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File \_\_\_\_\_ VAR-1996-205

Name: Variance - Rear Yard Setback - 841 Yucatan Court

Р	S	A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS
r	с	retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development
e	a	file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will
s	n	
e n	n e	be found on the ISYS query system in their designated categories.
ť	d	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.
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x		Petition for Variance – 9/10/96
X		Paradise Hills Sub. plat – Filing #7-GIS Historical Maps - **
x		Exhibit – Setback Variance
X	X	Planning Clearance – issued 8/17/98 - **
	_T	
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# DEVELOPMEN APPLICATION

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

Receipt	
Date	
Rec'd By	
File No.	

We, the undersigned, being the owners of property	,
situated in Mesa County, State of Colorado, as described herein do h	ereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
Subdivision Plat/Plan	□ Minor □ Major				
🛛 Rezone				From: To:	
Planned Development	□ ODP □ Prelim □ Final				
Conditional Use					
Zone of Annex					
Variance			841 Yucatan	RSF-5	SF Res
Special Use					
□ Vacation					<ul> <li>Right-of Way</li> <li>Easement</li> </ul>
Revocable Permit					
□ Site Plan Review					
D Property Line Adj.					

X Bray & Company. Property Owner Name

X Same Developer Name

1015 North 7th St. Address

Address

City/State/Zip

Grund Jct. Co. 81501 City/State/Zip

<u>970 - 242 - 3647</u> Business Phone No.

Business Phone No.

970 - 215 - 4099 Business Phone No.

X Landespin LLC Representative Name

Grand J.d. Co. 8150/ City/State/Zip

259 Grand Ave Address

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.

Signature of Person Completing Application

<u>9-11-96</u> Date

<u>(CMpan</u> Owner(s) - attac IT necessar

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ITEMS	······································	C						_					]	<u>) </u>	<u>S</u> TI	RIE	3U	TI	10	N							
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NOTES: * An asterisk in the item descrip																											

PR	RE-APPLICATION CONFER	RENCE						
Date: $9/10/96$ Conference Attendance: $1/14$ Proposal: $84/7477$ Var Location: $84/7102$ Tax Parcel Number: $270/-22$ Review Fee: $8/80$ (Fee is due at the time of submittal. M	53-07-044							
Additional ROW required?	······································							
Adjacent road improvements required	d?	······································						
		Estimated Amount:						
Recording fees required?		Estimated Amount:Estimated Amount:						
Half street improvement fees/TCP rec	quired?	Estimated Amount:						
Revocable Permit required? State Highway Access Permit require								
State Highway Access Permit require	/d?							
On-site detention/retention or Drainag	ge fee required?							
Located in identified floodplain? FIR Located in other geohazard area?	(M panel #							
	Located in established Airport Zone? Clear Zone, Critical Zone, Area of Influence?							
	attention as needing special attention	ration and design, the following "checked" n or consideration. Other items of special						
O Access/Parking	O Screening/Buffering	O Land Use Compatibility						
O Drainage	O Landscaping	O Traffic Generation						
O Floodplain/Wetlands Mitigation	O Availability of Utilities	O Geologic Hazards/Soils						
O Other Related Files:								
Kelated Flies.								

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.

Um Signature(s) of Petitioner(s)

X Clenke M. Bart Signature(s) of Representative(s)

**James Hurtte** 2697 Lanai Court Grand Junction, CO 81506-8615

**Gary Curtiss** 846 Lanai Drive Grand Junction, CO 81506

Eric Schneider 277 Arlington Grand Junction, CO 81503

**McNellis-Midland Homes** 445 Chipeta Ave, #14 Grand Junction, CO 81501

**Richard Hammond** 2702 Malibu Drive Grand Junction, CO 81506-1736

**Russell Walker** 2706 Del Mar Drive Grand Junction, CO 81506-1769

Dennis Osborn 719 Arrowest Court Grand Junction, CO 81505-9739

Mark Lyden 2703 Cancun Court Grand Junction, CO 81506

Robert Bray Bray & Company 1015 N 7th St. Grand Junction, CO 81501 **Shirley Barley** 2699 Lanai Court Grand Junction, CO 81506-8615

Louis Moglia 848 Lanai Drive Grand Junction, CO 81506

Roger McWilliams 846 E. Yucatan Court Grand Junction, CO 81506

James Harris 2715 Eden Court Grand Junction, CO 81506

Larry Vanhole 2704 Malibu Drive Grand Junction, CO 81506-1736

**Thomas Flynn** 2708 Del Mar Drive Grand Junction, CO 81506-1769

Margaret Herndon 2707 Cancun Court Grand Junction, CO 81506-8606

Charles Quinn 2705 Cancun Court

**Richard Manchester** 2698 Lanai Court Grand Junction, CO 81505-8615

Bray & Company 1015 N. 7th Street Grand Junction, CO 81501-3102

Donald Warne 2708 Eden Court Grand Junction, CO 81506

James Hauger 643 Lauradale Drive Grand Junction, CO 81504

Brian Franklin 2702 Del Mar Drive Grand Junction, CO 81506-1724

Frank Pfeifer 2710 Del Mar Drive Grand Junction, CO 81506-1769

Grand Junction, CO 81506-8606

Mike Best Landesign, LLC 259 Grand Ave. Grand Junction, CO 81501 Community Development Dept. City of Grand Junction 250 N 5th St. Grand Junction, CO 81501

1 VAR-96-205

# **CITY OF GRAND JUNCTION PETITION FOR VARIANCE**

RECEIVED BY: RECEIPT NO PROPERTY OWNER: Brog #Company MAILING ADDRESS: 1013 North 7th Street 6. V. Co. 81501 PHONE: (HOME) MA
MAILING ADDRESS: 1013 North 7th Street 6.5. Co. 81501
PHONE: (HOME) 1/1 (WORK) 242-3647
I (We), the undersigned, hereby petition for a variance on the property located at:
ADDRESS: 841 Weatanet
TAX SCHEDULE #: $2701 - 253 - 07 - 044$ ZONE CLASSIFICATION: $RSF - 5$
1. Section(s) of the City of Grand Junction Zoning and Development Code which are
4-2-5 RSF-5 Rear Yard Setback (Principal Structure)
25 feet
NHONSEN 97/
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 Bray and Company By Signature of Property Owner Signature of Joint Property Owner (if applicable) 9-10-96

Date

Date

# POSTING OF PUBLIC NOTICE SIGNS

The posting of the Public Notice Sign is to make the public aware of development proposals. The requirement and procedure for public notice sign posting are required by the City of Grand Junction Zoning and Development Code.

To expedite the posting of public notice signs the following procedure list has been prepared to help the petitioner in posting the required signs on their properties.

- 1. All petitioners/representatives will receive a copy of the Development Review Schedule for the month advising them of the date by which the sign needs to be posted. IF THE SIGN HAS NOT BEEN PICKED UP AND POSTED BY THE REQUIRED DATE, THE PROJECT WILL NOT BE SCHEDULED FOR THE PUBLIC HEARING.
- 2. A deposit of \$50.00 per sign is required at the time the sign is picked up.
- 3. You must call for utility locates before posting the sign. Mark the location where you wish to place the sign and call 1-800-922-1987. You must allow two (2) full working days after the call is placed for the locates to be performed.
- 4. Sign(s) shall be posted in a location, position and direction so that:
  - a. It is accessible and readable, and
  - b. It may be easily seen by passing motorists and pedestrians.
- 5. Sign(s) MUST be posted at least **10 days** before the Planning Commission hearing date and, if applicable, shall stay posted until after the City Council Hearing(s).
- 6. After the Public Hearing(s) the sign(s) must be taken down and returned to the Community Development Department within FIVE (5) working days to receive a full refund of the sign deposit. For each working day thereafter the petitioner will be charged a \$5.00 late fee. After eight working days Community Development Department staff will retrieve the sign and the sign deposit will be forfeited in its' entirety.

The Community Development Department staff will field check the property to ensure proper posting of the sign. If the sign is not posted, or is not in an appropriate place, the item will be pulled from the public hearing agenda.

I have read the above information and agree to its terms and conditions.

Clurk m. Best	9-24-96
SIGNATURE	DATE
FILE #/NAME VAR-96-205 841 VUCC	<u>tan Ct.</u> RECEIPT # 4629
PETITIONER/REPRESENTATIVE: Landesign	PHONE #
DATE OF HEARING: 10-9-96	POST SIGN(S) BY: 9-27-96
DATE SIGN(S) PICKED-UP	RETURN SIGN(S) BY: 10-16-96
DATE SIGN(S) RETURNED $10 - 10 - 96$	RECEIVED BY: SLC
1 H Gr	08258

# **PROJECT NARRATIVE**

This is a request for the variance of the rear yard set back for 841 Yucatan Court. The property is located at Lot 44, Block 3, Paradise Hills Subdivision, Filing No. 7.

The site plan for Lot 44, Block 3, depicts the reduced rear set back requested as a hatched area. This lot has an overhead Grand Valley Rural Power easement and a 15' utility and irrigation easement located along the rear property line. At this time, there are no utilities constructed in the 15' utility easement as all of the utilities have been installed in the easement along the front of the lot.

There would be no conflict with the public interest as there are no property owners along the rear property line. The private open space containing a drainage ditch located along the rear property line provides more than adequate buffering for the future residence of 841 Yucatan Court.

This rear set back of 25 feet restricts the building envelope for this lot. We are proposing that the rear building envelope line be moved to coincide with the easement line so that a reasonable structure could be constructed on this lot.

The public health, safety or welfare will not be compromised with the variance.

The reasonable use of the property would be greatly improved as a structure could now be built which would be in keeping with the adjacent properties in the area.

The value of the adjacent properties would remain equal or improve as a comparable size and style of structure could be constructed on the property.

# **REVIEW COMMENTS**

Page 1 of 1

FILE #VAR-96-205

TITLE HEADING:

Rear Yard Variance

LOCATION: 841 Yucatan Court

**PETITIONER:** 7 Joint Venture

**PETITIONER'S ADDRESS/TELEPHONE:** 

c/o Robert Bray 1015 N 7th Street Grand Junction, CO 81501 242-3647

Mike Best, LANDesign

**PETITIONER'S REPRESENTATIVE:** 

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. SEPTEMBER 30, 1996.

CITY COMMUNITY DEVELOPMENT	9/16/96
Kristen Ashbeck	244-1437
1. What is being proposed for this parcel? A footprint of pro Site Plan. Also indicate the square footage of the propose	
	1. If it is the area of variance it is much larger
that 5' (10-12 feet along the northern side?)	
CITY DEVELOPMENT ENGINEER	9/19/96
Jody Kliska	244-1591
No comment.	
CITY UTILITY ENGINEER	9/23/96
Trent Prall	244-1590
No part of the proposed structure (including roof overhang) may e	encroach into the existing 20' utility easement.
CITY CODE ENFORCEMENT	9/23/96
Jan Koehn	244-1593
Hardship appears to be self-induced because lot is vacant at this time	me.
GRAND VALLEY RURAL POWER	9/17/96
Perry Rupp	242-0040
No comment at this time.	

### **TO DATE, NO COMMENTS RECEIVED FROM:**

City Property Agent City Attorney Homeowner's Association September 27,1996

City of Grand Junction City Community Development 520 Rood Ave. Grand Junction, CO 81501

LANDesign

Re: Rear Yard Variance for 841 Yucatan Court

Dear Kristen Ashbeck:

The following are the responses to the review comments received for the above referenced site:

City Community Development:

Item 1: The average square footage of structures in the area is 1862. The proposed residence will be of a two-story wood frame construction. The majority of the structures in the subdivision are single-story ranch style homes. The design of this structure has not been completed at this time, but it will be constructed to conform with the rear lot line. It is anticipated that it will consist of a living area of approximately 1500 to 1600 square feet not including the garage. The garage will have a capacity of two cars. The minimum square footage required by the CCR's is 1500.

