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Fil	le _	VAR-1996-147 Name: 307 Cherry Lane – Yard Setback Variance
P r e s e n t	S c a n e d	A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will be found on the ISYS query system in their designated categories. Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page. Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for the contents of each file.
X	X	Table of Contents
		*Review Sheet Summary
X	X	*Application form
X		Review Sheets
		Receipts for fees paid for anything
X	X	*Submittal checklist
X	X	*General project report
		Reduced copy of final plans or drawings
		Reduction of assessor's map.
		Evidence of title, deeds, easements
X	X	*Mailing list to adjacent property owners
		Public notice cards
		Record of certified mail
		Legal description
		Appraisal of raw land
		Reduction of any maps – final copy
	_	*Final reports for drainage and soils (geotechnical reports)
		Other bound or non-bound reports
X	X	Traffic studies
_		*Review Comments
X	X	*Petitioner's response to comments *Staff Reports
-		*Planning Commission staff report and exhibits
\dashv	\dashv	*City Council staff report and exhibits
		*Summary sheet of final conditions
		DOCUMENT DESCRIPTION:
X	X	Correspondence
X		Petition for Variance – 6/19/96
X		Mesa County Treasurer – Tax Notice
- 1	X	Map
X	X	Grayscale Map
X		Board of Appeals - Notice of Public Hearing – sent 6/28/96
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DEVELOPMEN APPLICATION

Community Development Department 250 North 5th Street, Grand Junction, CO 81501 (970) 244-1430

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

Receipt	
Date	
Rec'd By	
Rec'd By File No. VAL 916	147

Date

	situated in Me		te of Colorado, as descr			
PETITION	PHASE	SIZE	LOCATION		ZONE	LAND USE
Subdivision Plat/Plan	☐ Minor ☐ Major					
☐ Rezone				From:	To:	
Development	ODP Prelim Final					
☐ Conditional Use		•				
☐ Zone of Annex						
Variance			307 cherry lone	R5F-8		Residential
☐ Special Use						
☐ Vacation						☐ Right-of Way ☐ Easement
☐ Revocable Permit						
☐ Site Plan Review						
☐ Property Line Adj.			•			
Property Owner Name, NATHAN RE-YNA S Address	HILM PF	IREY De	veloper Name SAME		Represent	tative Name
307 CHE	-RRY L	, , - A N C	uress		Address	
nty/State/Zip		Cit	y/State/Zip		City/State	z/Zip
GRAND Ju	-NC-TIDA	4.60	81503		L	
Business Phone No. 970 - 241 -		Bu	siness Phone No.		Business	Phone No.
OTE: Legal property	~ , · · ·	of record on	late of submittal.			
Ve hereby acknowledge that information is true and com- omments. We recognize the vill be drouped from the ag information of Person Com-	aplete to the best of at we or our repressional an addition	our knowledge, centative(s) must ctional fee charg	and that we assume the be present at all required t	responsibility to n hearings. In the e	nonitor the status of the event that the petitioner t can again be placed o	e application and the rev is not represented, the i
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VARIANCE

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PRE-APPLICATION CONFERENCE

Date: 6 12 96 Conference Attendance: M. Droll Proposal: Front Yand Setback Location: 307 Cherry Lane	inger Varjarce									
Tax Parcel Number: 2545-244 - Review Fee: \$180 (Fee is due at the time of submittal. M.		rand Junction.)								
Additional ROW required? As per of Adjacent road improvements required Area identified as a need in the Maste	r Plan of Parks and Recreation? N									
		Estimated Amount: Estimated Amount: Estimated Amount:								
State Highway Access Permit required On-site detention/retention or Drainag	State Highway Access Permit required? On-site detention/retention or Drainage fee required? Applicable Plans, Policies and Guidelines									
Located in identified floodplain? FIR Located in other geohazard area?	M panel #									
Located in established Airport Zone? Avigation Easement required?		Influence?								
	attention as needing special attention	aration and design, the following "checked" on or consideration. Other items of special								
O Access/Parking O Drainage O Floodplain/Wetlands Mitigation O Other Related Files:	O Screening/Buffering O Landscaping O Availability of Utilities	O Land Use Compatibility O Traffic Generation O Geologic Hazards/Soils								
	nform the neighboring property ow	ners and tenants of the proposal prior to the								

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.

Signature(s) of Petitioner(s)

Signature(s) of Representative(s)

