





# DEVELOPMENT APPLICATION

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

Receipt \_\_\_\_\_

Date \_\_\_\_\_

Rec'd By \_\_\_\_\_

File No. VAR-96-35

*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			2676 H Road Grand Jct, 81506	RSF-4	SF Residential
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

PROPERTY OWNER

DEVELOPER

REPRESENTATIVE

Mark and Lori Dearth

Self

Name

Name

Name

2676 H Road

Address

Address

Address

Grand Jct, CO 81506

City/State/Zip

City/State/Zip

City/State/Zip

(970)241-7053

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.*

*X* *Mark S Dearth*

*2/13/96*

Signature of Person Completing Application

Date

*X* *Lori S Dearth*

*2/13/96*

Signature of Property Owner(s) - attach additional sheets if necessary

Date

PRE-APPLICATION CONFERENCE

Date: 2/1/96

Conference Attendance: Kristen Ashbeck, <sup>Laime</sup> ~~Mandy~~ Dearth

Proposal: Rear Yard Variance

Location: 2676 H Road, Grand Junction, CO 81506

Tax Parcel Number: 2701-264-25-001

Review Fee: \$180

(Fee is due at the time of submittal. Make check payable to the City of Grand Junction.)

Additional ROW required? No

Adjacent road improvements required? No

Area identified as a need in the Master Plan of Parks and Recreation? N/A

Parks and Open Space fees required? N/A Estimated Amount: \_\_\_\_\_

Recording fees required? \_\_\_\_\_ Estimated Amount: \_\_\_\_\_

Half street improvement fees/TCP required? N/A Estimated Amount: \_\_\_\_\_

Revocable Permit required? \_\_\_\_\_

State Highway Access Permit required? N/A

On-site detention/retention or Drainage fee required? N/A

Applicable Plans, Policies and Guidelines \_\_\_\_\_

Located in identified floodplain? FIRM panel # N/A

Located in other geohazard area? N/A

Located in established Airport Zone? Clear Zone, Critical Zone, Area of Influence? N/A

Avigation Easement required? N/A

While all factors in a development proposal require careful thought, preparation and design, the following "checked" items are brought to the petitioner's attention as needing special attention or consideration. Other items of special concern may be identified during the review process.

- Access/Parking
- Screening/Buffering
- Land Use Compatibility
- Drainage
- Landscaping
- Traffic Generation
- Floodplain/Wetlands Mitigation
- Availability of Utilities
- Geologic Hazards/Soils
- Other \_\_\_\_\_

Related Files: \_\_\_\_\_

It is recommended that the applicant inform the neighboring property owners and tenants of the proposal prior to the public hearing and preferably prior to submittal to the City.

PRE-APPLICATION CONFERENCE

WE RECOGNIZE that we, ourselves, or our representative(s) must be present at all hearings relative to this proposal and it is our responsibility to know when and where those hearings are.

In the event that the petitioner is not represented, the proposed item will be dropped from the agenda, and an additional fee shall be charged to cover rescheduling expenses. Such fee must be paid before the proposed item can again be placed on the agenda. Any changes to the approved plan will require a re-review and approval by the Community Development Department prior to those changes being accepted.

WE UNDERSTAND that incomplete submittals will not be accepted and submittals with insufficient information, identified in the review process, which has not been addressed by the applicant, may be withdrawn from the agenda.

WE FURTHER UNDERSTAND that failure to meet any deadlines as identified by the Community Development Department for the review process may result in the project not being scheduled for hearing or being pulled from the agenda.

X [Signature]  
Signature(s) of Petitioner(s)

X [Signature]  
Signature(s) of Representative(s)



Ed Dick  
2678 Mazatlan Drive  
Grand Junction, CO 81506

John Feild  
2680 Mazatlan Drive  
Grand Junction, CO 81506

Murphy Residence  
2679 Paradise Way  
Grand Junction, CO 81506

Resident  
2677 Paradise Way  
Grand Junction, CO 81506

Dale Park  
2675 Paradise Way  
Grand Junction, CO 81506

Gordon Marsh  
802 Jamaica  
Grand Junction, CO 81506

Mark and Lori Dearth  
2676 H Road  
Grand Junction, CO 81506

Francis & Kathryn Wilkinson  
805 La Paz Court  
Grand Junction, CO 81506

Debra & Gordon Cole  
802 Jamaica Drive  
Grand Junction, CO 81506

Sun King Management Corp.  
P.O. Box 3299  
Grand Junction, CO 81502

Greg & Anne Merlino  
2669 Paradise Way  
Grand Junction, CO 81506

Ben & Amelia Gomez  
806 Jamaica Drive  
Grand Junction, CO 81506

Norman & Henrietta Oliver  
P.O. Box 80758  
Midland, TX 79708

Virginia Saccomanno  
778 26 1/2 Road  
Grand Junction, CO 81506

City of Grand Junction  
Property Agent  
250 N 5th Street  
Grand Junction, CO 81501

Joey & Vickie Newman  
2677 Paradise Way  
Grand Junction, CO 81506

Robert & Carol Murphy  
2679 Paradise Way  
Grand Junction, CO 81506

Marion Konakis  
2681 Paradise Way  
Grand Junction, CO 81506

Donald & Mary Good  
2671 Paradise Way  
Grand Junction, CO 81506

Donald Lovato  
804 Jamaica Drive  
Grand Junction, CO 81506

Kenneth & Carole Fortune  
106 E Alcove Drive  
Grand Junction, CO 81503

Anthony & Joanne Costanzo  
2680 Paradise Way  
Grand Junction, CO 81506

Charles & Cheryl Roy  
2635 H Road  
Grand Junction, CO 81506

William & Sharon Garrison  
795 Garrison Court  
Grand Junction, CO 81506

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

# CITY OF GRAND JUNCTION PETITION FOR VARIANCE

DATE RECEIVED: 2-14-96

FILE NO. VAR-96-35

RECEIVED BY: MM

RECEIPT NO. 3518

PROPERTY OWNER: Mark and Lori Dearth

MAILING ADDRESS: 2676 H Road, Grand Junction, CO 81506

PHONE: (HOME) (970)245-9068 (WORK) (970)241-7053

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

ADDRESS: 2676 H Road

TAX SCHEDULE #: 2701-264-25-001 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 RSF-4 C.5 Minimum Rear Yard Setback

Principal Structure: 30 feet

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.

Lori S Dearth  
Signature of Property Owner

X \_\_\_\_\_  
Signature of Joint Property Owner (if applicable)

2/14/96  
Date

\_\_\_\_\_  
Date

We are applying for a variance request for a 12' x 14' room addition at 2676 H Road, Grand Junction, CO 81506. We have outgrown the home and because of the exterior access door and floor plan layout of the house the area requested is the only place an addition can be built. This addition will in no way infringe upon the City of Grand Junction or any neighbor. It will not obstruct any neighbors view or decrease their land value. Because of the large size of our yard the addition will not be offensive but will blend in with the flow of our home. Thank you for your consideration.

# REVIEW COMMENTS

Page 1 of 1

FILE #VAR-96-35

TITLE HEADING: Rear Yard Setback Variance

LOCATION: 2676 H Road

PETITIONER: Mark & Lori Dearth

PETITIONER'S ADDRESS/TELEPHONE: 2676 H Road  
Grand Junction, CO 81506  
245-9068

STAFF REPRESENTATIVE: Kristen Ashbeck

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**NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS NO LATER THAN 5:00 P.M. MARCH 5, 1996.**

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**CITY DEVELOPMENT ENGINEER** 2/21/96  
**Jody Kliska** 244-1591

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No comment.

**CITY CODE ENFORCEMENT** 2/21/96  
**Jan Koehn** 244-1593

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Can the addition not be placed closer to the garage/kitchen area and meet the setback?