Item 2: The variance requested is to provide a building envelope that extends to the 20 foot utility easement located along the west property line. This lot is very narrow and with the present building envelope the size of the structure is limited. The rear yard will be enclosed by privacy fences on all sides for the residence. The outside living area that the setbacks maintain will only be slightly diminished. The rear of this lot borders the "Tract A", private open space, providing additional buffering between the proposed residence and the existing lots located to the west and south. None of the proposed residence will be located in the 15 foot utility easement located along the south west property line or the 20 foot utility easement located along the north west property line. It our belief that request for this rear yard variance is justified because of the reasons stated above.

City Utility Engineer:

Item 1: No part of the proposed structure will be located within the 15' or the 20' utility easement located along the west property lines. This will include any roof overhangs.

September 27, 1996 Page 2

City Code Enforcement:

Item 1: This hardship is self-induced because of the building set back requirements for this lot. This request is for relief from the set back requirements for a proposed structure. We are asking for the variance before the residence is built not after it has been constructed in error and there is no choice but to grant the variance or remove the residence.

Very truly yours,

White Best

Mike Best Project Manager

Approved BOA 10/9/96 4-0

# **BOARD OF APPEALS - STAFF REVIEW**

FILE: VAR-96-205

DATE: October 2, 1996

REQUEST: Rear Yard Setback Variance

LOCATION: 841 East Yucatan Court / Paradise Hills North / Lot 44

APPLICANT: 7 Joint Venture

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Single Family Residence with Attached Garage

SURROUNDING LAND USE:

NORTH: Open Space Tract SOUTH: Vacant EAST: Single Family Residential WEST: Open Space Tract

EXISTING ZONING: Residential Single Family, 5 units per acre (RSF-5)

SURROUNDING ZONING: All RSF-5

ZONING AND DEVELOPMENT CODE REQUIREMENT:

Section 4-2-5 Minimum Rear Yard Setback: 25 feet

APPEAL OR VARIANCE REQUESTED:

10 feet for a rear yard setback of 15 feet

APPLICANT'S REASON FOR REQUEST:

A reasonably-sized structure in keeping with the adjacent properties cannot be constructed on this parcel without this variance.

### VAR-96-205 / 10/2/96 BOA / Page 2

# STAFF ANALYSIS:

The parcel located at 841 East Yucatan Court in Paradise Hills North is presently vacant. The petitioner is proposing to construct a new 1,600-square foot single family residence on the parcel. The parcel does have an unusually large easement across the back (west side), however, it is well within the 25-foot rear yard setback requirement. The lot also has a different shape than a typical rectangular lot, however, there are other lots in the neighborhood with odd shapes (e.g. Lot 2, Block 2 on East Yucatan Court) that have been successfully developed without the need for a variance. Finally, the net building area (building envelope) of this lot is not unlike others in the neighborhood--it is reasonably sized and can accommodate a residence similar to those throughout the subdivision.

Generally, staff believes the hardship in this case is self-inflicted. The petitioner has not provided a footprint for the proposed residence, thus, has not demonstrated that a reasonably sized structure cannot fit on the parcel without a variance. It appears that other design options such as reconfiguration or a 2-story design have not been considered. These other options could satisfy the petitioner's desire to construct a "reasonably-sized residence in keeping with the adjacent properties in the area". There is also the option to perhaps build the proposed residence on a different lot in the neighborhood. The petitioner has not demonstrated that these options have been exhausted and that a variance is the <u>only</u> remaining alternative.

#### FINDINGS OF REVIEW:

**No Conflict with Public Interest.** It is within the public interest to uphold the regulations of the Zoning and Development Code when a unique situation or hardship has not been demonstrated.

**Exceptional Conditions / Undue Hardship not Self-Inflicted.** As previously stated, a hardship has not been demonstrated--it is self-inflicted by the design chosen for the proposed residence.

Not Detrimental to Public Health, Safety or Welfare. The proposal will not be detrimental to the public health, safety or welfare.

No Reasonable Use of Property without a Variance. The building envelope is of sufficient size to allow for construction of a residence that is similar in size and style to those within the neighborhood without the need for a variance.

**Not Injurious to or Reduce Value of Surrounding Properties.** The proposal will not be detrimental to surrounding properties.

# VAR-96-205 / 10/2/96 BOA / Page 3

# STAFF RECOMMENDATION:

Denial of the rear yard setback variance.

### SUGGESTED BOARD OF APPEALS MOTIONS:

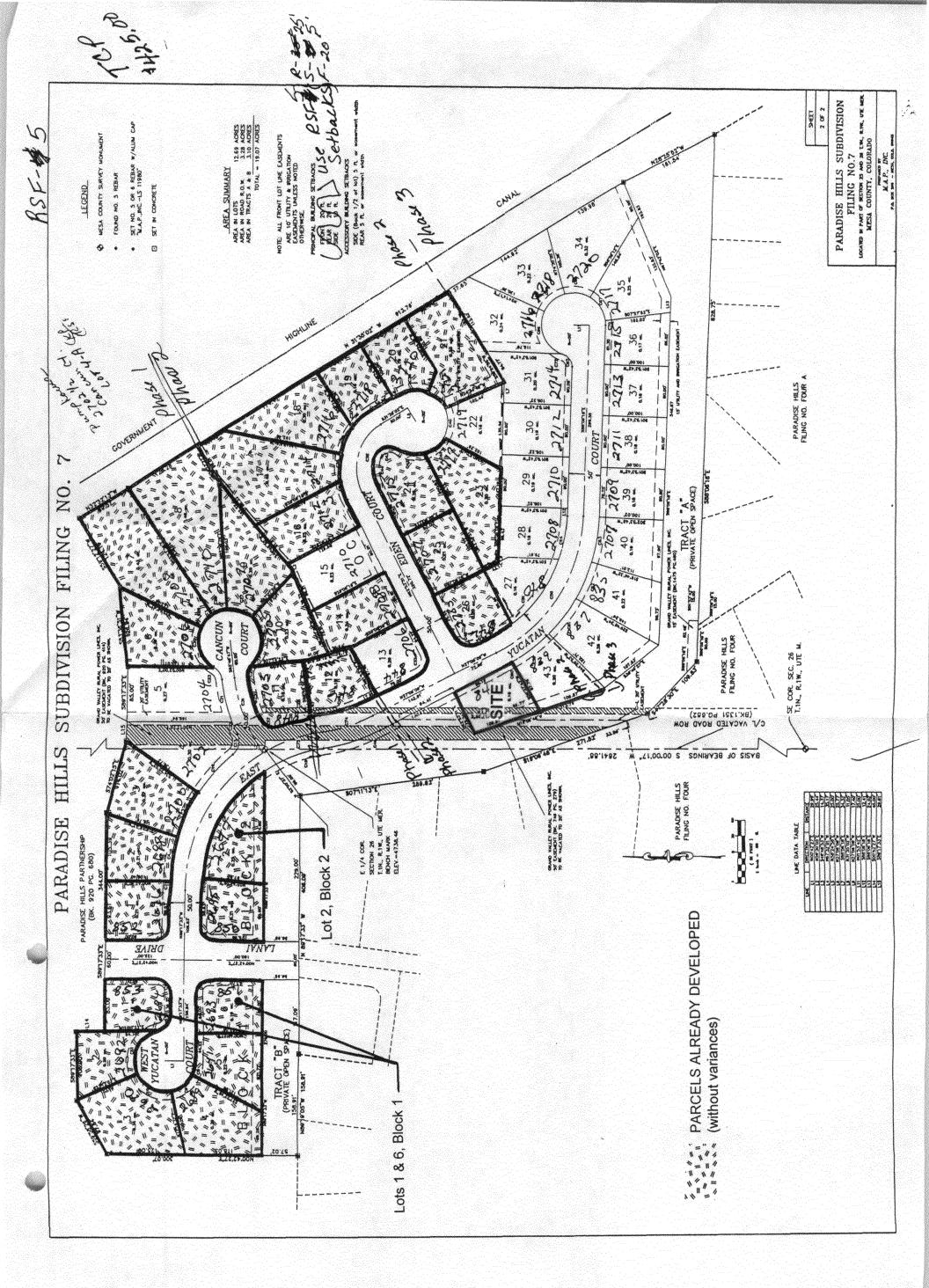
Mr. Chairman, on item VAR-96-205, a request for a rear yard variance of 10 feet to allow a setback of 15 feet for a new residence at 841 East Yucatan Court, I move we APPROVE the request for the following reasons:

Mr. Chairman, on item VAR-96-205, a request for a rear yard variance of 10 feet to allow a setback of 15 feet for a new residence at 841 East Yucatan Court, I move we DENY the request for the following reasons:

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

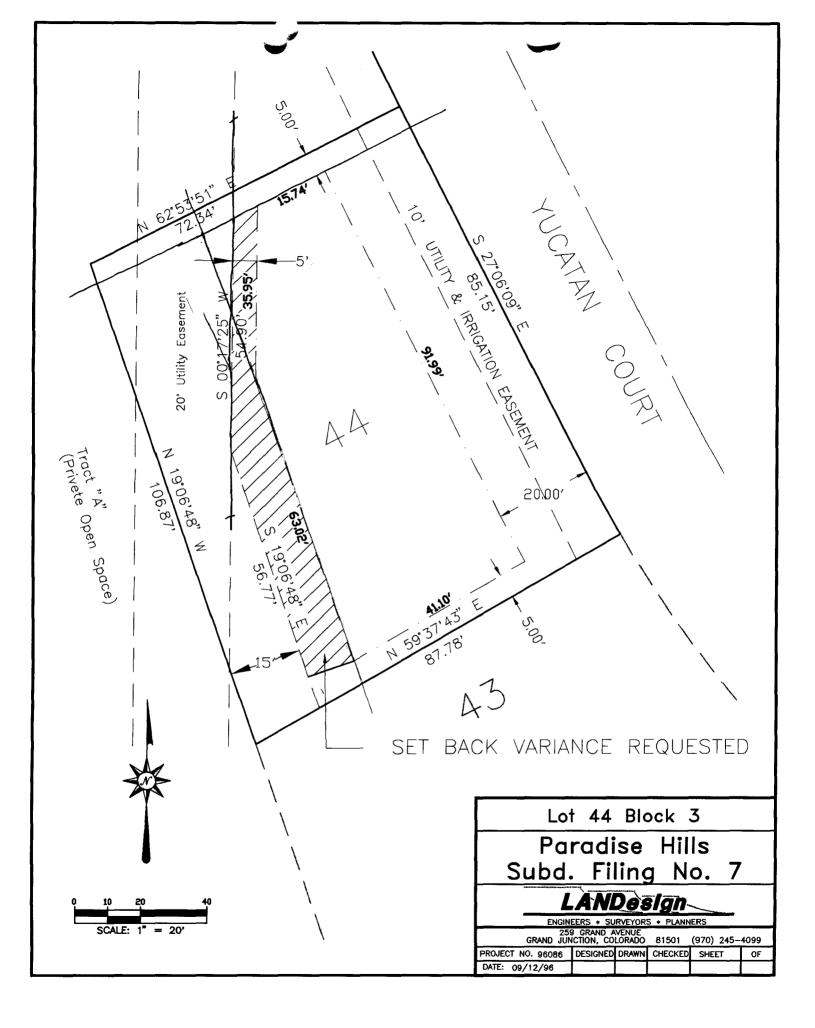
Lot 44, Block 3, Paradise Hills, Filing No. 7

