

PRE-APPLICATION CONFERENCE

Date: 6/12/96
Conference Attendance: M. Drollinger
Proposal: Front Yard Setback Variance
Location: 307 Cherry Lane

Tax Parcel Number: 2945-244-00-143

Review Fee: \$180

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

Additional ROW required? As per eng

Adjacent road improvements required? 11

Area identified as a need in the Master Plan of Parks and Recreation? NO

Parks and Open Space fees required? No Estimated Amount:

Recording fees required? Yes Estimated Amount:

Half street improvement fees/TCP required? No Estimated Amount:

Revocable Permit required? -

State Highway Access Permit required? -

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

Applicable Plans, Policies and Guidelines Zoning Code.

Located in identified floodplain? FIRM panel # -

Located in other geohazard area? -

Located in established Airport Zone? Clear Zone, Critical Zone, Area of Influence? -

Avigation Easement required? -

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.

Handwritten signatures for Petitioner(s) and Representative(s)

VAR-96-147

2945-251-01-001 Acres: 0.00
RICHARD R WILSON
GLENDA J
2759 UNAWEEP AVE
GRAND JUNCTION, CO 81503-2092

2945-251-00-001 Acres: 0.00
WILLIAM H RICHARDSON
RUBY A
2751 UNAWEEP AVE
GRAND JUNCTION, CO 81503-2091

2945-251-00-002 Acres: 0.00
JOSEPH THEODORE KING
CALEEN L
2753 UNAWEEP AVE
GRAND JUNCTION, CO 81503-2091

2945-251-00-003 Acres: 0.00
BLANCA E MIRANDA
JUAN M GONZALES
562 29 1/2 RD
GRAND JUNCTION, CO 81504-5396

2945-251-00-004 Acres: 0.00
FERN A GOSWICK
2757 UNAWEEP AVE
GRAND JUNCTION, CO 81503-2092

2945-251-00-005 Acres: 0.00
SHELENE J HERLAND
298 CHERRY LN
GRAND JUNCTION, CO 81503-2016

2945-251-00-006 Acres: 0.00
JACQUELYN A MORAN
515 RADO DR
GRAND JUNCTION, CO 81503

2945-251-00-007 Acres: 0.00
AMELIA JUNE MARRIOTT
634 1/2 LOIS ST
CLIFTON, CO 81520-7509

2945-244-00-135 Acres: 0.00
DORA ROMERO
313 CHERRY LN
GRAND JUNCTION, CO 81503-2055

2945-244-00-136 Acres: 0.00
FRED B INGELHART
LAVONIA A
2748 OLSON AVE
GRAND JUNCTION, CO 81503-2033

2945-244-00-137 Acres: 0.00
ROBERT B SWASICK
2754 OLSON AVE
GRAND JUNCTION, CO 81503-2033

2945-244-00-138 Acres: 0.00
TAMARA E STEVENS
2756 OLSON AVE
GRAND JUNCTION, CO 81503-2033

2945-244-00-139 Acres: 0.00
STELLA SOBEL
240 VALENCIA CT
DELAND, FL 32724-2330

2945-244-00-140 Acres: 0.00
WALTER MALLEIS
2751 OLSON AVE
GRAND JUNCTION, CO 81503-2032

2945-244-00-141 Acres: 0.00
VERA B DALE
2753 OLSON AVE
GRAND JUNCTION, CO 81503-2032

2945-244-00-142 Acres: 0.00
SHARON L JOHNSON
HENRY L JOHNSON
2755 OLSON AVE
GRAND JUNCTION, CO 81503-2032

2945-244-00-145 Acres: 0.00
CHRISTOPHER C DENNIS
PO BOX 2891
GRAND JUNCTION, CO 81502-2891

2945-244-00-146 Acres: 0.00
VIVIAN HAHN
808 21 RD
FRUITA, CO 81521

2945-244-00-147 Acres: 0.00
VAL ROWLEY
2756 UNAWEEP AVE
GRAND JUNCTION, CO 81503-2083

2945-244-00-148 Acres: 0.00
CHARLES W ROSS
JOYCE L
302 CHERRY LN
GRAND JUNCTION, CO 81503-2018

2945-244-00-149 Acres: 0.00
C E PICKERING
M L
310 CHERRY LN
GRAND JUNCTION, CO 81503-2018

2945-244-00-150 Acres: 0.00
JACK M PERSONNE
ROMAGEAN C
21945 HIGHWAY 550
RIDGWAY, CO 81432-9660

2945-244-00-051
DUANE L THOMAS
ALICE CASTRO
2750 UNAWEEP AVE
GRAND JUNCTION, CO
81503-2082

2945-244-31-001
SUENOS CORPORATION
524 30 RD STE 1
GRAND JUNCTION, CO 81504

2945-244-31-002
SUENOS CORPORATION
524 30 RD STE 1
GRAND JUNCTION, CO 81504

2945-243-10-021
AMOS CESARIO
MARTHA ELLEN
2748 UNAWEEP AVE
GRAND JUNCTION, CO 81503-2082

2945-244-00-151
DOROTHY WOOD
314 CHERRY LN
GRAND JUNCTION, CO 81503-2018

2945-244-00-152
CESAREO B PENA
PETRA
2758 UNAWEEP AV
GRAND JUNCTION, CO
81503-2083

2945-243-10-005
FRED B INGELHART
L A
2748 OLSON AVE
GRAND JUNCTION CO
81503-2033

2945-243-10-011
FRED B INGELHART
L I
2749 OLSON AVE
GRAND JUNCTION, CO 81503-2032

CITY OF GRAND JUNCTION PETITION FOR VARIANCE

DATE RECEIVED: 6-19-96

FILE NO. VAR-96147

RECEIVED BY: RSE

RECEIPT NO. 4192

PROPERTY OWNER: NATHAN J. & REYNA S. HUMPHREY

MAILING ADDRESS: 307 CHERRY LANE, GRAND JCT CO 81503

PHONE: (HOME) 970-241-8956 (WORK) _____

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

ADDRESS: 307 CHERRY LANE

TAX SCHEDULE #: 2945-244-00-143 ZONE CLASSIFICATION: RSF-8

1. Section(s) of the City of Grand Junction Zoning and Development Code which are requested to be varied:

Section 4-2-6 C (6)

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.

x Nathan Humphrey
Signature of Property Owner

6-19-96
Date

Reyna Humphrey
Signature of Joint Property Owner (if applicable)

Date

Board of Appeals
City of Grand Junction
250 N 5th Street
Grand Junction, CO 81502

Nathan J. & Reyna S. Humphrey
307 Cherry Lane
Grand Junction CO 81503

June 18, 1996

Honorable Members:

Please find the following PROJECT NARRATIVE FOR A VARIANCE REQUEST in regards to property located at 307 Cherry Lane, Grand Junction, CO 81503.

1. The variance request concerns the setback requirements for new construction in an existing neighborhood.
2. The address for the property is 307 Cherry Lane, Grand Junction, CO 81503. The parcel number is 2945-244-00-143. It is located in the Olson Subdivision and is one block north of UnawEEP Avenue on the southwest corner of Cherry Lane and Olson Avenue on Orchard Mesa.
3. The property in question meets City requirements to subdivide the present one lot into two roughly equal lots. RSF-8 zoning requires a minimum front yard setback for local streets of 45 feet and a minimum rear yard setback of 15 feet making a total setback requirement of 60 feet. The present homes in this area, with perhaps one or two exceptions, are built on older lots with a lesser front and rear setback. Present setbacks in this neighborhood are more like 20 feet front yard setback. The hardship is that complying with setback requirements would preclude putting additional construction on this lot as it is only 62 feet deep from property line to property line. It is wide enough that minimum side yard setbacks present no problem.
4. Strict application of the setback requirements would cause an undue and unnecessary hardship for the property owners. Strict application would also adversely affect the existing neighborhood as virtually no other present construction meets these requirements

Nathan and Reyna Humphrey
PROJECT NARRATIVE FOR A VARIANCE REQUEST

Page two

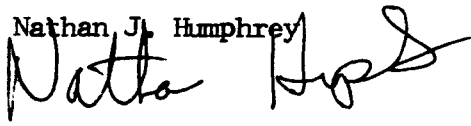
and doing so would cause an unsightly gap in the setback line along the street. Subdividing this lot and constructing a new residence using the existing setback would in no way cause any depreciation of existing homes nor be detrimental to the neighborhood. Many of the older areas of Grand Junction have this situation. Other cities have a requirement that any new construction conform to existing conditions as to setback requirements. The residence contemplated would be approximately 960 square feet, of a modest design, using new materials, and would not change the general character of the neighborhood.

5. The proposed new construction would be "stick built" as opposed to manufactured housing. It is not a spec house, but is intended as a residence for Nathan's parents. We do not wish to cause any hardship for our neighbors. The character of the neighborhood was one of the main drawing points for us when we looked for our home. We have no desire to change anything that attracted us to this area. We have lived here for over four years and we would resent anyone else who would try to change the status quo materially.

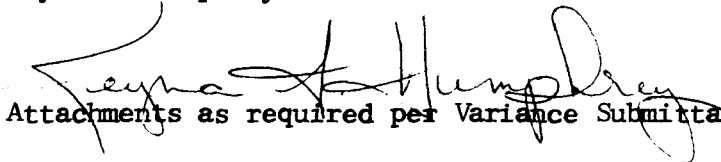
Thank you all for your kind attention and courtesy in reviewing our request.

Respectfully submitted,

Nathan J. Humphrey



Reyna S. Humphrey



Attachments as required per Variance Submittal Checklist

REVIEW COMMENTS

Page 1 of 1

FILE # VAR-96-147 **TITLE HEADING:** Variance - Front Yard Setback

LOCATION: 307 Cherry Lane

PETITIONER: Nathan & Reyna Humphrey

PETITIONER'S ADDRESS/TELEPHONE: 307 Cherry Lane
Grand Junction, CO 81503
241-8956

PETITIONER'S REPRESENTATIVE: Nathan & Reyna Humphrey

STAFF REPRESENTATIVE: Kristen Ashbeck

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. JULY 1, 1996.

CITY COMMUNITY DEVELOPMENT DEPT. 6/26/96
Kristen Ashbeck 244-1437

Provide revised narrative/plan to address the following:

- 1) Correct setback being requested. Plan shows 22 feet, narrative indicates 20 feet. If 22 feet, dimensions on plan do not add up to 62-foot width of lot.
- 2) Clarify that additional structure will not be built until after subdivision is approved/recorded.

CITY DEVELOPMENT ENGINEER 6/26/96
Jody Kliska 244-1591

No Comments.

CITY UTILITY ENGINEER 6/26/96
Trent Prall 244-1590

Contact Customer Service at 1580 for information on water and sewer taps.

TO DATE, NO COMMENTS RECEIVED FROM:
City Attorney

NATHAN J. HUMPHREY

REYNA S. HUMPHREY

307 Cherry Lane

REQUEST FOR VARIANCE

1. To subdivide the property located at 307 Cherry Lane;
2. To change the front yard setback requirement from 45 feet to 20 feet.

In response to your REVIEW COMMENTS dated 6/26/96, please find the following change and addition:

3. PROJECT NARRATIVE, paragraph 2, line 3 is changed to read:
"...is located in the Olson Subdivision..."

4. Petitioner does hereby state and affirm that no change to the property will occur until after the subdivision is approved and recorded. No ground will be disturbed and no building will commence.

- 5.. Map (plan) has been changed to reflect the 20 foot setback as referred to in the PROJECT NARRATIVE.

BOARD OF APPEALS - STAFF REVIEW

FILE: VAR 96-147

DATE: July 3, 1996

REQUEST: Variance to Front Yard Setback

LOCATION: 307 Cherry Lane

APPLICANT: Nathan & Reyna Humphrey

EXISTING LAND USE: Single Family Residence w/ Several Detached Outbuildings

PROPOSED LAND USE: Subdivided into Two Parcels with Single Family
Residence on Each

SURROUNDING LAND USE: All Single Family Residential

EXISTING ZONING: Residential Single Family 8 units per acre (RSF-8)

ZONING AND DEVELOPMENT CODE REQUIREMENT:

Section 4-2-6 C.6. Minimum Front Yard Setback: 45 feet from centerline of right-of-way or
20 feet, whichever is greater

In this case, 45 feet from the centerline of Cherry Lane would require a front yard setback
of 30 feet.

