be a major improvement and asset to the neighborhood.

REVIEW COMMENTS

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FILE #VAR-95-111

TITLE HEADING: Variance - Side & Rear Yard
Setbacks in B-3 Zone

LOCATION: 922 N 1st Street

PETITIONER: Thomas L. Goerke

PETITIONER'S ADDRESS/TELEPHONE: Andy's Liquors
922 N 1st Street
Grand Junction, CO 81501
243-1176

STAFF REPRESENTATIVE: Mike Pelletier

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.

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

SEWER - CITY

Contact Utility Billing (244-1580) to verify potential change in sewer fees. A building permit will not be issued until the planning clearance is complete which includes Utility Billing signoff. Please provide information on number of employees, square footage, and usage of addition as a percentage of square footage. For example 15% office / 70% warehouse / 15% retail.

COMMUNITY DEVELOPMENT DEPARTMENT 6/16/95
Mike Pelletier 244-1447

See attached comments.

CITY DEVELOPMENT ENGINEER 6/29/95
Jody Kliska 244-1591

1. Drainage will be addressed at site plan review, fee will probably be applicable.
2. A Transportation Capacity payment will be calculated at site plan review.

TO DATE, COMMENTS NOT RECEIVED FROM:

City Property Agent
City Attorney

Utility Engineer Review Comments

Date: June 28, 1995

By: Trent Prall

VAR-95-111 Variance on set backs, 922 North First Street

Engineer: Robert Jenkins, Architect

Petitioner: Thomas Goerke, 243-1176

- Sewer: City
- 1) Contact Utility Billing (244-1580) to verify potential change in sewer fees. A building permit will not be issued until the planning clearance is complete which includes Utility Billing signoff. Please provide information on number of employees, square footage, and usage of addition as a percentage of square footage. For example 15% office / 70% warehouse / 15% Retail.

BOARD OF APPEALS - STAFF REVIEW

FILE: VAR-95-111
DATE: July 5, 1995
STAFF: Mike Pelletier
REQUEST: Side & Rear Setback
LOCATION: 922 N 1st Street
ZONING: B-3
APPLICANT: Thomas L. Goerke

EXISTING LAND USE: Graveled area surrounded by chain link fence used for outdoor storage.

PROPOSED LAND USE: Enclosed storage room for liquor store

SURROUNDING LAND USE:

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

EXISTING ZONING: B-3

SURROUNDING ZONING:

NORTH: B-3
SOUTH: RMF-32
EAST: RMF-32
WEST: C-2

ZONING AND DEVELOPMENT CODE REQUIREMENT:

Section 4-2-12-B states that the side and rear yard setbacks for a B-3 zone are 10 feet if it abuts either a residential zone or residential use.

VARIANCE REQUESTED:

Change the setback requirement for the southeast section of the lot on the east side from 10 feet to 2 feet and on the south side from 10 feet to 0 feet.

APPLICANTS REASON FOR REQUEST:

The applicant feels the variance will allow for a more efficiently utilized site and will allow the building to reach a size that makes it economical to build. Also, the applicant feels the 10 foot setbacks would create an eyesore where trash would collect. Without the setback variance the building will not be constructed and the existing trailers will not be removed.

STAFF ANALYSIS:

This site has a fairly complex history. The parcels just to the north was rezoned from R-2 to B-3 in 1978. The applicant at that time had proposed C-1 but was satisfied with the more restrictive business zone of B-3. The parcel in question was rezoned from RMF-32 to B-3 in 1992 as part of a parcel swap with the property owner to the east. The intent of parcel swap and rezoning was to make the parcels more usable for both parties.

The B-3 zoning was initiated in this area to act as a buffer between commercial and residential uses. Buffers can be a transition of various uses, open space, and/or screening. Currently, the alley works fairly well as a buffer (20 feet) on the south side of the liquor store, despite the 0 foot setback. However, the east side of the property must rely on open space and screening to achieve a buffer. That is the function of a 10 foot setback in the B-3 zone.

The only concern expressed by neighbors to the planning department was by James W. Richards (136 Teller Avenue). He lives across the alley from the subject property and is concerned about trucks blocking the alley if unloading in this area is requested by the petitioner. Current alley policy states that parking in the alley for loading/unloading is legal for a maximum of 20 minutes.

The neighbor to the east, Karen Marquette has not contacted staff about this issue. I left a message on her answering machine on July 6, 1995. Also, I requested the applicant to get Mrs. Marquette's position on this issue in writing.

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 cannot 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:

Under strict interpretation of the variance criteria, staff cannot recommend approval. However, if the applicant agrees to the removal of the existing trailers, adding landscaping, no access to the alley from inside the building, and the Board believes the neighbor to the east is agreeable to this variance then approval should be considered. The basis for approval is that the variance causes no one harm and creates a benefit to the neighborhood. Also, the new building height should not significantly exceed the existing building height. These conditions can be requirements of approval in the site plan review process that the applicant must complete in order to build the warehouse.

RECOMMENDED BOARD MOTIONS:

Mr. Chairman, on item 95-110, a variance request from the side and rear yard setback restriction at 922 North First Street, I move that we ("**deny**" or "**approve**") the request for the following reasons: