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Fil	le	VAR-1996-206 Name: Variance – Rear Y	'aı	rd S	Setback - 844 Yucatan						
P r e s e n t	S c a n n e d	A few items are denoted with an asterisk (*), which means the retrieval system. In some instances, items are found on the list file because they are already scanned elsewhere on the system. be found on the ISYS query system in their designated categori Documents specific to certain files, not found in the standard ch Remaining items, (not selected for scanning), will be listed and a the contents of each file.	b T ies	ut 'he s. ckl	are not present in the scanned electronic development ese scanned documents are denoted with (**) and will list materials, are listed at the bottom of the page.						
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X	X	*Review Comments									
		*Petitioner's response to comments									
X	X	*Staff Reports									
	Î	*Planning Commission staff report and exhibits									
		*City Council staff report and exhibits									
		*Summary sheet of final conditions									
	DOCUMENT DESCRIPTION:										
X	X	Planning Clearance – issued 11/4/96 - **	Т								
X		Petition for Variance	\dagger								
X		Posting of Public Notice Signs – signed 9/24/96	†								
X		Notice OF Public Hearing – Board of Appeals – sent 9/25/96	1								
		Board of Appeals – 10/2/96 – revised 12/96 – Bk 2326/Pg449	T								
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DEVELOPMENT APPLICATION

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

<i>)</i>	
Receipt	
Date	
Rec'd By	
File No.	

	situated in M		ndersigned, being the ov te of Colorado, as descr		y petition this:	
PETITION	PHASE	SIZE	LOCATION	ZON	E	LAND USE
☐ Subdivision Plat/Plan	☐ Minor ☐ Major					
☐ Rezone				From:	To:	
PlannedDevelopment	ODP Prelim Final					
☐ Conditional Use					,	
☐ Zone of Annex						
Variance			844 Yucatan	RSF-5	· · · · · · · · · · · · · · · · · · ·	SF Res
☐ Special Use					· .	
☐ Vacation						☐ Right-of Way ☐ Easement
☐ Revocable Permit						
☐ Site Plan Review						
☐ Property Line Adj.			·			
Bray & Company Property Owner Name	<u> </u>	. Dev	<i>5: am E</i> veloper Name		X Lande Representa	tive Name
1015 North 7th. Address	5%.	A 1	dress		259 G	rand Ave
		Ado	aress			
Grand Jel. Co. City/State/Zip	81501	Cita	//State/Zip		Citylstatal	Jd. 6 8150
		City	//State/Zip		•	•
<i>970 - 242-3647</i> Business Phone No.	7	Pue	iness Phone No.		970 - Business Pl	215-4099
					Dusniess Fi	ione ivo.
OTE: Legal property	owner is owner	of record on d	ate of submittal.			
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VARIANCE

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NOTES: * An asterisk in the item description column indicates that a form is supplied by the City.

APRIL 1995

PRE-APPLICATION CONFERENCE

Date: 9/10/96 Conference Attendance: MIKE BEST, KISTEN AShbeck Proposal: Rear Yard Variance Location: 844 Yucaton Ct.									
Tax Parcel Number: 2701-253-07-013 Review Fee: \$\square\$0 (Fee is due at the time of submittal. Make check payable to the City of Grand Junction.)									
Recording fees required?	er Plan of Parks and Recreation?	Estimated Amount:Estimated Amount:							
Half street improvement fees/TCP required? Estimated Amount: Revocable Permit required? State Highway Access Permit required? On-site detention/retention or Drainage fee required?									
Applicable Plans, Policies and Guidel Located in identified floodplain? FIR Located in other geohazard area?	M panel #								
Located in established Airport Zone? Avigation Easement required?		a of Influence?							
	attention as needing special atte	reparation and design, the following "checked" ention 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							
It is recommended that the applicant in public hearing and preferably prior to		owners 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)

X Charle im Bed Signature(s) of Representative(s)

