

**MINUTES**  
**CITY OF RIFLE BOARD OF ADJUSTMENT REGULAR MEETING**  
**Tuesday, October 24, 2000**

Chairman Ken Plum called the regular meeting of the Rifle Board of Adjustment to order at 7:02 p.m.

- 1. MEMBERS PRESENT AT ROLL CALL:** Ken Plum, Jim Beveridge, Dan Dunlap, Nancy Whitcombe, Wayne Perkins, and Sue Callies.

Mayor-pro-tem Jim Beveridge stated that he was filling in for Mayor Ling in his absence.

**OTHERS PRESENT:** Planning and Development Director Pat Hopkins, Planning Technician Victoria Bolin, Administrative Clerk Andrea Glass, Community Television's Jim Bell, Consulting Engineer Chad Paulson, Assistant City Attorney Jim Neu, Connie Brors, Erik Brors, Bob Hawkins, Craig Duvall, Jenny Duvall, Jim Miller, Kathy Miller, Ron Liston, John Wahl, Abdi Pirzadeh, and Marty Specking.

**2. APPROVAL OF SEPTEMBER 26, 2000 BOARD OF ADJUSTMENT MINUTES:**

Commissioner Callies made a motion to approve the minutes of September 26, 2000 Board of Adjustment Meeting without amendment. Commissioner Whitcombe seconded the motion and the motion carried unanimously.

**3. DUVALL VARIANCE TO ENCROACH INTO REAR YARD SETBACK**

Chairman Plum informed this was a Public Hearing to determine if the Duvall Variance to encroach into the rear yard setback should be approved, approved with conditions, or denied. Chairman Plum stated that the procedure for this hearing was noted on the overhead. The applicants for this project, Craig and Jennifer Duvall, were sworn in. There was no new evidence presented. Administrative Clerk, Andrea Glass, stated that Public Notice requirements had been met. Chairman Plum asked Director of Planning and Development, Pat Hopkins, to review the staff report.

Questions of staff included the following:

- Is it your impression or understanding that the requirement for two (2) off-street parking spaces per unit is with the assumption that there is some on street parking spaces available? (That is correct. They are building three (3) bedroom units, and the Code requires that there are two (2) off-street parking spaces per unit. On this turnaround there is eventually no parking on it; however, we have no specific statement regarding guest parking. Therefore you cannot require it.)
- Could, for instance, a triplex be built on this lot, cut down two (2) of those parking spaces; or make two (2) of those parking spaces for guest parking and

perhaps make this variance a mute point; in other words, make this fit into the guidelines? (Yes, they were appraised of the fact that they could reduce the number of units they had; they could make more units reducing the building depth by two (2) feet; or if they had one (1) or two (2) bedroom units, they would have a lesser demand for off-street parking. It was suggested that they could not go for a variance on the rear yard and possibly have a slight variance on the two (2) side yard setbacks. It was generally felt that to take best advantage of the sight it was more important to have the space between the parking area and the porches on the sidewalk; so of the variance choices, they still preferred to build this number of units on the site and thought it was worth requesting Planning Commission to grant a variance.)

- Would there be any other procedure or variance they would need to apply for if they reduced the number of units to a triplex that could be kept in the area that is not covered by setbacks? (It would depend on where it is sited. If they sited a triplex within setbacks, they would not need to apply for a variance. It's also possible that if you felt they needed additional off-street parking, then a requirement could be added. However this would leave no room to backup, resulting in the backup area being moved further back toward the building. In this case, another variance would be needed requesting to move further into the rear yard setback.)
- On the twenty (20) foot front yard setback, I notice there are two and one-half (2 1/2) parking spaces in the setback. Is this within Code? (You are allowed to have parking spaces in a setback; you just can't build within setbacks.)
- Is the eighteen point one (18.1) feet that separates the two buildings required? Isn't it fifteen (15) feet between buildings with windows? Couldn't they squeeze the buildings together and move them up into setbacks? (Yes, we discussed whether to have one (1) building or two (2), and again the applicants decided this was the project they wanted to build. They felt this was a better design in that it allowed less front wall impact to the buildings directly behind theirs.)