2945-251-00-001 Acres: 0.00 2945-251-01-001 Acres: 0.00 2945-251-00-002 Acres: 0.00 RICHARD R WILSON WILLIAM H RICHARDSON JOSEPH THEODORE KING GLENDA J RUBY A CALEEN L 2751 UNAWEEP AVE 2759 UNAWEEP AVE 2753 UNAWEEP AVE GRAND JUNCTION, CO 81503-2092 GRAND JUNCTION, CO 81503-2091 GRAND JUNCTION, CO 81503-2091 2945-251-00-003 Acres: 0.00 2945-251-00-004 Acres: 0.00 2945-251-00-005 Acres: 0.00 BLANCA E MIRANDA FERN A GOSWICK SHELENE J HERLAND JUAN M GONZALES 562 29 1/2 RD 2757 UNAWEEP AVE 298 CHERRY LN GRAND JUNCTION, CO 81504-5396 GRAND JUNCTION, CO 81503-2092 GRAND JUNCTION, CO 81503-2016 2945-251-00-006 Acres: 0.00 2945-251-00-007 Acres: 0.00 2945-244-00-135 Acres: 0.00 JACQUELYN A MORAN AMELIA JUNE MARRIOTT DORA ROMERO 515 RADO DR 634 1/2 LOIS ST 313 CHERRY LN CLIFTON, CO 81520-7509 GRAND JUNCTION, CO 81503-2055 GRAND JUNCTION, CO 81503 2945-244-00-137 Acres: 0.00 2945-244-00-136 Acres: 0.00 2945-244-00-138 Acres: 0.00 FRED B INGELHART ROBERT B SWASICK TAMARA E STEVENS LAVONIA A 2754 OLSON AVE 2748 OLSON AVE 2756 OLSON AVE GRAND JUNCTION, CO 81503-2033 GRAND JUNCTION, CO 81503-2033 GRAND JUNCTION, CO 81503-2033 2945-244-00-139 Acres: 0.00 2945-244-00-140 Acres: 0.00 2945-244-00-141 Acres: 0.00 STELLA SOBEL WALTER MALLEIS VERA B DALE 240 VALENCIA CT 2751 OLSON AVE 2753 OLSON AVE DELAND, FL 32724-2330 GRAND JUNCTION, CO 81503-2032 GRAND JUNCTION, CO 81503-2032 2945-244-00-142 Acres: 0.00 2945-244-00-145 Acres: 0.00 2945-244-00-146 Acres: 0.00 CHRISTOPHER C DENNIS VIVIAN HAHN SHARON L JOHNSON HENRY L JOHNSON PO BOX 2891 808 21 RD 2755 OLSON AVE GRAND JUNCTION, CO 81502-2891 GRAND JUNCTION, CO 81503-2032 FRUITA, CO 81521 2945-244-00-147 Acres: 0.00 2945-244-00-148 Acres: 0.00 2945-244-00-149 Acres: 0.00 VAL ROWLEY C E PICKERING CHARLES W ROSS JOYCE L МL 2756 UNAWEEP AVE 302 CHERRY LN 310 CHERRY LN GRAND JUNCTION, CO 81503-2083 GRAND JUNCTION, CO 81503-2018 GRAND JUNCTION, CO 81503-2018 2945-244-31-001 2945-244-00-150 Acres: 0.00 2945-244-00-051 DUANE L THOMAS JACK M PERSONNE SUENOS CORPORATION ALICE CASTRO 524 30 RD STE 1 ROMAGEAN C 21945 HIGHWAY 550 2750 UNAWEEP AVE GRAND JUNCTION, CO GRAND JUNCTION, CO 81504 RIDGWAY, CO 81432-9660 81503-2082 2945-244-31-002 2945-243-10-021 2945-244-00-151 SUENOS CORPORATION AMOS CESARIO DOROTHY WOOD MARTHA ELLEN 314 CHERRY LN 524 30 RD STE 1 GRAND JUNCTION, CO 81504 2748 UNAWEEP AVE GRAND JUNCTION, CO 81503-2018 GRAND JUNCTION, CO 81503-2082 2945-244-00-152 2945-243-10-005 2945-243-10-011 FRED B INGELHART CESAREO B PENA FRED B INGELHART 2748 OLSON AVE 2758 UNAWEEP AV 2749 OLSON AVE GRAND JUNCTION, CO GRAND JUNCTION CO

81503-2033

81503-2083

GRAND JUNCTION, CO 81503-2032

CITY OF GRAND JUNCTION PETITION FOR VARIANCE

	DATE RECEIVED: 6-19-96	FILE NO. <u>VAR-96147</u>
	RECEIVED BY: RSE	RECEIPT NO. 4192
-	PROPERTY OWNER: NATHAN J.	REYNAS. HELMPHNEY
	MAILING ADDRESS: 307 CHERNY	LANG GRAND SCT CO 8,50
	PHONE: (HOME) 479 341 - 8956	(WORK)
	I (We), the undersigned, hereby petition for a varia	ance on the property located at:
	ADDRESS: 307 CHERRY LANE	
	TAX SCHEDULE #: 2345 - 244 -00 - 143	ZONE CLASSIFICATION: RSF + 8
	1. Section(s) of the City of Grand Junction Zo	oning and Development Code which are
	requested to be varied:	
	Section 4-2-6 (6)	
	WITH RESPECT TO THE PREPARATION OF THIS SUBMITTAL, THA	IARIZED OURSELVES WITH THE RULES AND REGULATIONS THE FOREGOING INFORMATION IS TRUE AND COMPLETE
	TO THE BEST OF OUR KNOWLEDGE, AND THAT WE ASSUME RESP WE RECOGNIZE THAT WE, OURSELVES, OR OUR REPRESENTATIVE	E MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT
	THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPF TO COVER RESCHEDULING EXPENSES BEFORE IT CAN AGAIN B	'ED'FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED
	.) 11-11 \	
	11.H LL	\mathcal{A}
Х	Marka Bust	Jegna Hunghiga
Χ	Signature of Property Owner,	Signature of Joint Property Owner (if applicable)

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 adversly 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 Gramd 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.

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 afirm 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.

VAR 96-147 / July 3, 1996 / Page 3

Not Injurous to or Reduce Value of Surrounding Properties. The variance proposal itself is not injurous 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

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 Suenos Minor 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 adversly affect the existing neighborhood as virtually no other present construction meets these requirements

Nathan and Reyna Humphrey
PROJECT NARRATIVE FOR A VARIANCE REQUEST

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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,

Reyna S. Humphrey

Attachments as required per Variance Submittal Checklist