**CITY COMMUNITY DEVELOPMENT** 2/28/96  
**Kristen Ashbeck** 244-1437

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1. What is the approximate setback being requested (dimension on marked-up site plan)?
2. What is the additional space to be used for? Why can it only be added to the dining room? (You provided some information, need a little more justification -- a floorplan showing walls, doorways, etc. may help.)

**TO DATE, COMMENTS NOT RECEIVED FROM:**

City Utility Engineer

City Attorney



PHONE MESSAGE

DATE: March 4, 1996

RE: Variance - 2676 H Road

Anonymous Caller: Opposed to setback variance. There is a reason why people choose to live in areas like Paradise Hills--for space between neighbors. Would be very disappointed if approved.

March 5, 1996

Mark and Lori Dearth  
2676 N Road  
Grand Junction, CO 81506  
970 245 9068

Re: Variance request #VAR-96-35

In response to the question regarding the addition being built to meet the setback (closer to Garage/Kitchen area) there is no door or window to be used as access to the new room and as indicated on the site plan there is existing landscape and fence in place. Please see the enclosed floor plan which shows existing access to proposed addition - because of the sliding glass door from Dining room it is the most cost effective means to construct it from this opening. As well as keeping the flow of the connecting roof lines the proposed addition will be constructed with materials to match the home and is going to be used as a Den/Family room/Office.

Thank you for your consideration.

Lori Dearth

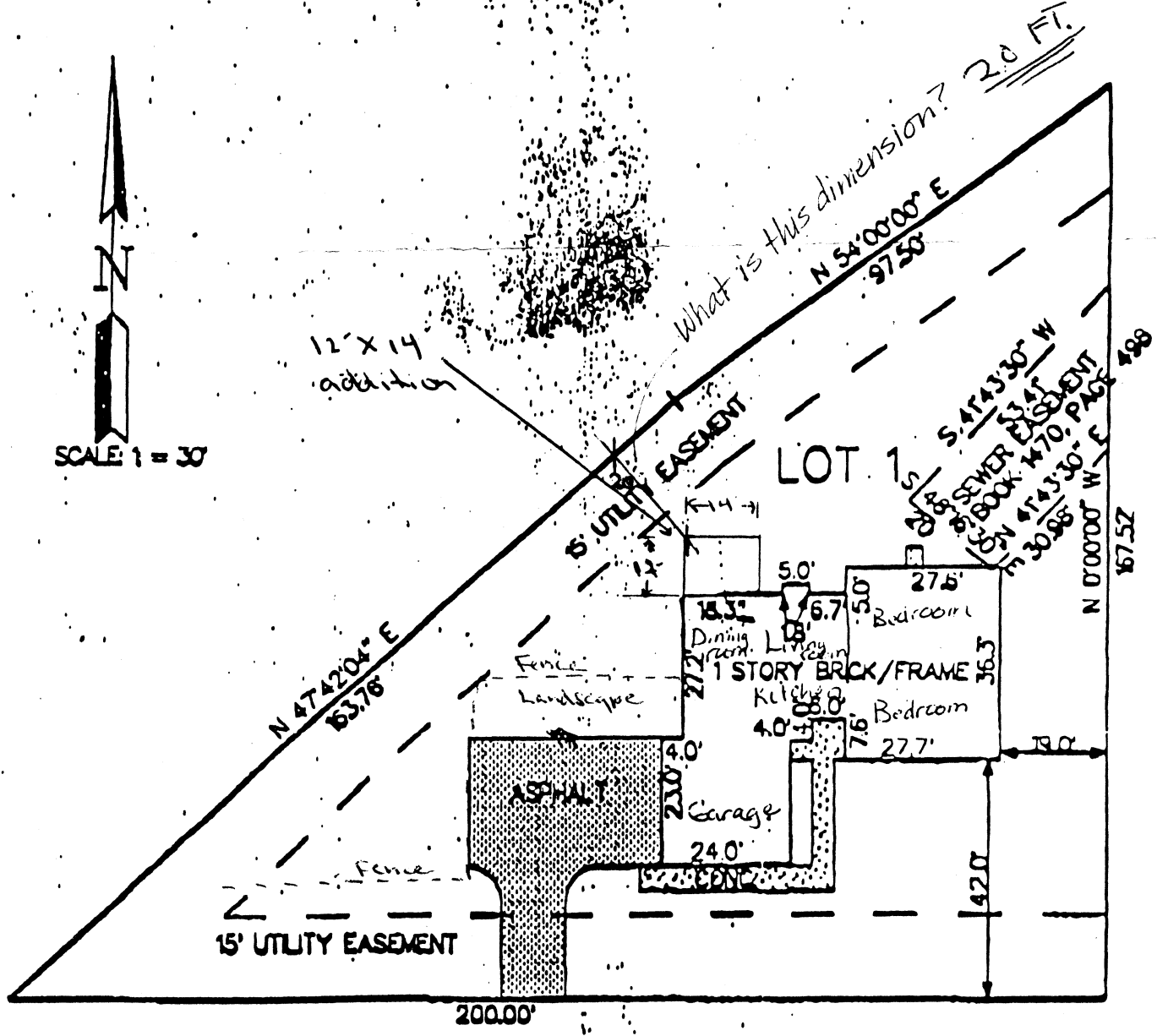
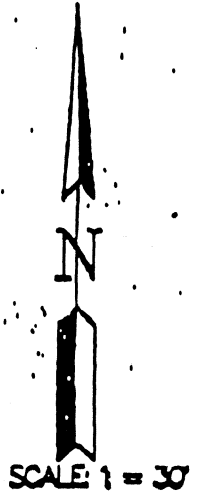