APPEAL OR VARIANCE REQUESTED: 10 feet, allowing a 20-foot front yard setback
for a principal structure.

APPLICANT'S REASON FOR REQUEST:

The applicant is proposing to subdivide the property and construct a second residence on
the vacant proposed southerly lot. There is an existing single family residence on what
would be the northerly lot. Due to the narrow depth of the existing parcel, strict adherence
to setbacks (30-foot front, 15-foot rear) leaves only a 17-foot building envelope for the new
home.

STAFF ANALYSIS:

As previously stated, the petitioner is proposing to subdivide the parcel located at 307 Cherry Lane into two parcels in order to create another buildable lot. Staff agrees that this parcel has an unusual configuration with a very wide street frontage (158 feet) and narrow depth (62 feet) and, the Cherry Lane right-of-way being only 30 feet is also unusual. A typical local residential street has a 44-foot right-of-way. Thus, the front yard setback of the RSF-8 zone of 45 feet from the centerline of the right-of-way calculates to be 23 feet. In the older areas of town, the right-of-way width often exceeds 44 feet, so the 20-foot minimum setback rule is applied. It is not likely that Cherry Lane will ever be improved such that additional right-of-way is required. The 20-foot setback is consistent with other homes along Cherry Lane and with other single family residential areas.

Despite these unusual conditions, staff believes this variance requirement is self-inflicted. The only reason to presently request the variance is in anticipation of the subdivision. A variance is not needed unless the parcel is subdivided to create another buildable parcel. Even if the variance is approved, subsequent approval of the subdivision is questionable. First, the density created by two homes on the area of this parcel is 8.9 units per acre. This exceeds the density of the current RSF-8 zoning. A rezone of the property would also be required. Secondly, the proposed density is not consistent with either the *Draft Growth Plan* or the *Orchard Mesa Neighborhood Plan*. The *Draft Growth Plan* proposes this area to be Residential Medium density (4-7.9 units per acre). The *Orchard Mesa Neighborhood Plan* indicates this area to be Single Family (5 units per acre).

FINDINGS OF REVIEW:

No Conflict with Public Interest. This proposal conflicts with the public interest in that the ultimate goal of subdividing the parcel is not consistent with the intentions of the adopted neighborhood plan.

Exceptional Conditions / Undue Hardship not Self-Inflicted. There are some exceptional conditions in this case such as the narrow depth of the parcel and the narrow width of the Cherry Lane right-of-way. However, the overall hardship in this case is self-inflicted by the petitioner's desire to subdivide the parcel.

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 continue to exist as a single parcel with one residence.

Not Injurious to or Reduce Value of Surrounding Properties. The variance proposal itself is not injurious to surrounding properties but the possible subsequent approval of a rezone and subdivision would detract from the overall neighborhood character, thereby be detrimental to the surrounding properties.

STAFF RECOMMENDATION: Denial of the front yard setback variance.

RECOMMENDED BOARD MOTIONS:

Mr. Chairman, on item VAR 96-147, a variance request of 10 feet for a principal structure, I move that we APPROVE the request for the following reasons:

Mr. Chairman, on item VAR 96-147, a variance request of 10 feet for a principal structure, I move that we DENY the request for the following reasons:

Board of Appeals
City of Grand Junction
250 N 5th Street
Grand Junction, CO 81502

Nathan J. & Reyna S. Humphrey
307 Cherry Lane
Grand Junction CO 81503

June 18, 1996

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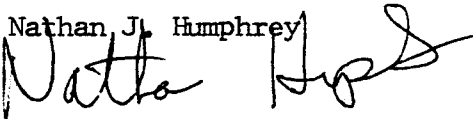
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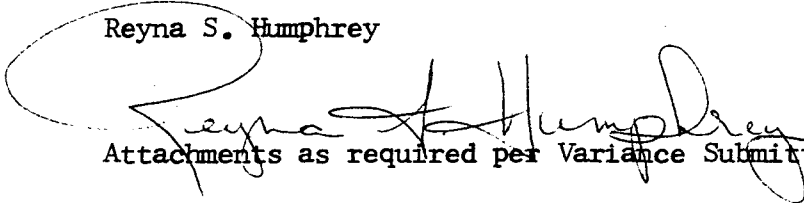
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Respectfully submitted,