Chairman Plum asked the applicant if they would like to add any further information in support of their proposal. The applicants responded with the following statements:

- Instead of having one (1) large building that you cannot see through; with splitting them up and taking them to the side yard setbacks it actually should help the neighbors visual through the buildings and be of less impact to the neighborhood.
- With the size of the pie-shaped lot it makes it a little interesting to try to build four (4) units on this lot. This coincides with the two (2) duplex alternatives in order to try to meet every aspect that has been discussed in the course of proceeding with this building.

- Applicant feels that they have come up with a nice addition to the neighborhood. To their understanding, it coincides with all of the requirements that the City of Rifle has under its Ordinance.

Question of the Applicants included the following:

- Where are the utilities going to be coming into the building? Also, what kind of access will be provided for the people going back to work on the utilities? (All of the utility pedestals are on the back corners of the lot. The gas and electric are on the back two (2) pie corners. It was planned that the utilities will be brought in from the rear. The water mainline goes up the left side of the lot, and mains will be coming in from the front of the building. Pedestals and meters will be at the rear of the building.)
- Are the pedestals on the other side of the existing fence? (No, they are on this side of the fence on the property.)
- How do you plan on keeping people from parking in the backup area so that residents have room to backup and exit the property? (First, Applicants are planning to move into one (1) of the units themselves, allowing them to be there physically all the time. Secondly, parking spaces will be painted and addressed with unit numbers to each parking space. Clearly there will be no parking addressed or painted in the backup area. Applicant feels that this will enable them to keep on top of the parking situation.)
- Where are your guests going to park when they come to visit? (This property is approximately two (2) to three (3) hundred yards away from the City recreation area that contains parking facilities. Possibly guests would be required to park in this area and walk to the property.)
- How big are these units? (Approximately twelve hundred (1200) square feet per unit or approximately twenty-four hundred (2400) square feet per building.)
- You received, probably, a copy of the Consulting Engineer, Jeff Simonson's report. Have you considered his suggestions? (No, at this time we have not received his report. Applicant had a notice that Jeff Simonson had sent him something on October 12, 2000, however applicant did not have this document with him.)

There was no public comment. Chairman Plum closed the public hearing at 7:20 p.m. and brought the discussion back to the Commission for deliberation and a decision.

The Commission made the following comments:

- This project fits in with what is currently in this area.
- The parking is no more congested or limited than in any other building that already exists there.

- There are parking places along Elder Court between buildings in some locations that may be used as guest parking.
- In agreement that guest parking is going to be a problem, however absent a requirement for this in the Zoning Code it should not properly be discussed.
- Density for this project meets Code. However, these units could be located within setbacks.
- This variance will enable to make a better place for vehicles to back into and provides a proper parking lot.
- This variance does not seem to create any negative impact on neighborhood, but it improves on this project.
- In this case applicant seems to be trying to maximize his potential profit by maximizing the number of units, which is fine as long as this is done according to Code, done well, and done safely. If two (2) or three (3) units were built instead, or if there were a different configuration this variance would not be needed. There would be adequate parking, as well as providing guest parking.
- The issue is the two (2) foot variance, not the proposed building, or parking area. There has been no opposition by the public, therefore variance should be granted.

Commissioner Callies moved to approve the Duvall Variance to encroach into the rear yard setbacks with Staff recommendations. Commissioner Whitcombe seconded the motion. Mayor-pro-tem Jim Beveridge stated that he would support the second recommendation of staff but this was really a building permit issue; and that the drainage issue is not relevant to this variance, it is an issue the Building Inspector needs to address. The motion carried with the following vote:

Whitcombe-Yes, Plum-Yes, Dunlap-No, Perkins-Yes, Callies-Yes, Beveridge-Yes.

**4. ADJOURNMENT**

Chairman Plum adjourned the Rifle Board of Adjustment Meeting at 7:29 p.m.

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Date

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Chairman

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Date

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Planning Technician