# IMPROVEMENT LOCATION CERTIFICATE

2878 H ROAD

FIRST AMERICAN TITLE #18478  
 DEARTH ACCT.  
 LOT 1 IN BLOCK 4 OF PARADISE HILLS SLEDMON FLNG NO. 6  
 EXCEPT THE PARCEL CONVEYED BY A DEED DEC. 21, 1983  
 AT PAGE 498, OF BOOK 470, MESA COUNTY, COLORADO.

2701-264-25-001



H ROAD

NOTE: THIS PROPERTY DOES NOT FALL WITHIN ANY 100 YEAR FLOODPLAIN.

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR BANC ONE  
 THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT  
 OF FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON  
 THIS DATE, 10/12/94 EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS  
 SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS  
 INDICATED, AND THAT THERE IS NO EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS  
 NOTED.

● = FOUND PIN

*K. Oswald L. Diller*

BOA 3/13/96  
Approved 5-0

BOARD OF APPEALS - STAFF REVIEW

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FILE: VAR 96-35

DATE: March 6, 1996

REQUEST: Rear Yard Variance

LOCATION: 2676 H Road

APPLICANT: Mark & Lori Dearth

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EXISTING LAND USE: Single Family Residence

PROPOSED LAND USE: Same, Enlarged

SURROUNDING LAND USE:

NORTH: Single Family Residential (Paradise Hills)

SOUTH: Single Family Residential (Garrison Ranch) & Vacant

EAST: Single Family Residential (Paradise Hills)

WEST: Single Family Residential (Paradise Hills)

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

SURROUNDING ZONING:

NORTH: RSF-4

SOUTH: RSF-4 & PR 4.2

EAST: RSF-4

WEST: RSF-4

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ZONING AND DEVELOPMENT CODE REQUIREMENT:

Section 4-2-4 C.5. Minimum Rear Yard Setback, Principal Structure: 30 feet

APPEAL OR VARIANCE REQUESTED: 10 feet, allowing a 20-foot rear yard setback

APPLICANT'S REASON FOR REQUEST: The applicant is proposing to construct a 12' x 14' addition to the northwest corner of the existing home at 2676 H Road. Due to the existing floor plan of the house, the area requested is the only place an addition can be constructed on the property.