CITY OF GRAND JUNCTION PETITION FOR VARIANCE

	DATE RECEIVED:	FILE NO.
	RECEIVED BY:	RECEIPT NO
	PROPERTY OWNER: Bray & Comp	any
	MAILING ADDRESS: 1015 North	745 Street 6. J. C. 81501
	PHONE: (HOME)	(WORK) 2+2+7-47
	I (We), the undersigned, hereby petition for a var	riance on the property located at:
	ADDRESS: B #4 Yucatan Cf	
	TAX SCHEDULE #: 2701-253-07-01	ZONE CLASSIFICATION: KSF-5
		Zoning and Development Code which are
	requested to be varied:	Setback (principal Structure,
	4-2-5 KDF-5 KEUT 1000	scruce (principal statute,
	25 fall	
)RA
	WITH RESPECT TO THE PREPARATION OF THIS SUBMITTAL, TO THE BEST OF OUR KNOWLEDGE, AND THAT WE ASSUME RE	ILIANZED OURSELVES WITH THE RULES AND REGULATIONS HAT THE FOREGOING INFORMATION IS TRUE AND COMPLETE SPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION.
	THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROTTO COVER RESCHEDULING EXPENSES BEFORE IT CAN AGAIN	IVE MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT PPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED BE PLACED ON THE AGENDA.
X	Bray and Company By Jugan I'm Signature of Property Owner	Signature of Joint Property Owner (if applicable)
	9/11/96	

James Hurtte 2697 Lanai Court Grand Junction, CO 81506-8615 Shirley Barley 2699 Lanai Court Grand Junction, CO 81506-8615 Richard Manchester 2698 Lanai Court Grand Junction, CO 81505-8615

Gary Curtiss 846 Lanai Drive Grand Junction, CO 81506 Louis Moglia 848 Lanai Drive Grand Junction, CO 81506 Bray & Company 1015 N. 7th Street Grand Junction, CO 81501-3102

Eric Schneider 277 Arlington Grand Junction, CO 81503 Roger McWilliams 846 E. Yucatan Court Grand Junction, CO 81506 Donald Warne 2708 Eden Court Grand Junction, CO 81506

McNellis-Midland Homes 445 Chipeta Ave, #14 Grand Junction, CO 81501 James Harris 2715 Eden Court Grand Junction, CO 81506 James Hauger 643 Lauradale Drive Grand Junction, CO 81504

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

Larry Vanhole 2704 Malibu Drive Grand Junction, CO 81506-1736 Brian Franklin 2702 Del Mar Drive Grand Junction, CO 81506-1724

Russell Walker 2706 Del Mar Drive Grand Junction, CO 81506-1769 Thomas Flynn 2708 Del Mar Drive Grand Junction, CO 81506-1769 Frank Pfeifer 2710 Del Mar Drive Grand Junction, CO 81506-1769

Dennis Osborn 719 Arrowest Court Grand Junction, CO 81505-9739 Margaret Herndon 2707 Cancun Court Grand Junction, CO 81506-8606 Charles Quinn 2705 Cancun Court Grand Junction, CO 81506-8606

Mark Lyden 2703 Cancun Court Grand Junction, CO 81506

Robert Bray Bray & Company 1015 N 7th St. Grand Junction, CO 81501 Mike Best Landesign, LLC 259 Grand Ave. Grand Junction, CO 81501 City of Grand Junction Community Development Dept. 250 N 5th St. Grand Junction, CO 81501

PROJECT NARRATIVE

This is a request for the variance of the rear yard set back for 844 Yucatan Court. The property is located at Lot 13, Block 3, Paradise Hills Subdivision, Filing No. 7.

The site plan for Lot 13, Block 3, shows the existing 25 foot set back as a dashed line. The 10 foot wide hatched area is the requested rear yard set back requiring the variance. Only a small portion of the proposed structure will be in the addition set back requested. This will still leave a large back yard for the future residence. The reduced set back will continue to provide the needed buffer area for the adjoining property owners.

There would be no conflict with the public interest with the adjustment of the rear yard set back.

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 size 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-96-206

TITLE HEADING:

Rear Yard Variance

LOCATION:

844 Yucatan Court

PETITIONER:

7 Joint Venture

PETITIONER'S ADDRESS/TELEPHONE:

c/o Robert Bray

1015 N 7th Street

Grand Junction, CO 81501

242-3647

PETITIONER'S REPRESENTATIVE:

Mike Best, LANDesign

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

CITY DEVEL ODMENT ENGINEED

Kristen Ashbeck

9/16/96

244-1437

0/10/02

<u>242-0</u>040

- 1. Where will the driveway for this residence be placed? If on Yucatan, then the rear property line is the north-south line opposite Yucatan, in which case the variance request is greater. If the driveway is on Edan, then the drawing is correct as shown. Please clarify.
- 2. Since this is all new construction, it appears that the footprint could be changed to still provide a structure size "in keeping with the adjacent properties in the area." What is the average square footage of structures in the area?
- 3. What is the square footage of the structure proposed? Is it 1 level or 2 levels?
- 4. Staff may not support this variance request as there appears to be no hardship or unique situation. More justification is needed.

CITY DEVELOPMENT ENGINEER	9/19/90	
Jody Kliska	244-1591	,
No comment.		
CITY UTILITY ENGINEER	9/23/96	
Trent Prall	244-1590	
No comment.	,	
CITY CODE ENFORCEMENT	9/23/96	
Jan Koehn	244-1593	
Hardship appears to be self-induced because lot is vacant at this time.		
GRAND VALLEY RURAL POWER	9/17/96	

No comment at this time.

Perry Rupp

TO DATE, NO COMMENTS RECEIVED FROM:

City Property Agent City Attorney Homeowner's Association

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.

Charle M But	9-29-96
SIGNATURE	DATE
FILE #INAME VAR 96-206 844 Yucata	n Ct. RECEIPT # 4628
PETITIONER/REPRESENTATIVE: Landesign	PHONE #
DATE OF HEARING: 10-9-94	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/# 4000 82	31



September 27, 1996

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

Re: Rear Yard Variance for 844 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 drive way for the residence located at 844 Yucatan Court will be constructed to enter and exit on Yucatan Court. The front door will face Edan Court. As this is a corner lot, the address could be ether 844 Yucatan Court or 2706 Edan Court. The entry of the residence will face Edan Court and thus the request for the rear lot set back variance is correct.

Item 2 & 3: As stated this is proposed new construction, the average square footage of structures in the area is 1,862. The proposed residence will be of one story wood frame construction. It will have a living area of 1666 square feet not including the garage. The garage will have a capacity of two cars.

Item 4: The variance that is requested for this lot is unique in that the structure proposed for this lot is not the typical square or rectangular box style home. The builder has tried to make the structure have some personality and uniqueness from the outside and the inside. To do this and maintain the needed square footage, the variance is needed for this location. The requested area of encroachment is small at only 110 square feet. This is in the rear yard and 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. It our belief that request for this rear yard variance is justified.

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,

Mike Best

Project Manager

Approved BOA 10/9/96 3-1

BOARD OF APPEALS - STAFF REVIEW

FILE:

VAR-96-206

DATE:

October 2, 1996

REQUEST:

Rear Yard Setback Variance

LOCATION: 844 East Yucatan Court / Paradise Hills North

APPLICANT: 7 Joint Venture

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Single Family Residence with Attached Garage

SURROUNDING LAND USE:

NORTH: Single Family Residential SOUTH: Single Family Residential 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.

STAFF ANALYSIS:

The parcel located at 844 East Yucatan Court in Paradise Hills North is presently vacant. The petitioner is proposing to construct a new 1,666-square foot single family residence on the parcel. The parcel is on a corner which requires that the 20-foot front yard setback be met on both street sides. However, there are other corner lots in the neighborhood (e.g. Lots 1 & 6, Block 1 on West Yucatan Court) that are smaller but have been successfully developed without the need for a variance. Also, 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 particular design selected for the home does not fit on the parcel, but other design options (re-design or 2-story) are available that would 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. There are other vacant lots in the vicinity.

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 due to 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.

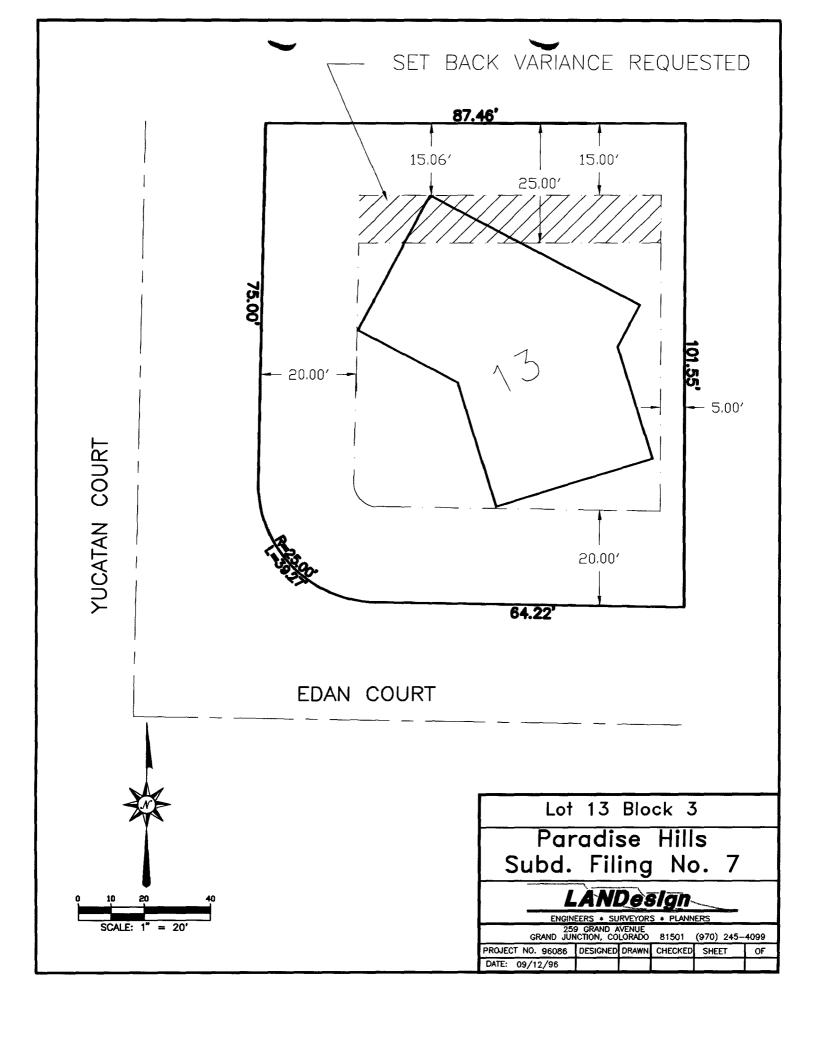
No Reasonable Use of Property without a Variance. The building envelope is of sufficient size to allow for construction of a residence that is similar in size and style to those within the neighborhood without the need for a variance.

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

STAFF RECOMMENDATION:

Denial of the rear yard setback variance.

Lot 13, Block 3, Paradise Hills, Filing No. 7



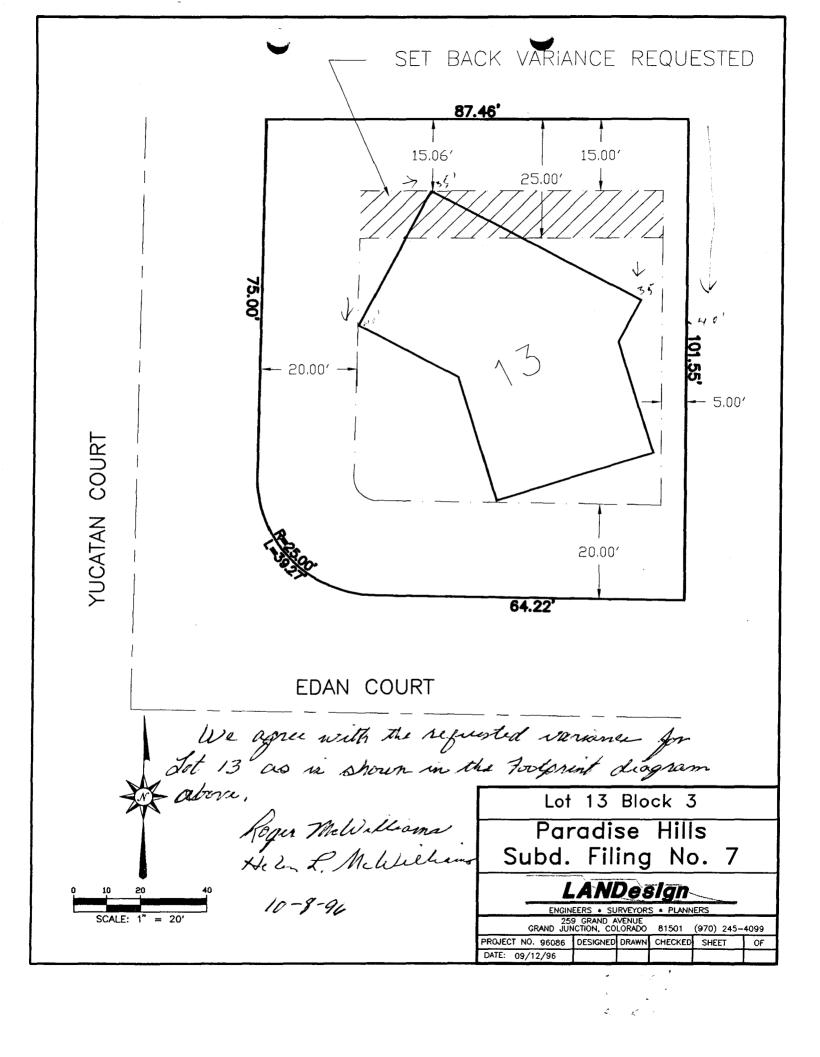
VAR-96-206 / 10/2/96 BOA / Page 3

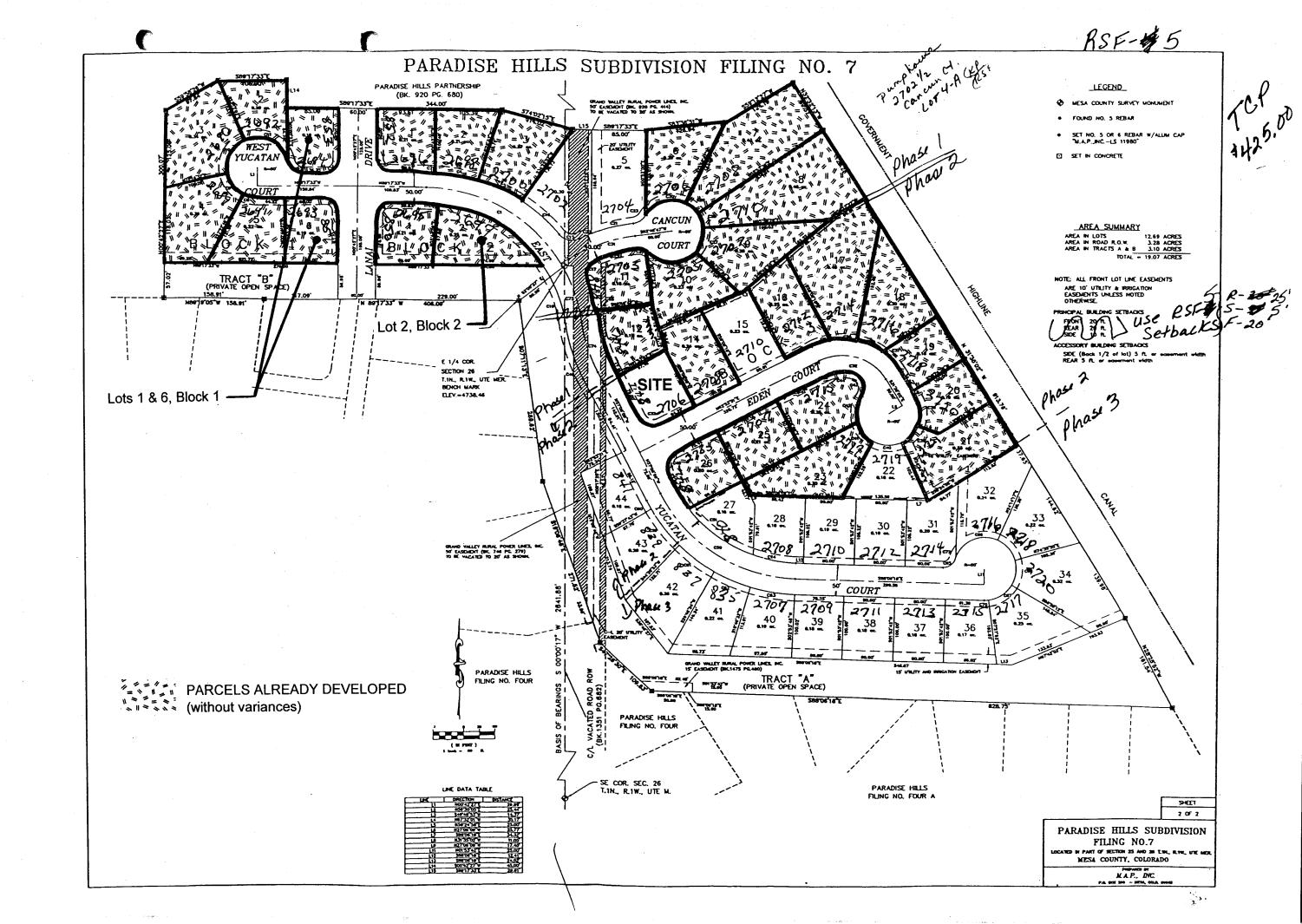
SUGGESTED BOARD OF APPEALS MOTIONS:

Mr. Chairman, on item VAR-96-206, a request for a rear yard variance of 10 feet to allow a setback of 15 feet for a new residence at 844 East Yucatan Court, I move we APPROVE the request for the following reasons:

Mr. Chairman, on item VAR-96-206, a request for a rear yard variance of 10 feet to allow a setback of 15 feet for a new residence at 844 East Yucatan Court, I move we DENY the request for the following reasons:







RSF-\$5 PARADISE HILLS SUBDIVISION FILING NO. 7 PARADISE HILLS PARTNERSHIP (BK. 920 PG. 680) LEGEND 281733E MESA COUNTY SURVEY MONUMENT FOUND NO. 5 REBAR SET NO. 5 OR 6 REBAR W/ALUM CAP M.A.P.,INC.-LS 11980" WEST אורווא אליי SET IN CONCRETE YUCATAN COURT CANCUN ...6 _____ AREA SUMMARY AREA IN LOTS 12.69 ACRES
AREA IN ROAD R.O.W. 3.28 ACRES
AREA IN TRACTS A & B 3.10 ACRES B L/O COURT TOTAL = 19.07 ACRES TRACT "B" (PRIVATE OPEN SPACE) NOTE: ALL FRONT LOT LINE EASEMENTS ARE 10" UTILITY & IRRIGATION EASEMENTS UNLESS NOTED OTHERWISE. 229.00° 406.09° 18 30 ec FROM 20/R USE
SIDE 19 12 SE
ACCESSORY BUILDING SETBACKS POINT OF BEGINNING SIDE (Bock 1/2 of lot) 5 ft. or ea REAR 5 ft. or easement width E 1/4 COR. SECTION 26 T.IN., R.IW., UTE MER BENCH MARK PARADISE HILLS FILING NO. FIVE ELEV.=4738.46 REPLAT OF: LOT 10 BLOCK 8: LOT 18 BLOCK 6 AND BAHAMAS WAY OF PARADISE HILLS FILING NO. THREE AND LOTS 11, 12, 16, 17, 18 BLOCK 15, LOT 1 BLOCK 20; LOT 1 BLOCK 19; LOTS 1, 2 BLOCK 18; LOTS 1, 2 BLOCK 17; LOT 1 BLOCK 16; LOTS 1, 9 BLOCK 13; LOTS 1, 2 BLOCK 10 AND 27 ROAD OF PARADISE HILLS FILING FOUR. COURT 2315 39 38 36 a17 **∞** 37 GRAND VALLEY RURAL POWER LINES, INC. 15' EASEMENT (9K.1475 PG.480) 548.67 15" UTLITY AND IRRIGATION EASEMENT PARADISE HILLS TRACT "A" (PRIVATE OPEN SPACE) FILING NO. FOUR 501 537 47 W PARADISE HILLS FILING NO. FOUR ٩i (DERECT) 1 mode = 60 st. SE COR. SEC. 26 PARADISE HILLS LINE DATA TABLE FILING NO. FOUR A SHEET PARADISE HILLS SUBDIVISION FILING NO.7 LOCATED IN PART OF SECTION 25 AND 26 THA, R.1 MESA COUNTY, COLORADO MAP. INC.