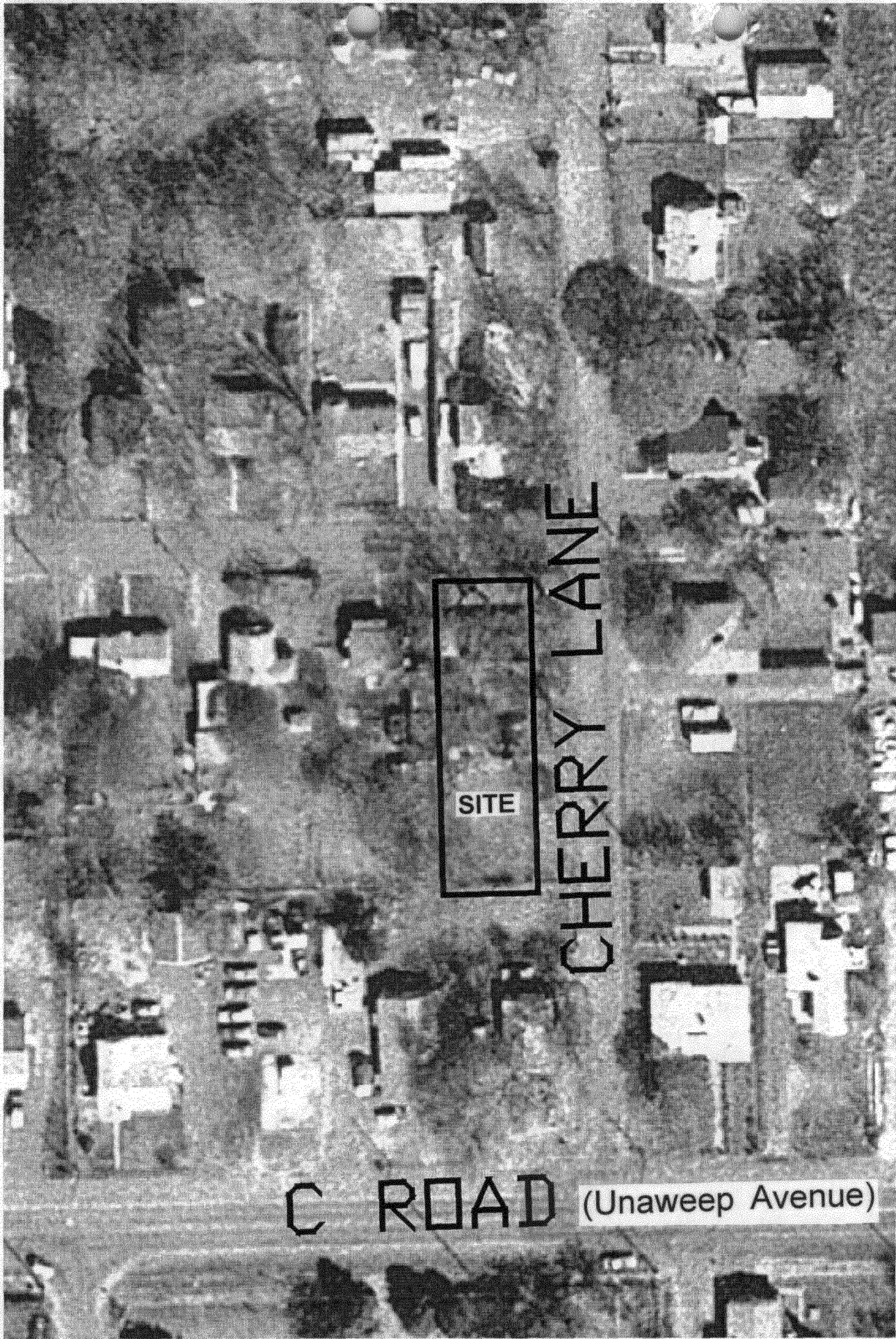
Nathan J. Humphrey



Reyna S. Humphrey



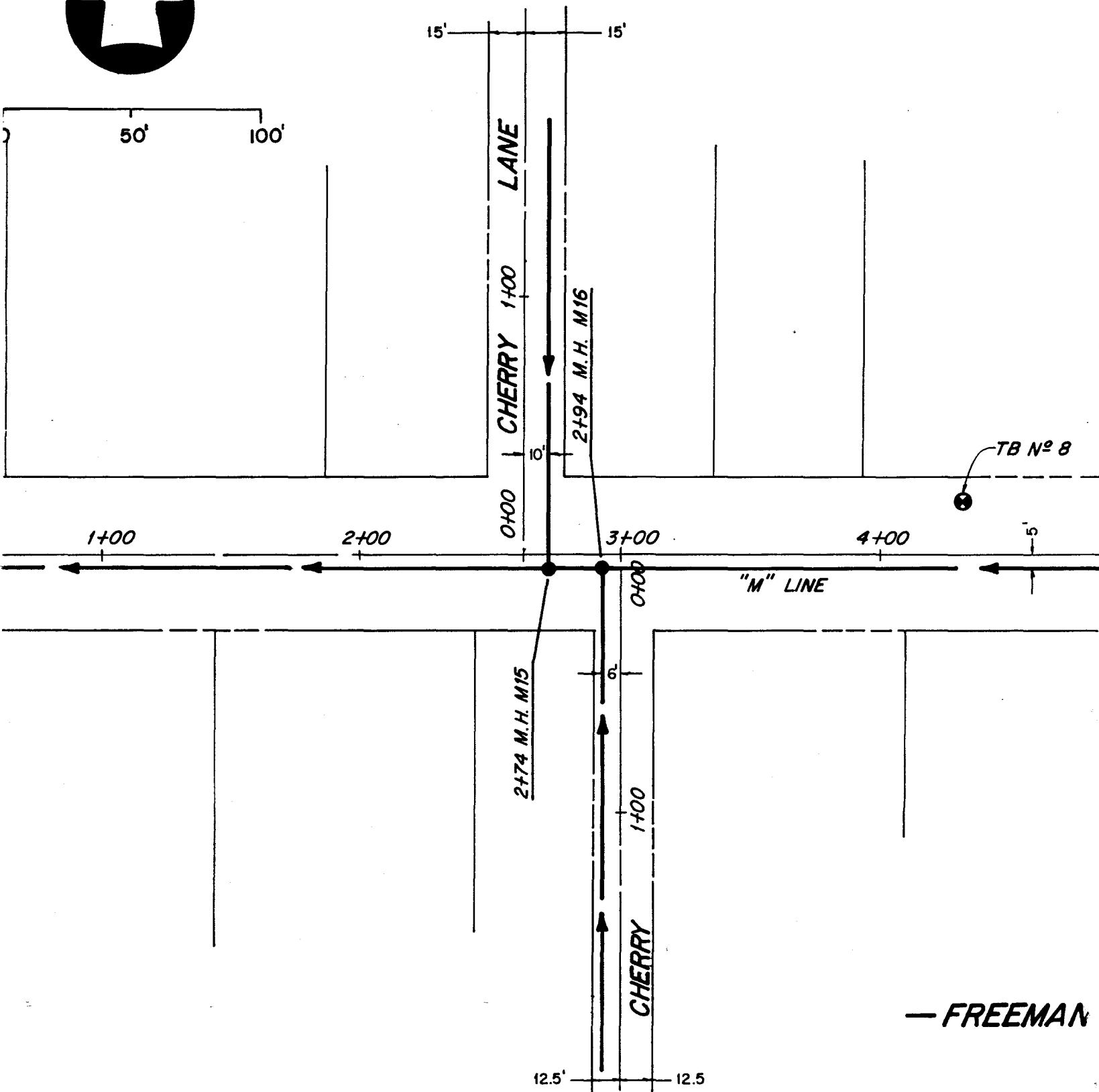
Attachments as required per Variance Submittal Checklist



SITE

CHERRY LANE

C ROAD (Unawep Avenue)



— FREEMAN