STAFF ANALYSIS: The parcel located at 2676 H Road is an unusual triangular shape with the rear yard being the angled line of the triangle (refer to site plan provided by

petitioner). In addition to this unusual configuration, the parcel has a sewer easement which encroaches upon a large portion of the eastern area of the rear yard (see site plan). Thus, the unique situation due to the combination of the lot shape, the easement, and the existing floor plan of the house, necessitates the addition be placed as proposed by the applicant. Staff concurs that this variance would not have an impact on the character of the neighborhood nor would it be detrimental to surrounding properties.

FINDINGS OF REVIEW:

**No Conflict with Public Interest.** The proposal will not conflict with the public interest.

**Exceptional Conditions / Undue Hardship not Self-Inflicted.** The exceptional conditions in this case are the unusual configuration of the parcel and the encroachment of a sewer easement which are typically along property boundaries. These conditions were not self-inflicted by the applicant.

**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 could accommodate an addition such as that proposed without the need for a variance. However, given the petitioner's concerns with wanting to blend the proposed and existing floor plans together in an efficient manner and create an adequately-sized living space, it is a reasonable request to allow a variance to site the addition as proposed.

**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. In fact, this improvement will actually enhance the property, thereby increasing the value of surrounding properties.

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STAFF RECOMMENDATION: Approval of the rear yard setback variance.

RECOMMENDED BOARD MOTIONS:

Mr. Chairman, on item VAR 96-35, a variance request of 10 feet for a principal structure to be located 20 feet from the rear property line at 2676 H Road, I move that we APPROVE the request for the following reasons:

Mr. Chairman, on item VAR 96-35, a variance request of 10 feet for a principal structure to be located 20 feet from the rear property line at 2676 H Road, I move that we DENY the request for the following reasons:

DALE AND EVA PARK  
2675 Paradise Way  
Grand Junction, Colorado 81506  
243-1261

March 9, 1996

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Community Development  
City of Grand Junction  
250 North Fifth Street  
Grand Junction, Colorado 81501

Re: Objection to requested variance on backyard set back  
for 2676 H Road

Ladies and Gentlemen:

I own and reside at 2675 Paradise Way, directly behind (north of) 2676 H Road, which is the property that the owner has requested a variance on for the set back to be reduced from 30 feet to only 18 feet. This letter is to voice my strong objections to such a variance. I have lived in this location and developed my back yard for 20 years. I originally chose Paradise Hills and my particular lot to obtain as much privacy as possible. I have spent much time, labor, and money developing my backyard which I consider my retreat and my sanctuary.

I humbly appeal to the Board's good judgment not to allow the variance for 2676 H Road, because such a variance would mean undesirable infringement on my privacy, as well as a probable loss in the marketable and real value of my property. Following are a few reasons why I am opposed to any variance to the back yard set back.

1. The lot and house that has asked for the variance sits on ground 3 to 4 feet higher than my lot. If the variance is allowed, it would put the house within 18 feet of my fence, and because of the higher ground it would greatly effect my privacy.

2. I installed an in ground swimming pool 10 years ago and have gone to much expense to have as much privacy as possible -- 6-foot privacy fence, shrubs and trees -- and even with the present legal set back, the home in question already has a deck which directly overlooks my swimming pool.

3. I believe that it would be a very poor precedent to set. The houses on Paradise Way from 2675

(my home) to 2683 all have houses built behind them. These houses built behind Paradise Way are all located on higher ground than the Paradise Way houses. Allowing the home owners to build closer than 30 feet would greatly infringe on the privacy of houses on Paradise Way.

4. There are subdivisions where set backs allow houses to be built very close to each other and there are subdivisions where greater set backs are required. Greater set backs in a residential area provide home owners with certain benefits, including greater privacy. This consideration was one of the most important for me when I chose my lot over 20 years ago. It is the responsibility of every home buyer (or builder) both to be aware of, and to choose his home or building lot with an understanding of all existing covenants and zoning requirements. Then, having made an informed choice, the home owner should be willing to live with his decision. After all, the very set backs or covenants which are occasionally objected to by some are often the very basis on which others choose to live in a particular area.