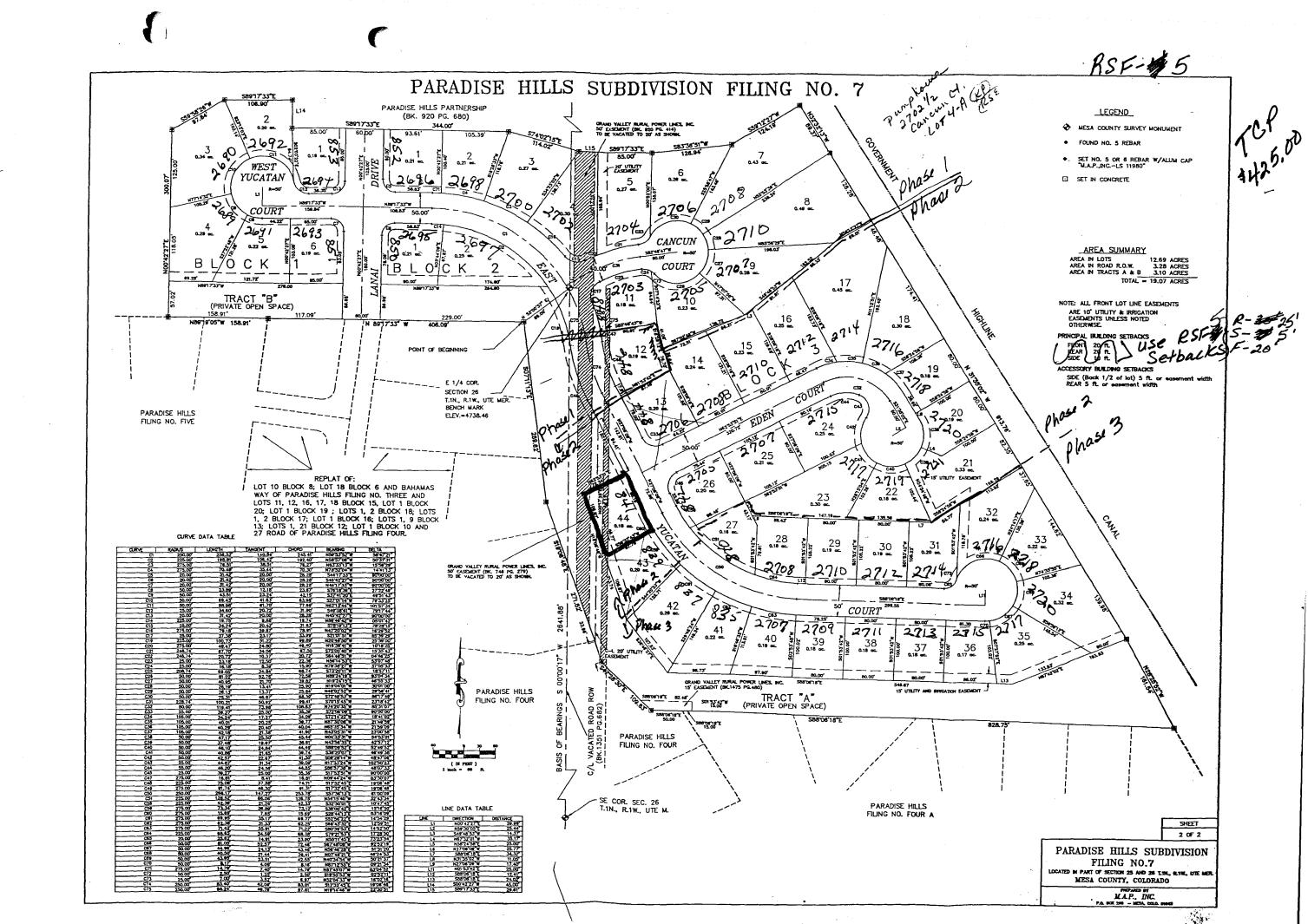




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