It is my intention to be a good neighbor, i.e. For some 20 years, I had access to H Road from the southwest corner of my back yard. When my neighbor who is asking for this variance built his fence 2 years ago, he took my H Road access from me by fencing around my gate without saying anything or giving any consideration to me whatsoever. Even when advised to seek legal counsel in order to continue my access, I did not because I believed it was in the best interest of our relationship as neighbors. Now he is wanting to build within 18 feet of my fence. I have consulted several realtors and they have all said they believe that because of the placement of his house and the proposed addition, coupled with the fact of the lay of the land (his property is approximately 3 to 4 feet above mine in elevation), that it will have an adverse effect on the value of my property. This is of great concern to me.

I will be very much appreciative if you will take these concerns of mine into consideration. In times like these when growth, land use and quality of life are issues on all of our minds, again I appeal to you, do not vary on established set backs that were originally prescribed to assure each home and land owner of privacy and security that his or her investment will be protected.



Community Development  
Page 3  
March 9, 1996

I would also invite any or all Board Members or other staff persons to visit my home so you can see why I so strongly protest. My address is 2675 Paradise Way, please call 243-1261 and let me or my wife know that you will be coming.

Thank you again for your consideration. I remain,

Sincerely yours,

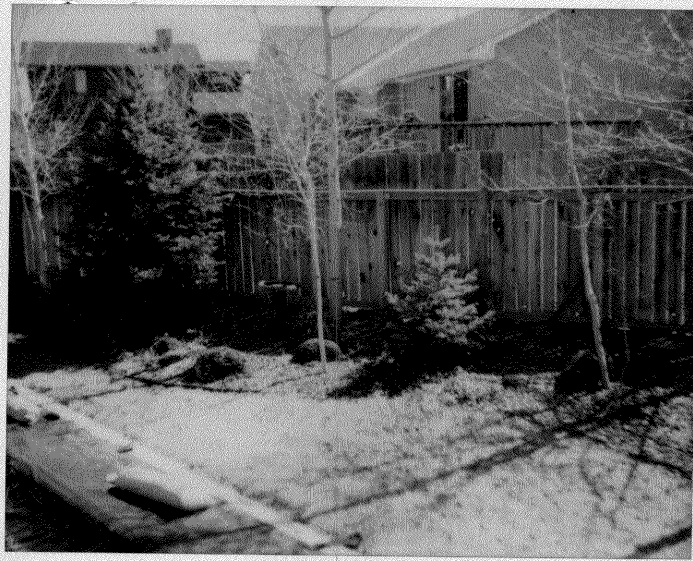


Dale Park

cc: Grand Junction City Attorney

*P.S. In case no one can come out I have included a few photos to demonstrate the close and elevated proximity of the house requesting the variance.*











TYPE LEGAL DESCRIPTION(S) BELOW, USING ADDITIONAL SHEETS AS NECESSARY. USE  
SINGLE SPACING WITH A ONE INCH MARGIN ON EACH SIDE.

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LOT 1 N BLOCK 4 OF PARADISE HILLS SUBDIVISION FILING NO. 6 EXCEPT THE PARCEL  
CONVEYED TO THE CITY OF GRAND JUNCTION IN DEED RECORDED DECEMBER 21, 1983, IN  
BOOK 1470 AT PAGE 498, MESA COUNTY, COLORADO.

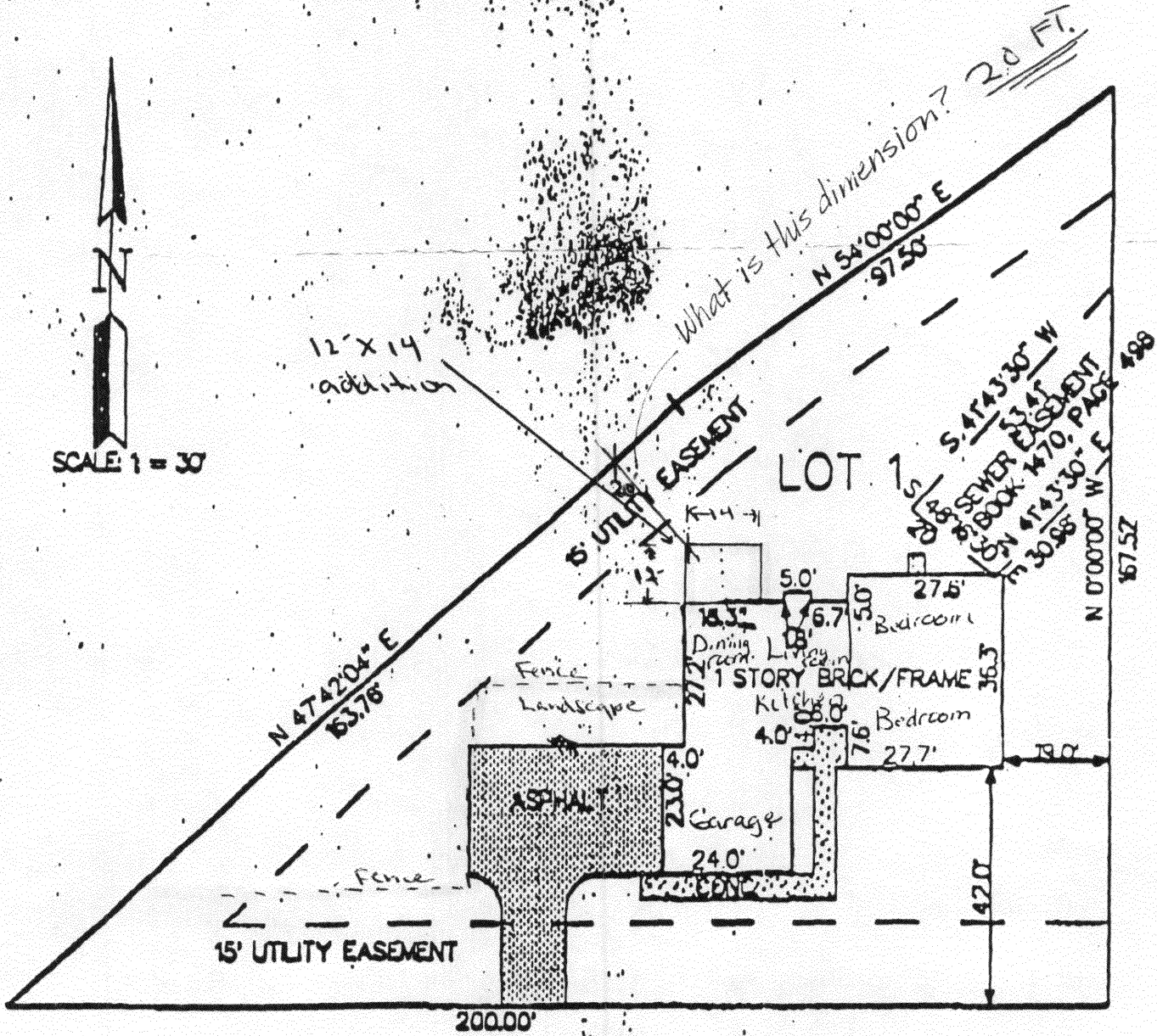
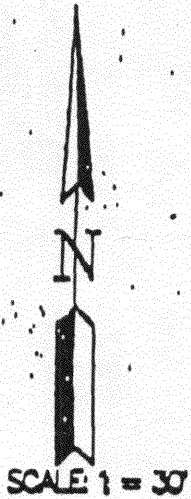


# IMPROVEMENT LOCATION CERTIFICATE

2878 H ROAD

FIRST AMERICAN TITLE #18478  
 DEARTH ACCT.  
 LOT 1 N BLOCK 4 OF PARADISE HILLS SUBDIVISION PLNG NO. 8  
 EXCEPT THE PARCEL CONVEYED IN A DEED DEC 21 1983  
 AT PAGE 498 OF BOOK 1470 MESA COUNTY, COLORADO.

2701-264-25-001



H ROAD

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THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, 10/12/94, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

● = FOUND PIN

*K. Kenneth L. Deen*