

Minutes of a Board of Adjustment Meeting held Saturday, August 30, 1980, at 68 East Main Street, 6:00 A. M.

Present were Fred Openshaw, Chairman, Lynn Crook, Michael Christensen, Albert Oldham, Allen Gurney and William M. Bettis who was requesting the variance. Also Ramona Rosenlund acting as secretary.

Meeting was called to order by Chairman Openshaw who read Section 18, Item 27 as set forth in Ordinance #152, "Home Industry: An occupation conducted on the premises outside of a dwelling, by persons residing on the premises, which use is clearly incidental to the residence and is housed in an accessory building on the premises of not more than 900 square feet, and other conditions as set forth by the board of adjustment."

Mr. Bettis stated he had purchase 40' of property adjoining the west side of his property from his neighbor Robert Downey, which gave him a large enough space to build a storage and work shed which needed to be large enough to park his big truck in at night and also work in. He stated he is out of the welding business and just does salvage. The building he plans to build will be of metal.

Mr. Bettis appeared before the Board of Adjustments on May 23, 1979, requesting a variance to build at that time but inasmuch as the two pieces of property were in two separate deeds and would be required to be incorporated into one lot on one deed, the variance was not granted as building a garage on a lot of 40' frontage was non-conforming to the ordinance.

Chairman Openshaw read from the City Council Meeting minutes of August 20, 1980, as follows: "Mr. Hyrum Bradley brought up the question of the building permit for Bill Bettis. The prior application of Mr. Bettis's was turned down by the County because the properties were not together. Mr. Bettis has since put the two properties together. Mr. Bradley stated that as far as he knows, Mr. Bettis is going to use the building to process materials to sell for junk. Mr. Bettis added that it would not be used to sell to the public but taken out to sell to other businesses. Mr. Bettis indicated that his major reason for the building was to have a place he can work in the winter time. Mayor Steele stated that the Council is bound to follow the ordinances that have been set up and that for Mr. Bettis to get a variance he would have to go before the Board of Adjustments again. Mr. Bettis stated that he had already been before the board and had paid his \$10.00 and asked if he would have to pay another \$10.00 for this appearance. Councilman Callaway moved that this permit question be referred to the Board of Adjustments at no extra charge to Mr. Bettis. Councilman Nelson seconded the motion and it carried unanimously."

Mr. Gurney stated he felt this was a different case entirely as it is one on home industry and not the same situation referred to in the previous hearing.

There was a short discussion as to the distance between Mr. Downey's home and the Bettis property line and the proposed building and was decided there would be 48½ feet which is more than enough to conform, and would leave the Downey lot plenty large enough to also conform. There was also a short discussion of the type and size of building Mr. Bettis proposes to build. It will be 28' x 40'. Mr. Bettis stated he does not hire anyone outside his family to work for him in his business and so conforms to the ordinance in this respect.

Mr. Crook made a motion that the variance be granted to Mr. Bettis to allow him to build a building larger than the ordinances states for a home industry and Mr. Oldham seconded the motion. Mr. Gurney felt that since it did not create any problem for neighbors and did not block anything, it was alright. The motion was called for a vote and it was unanimous.

There was a short discussion of the waiving of the fee for the hearing this morning as allowed by the City Council in their meeting of August 20 and quoted on page 1 of these minutes. Mr. Christensen stated that this was an altogether different case as the first one had been on frontage and this one was on home industry and that the \$10.00 fee was to compensate the secretary for her time in taking care of the hearings. He did not approve of the City Council awarding any such leniency.

Mr. Christensen made a motion that the City should pay the secretary out of some other fund if they were not going to charge the fee to the person requesting a hearing. Mr. Gurney seconded the motion and it passed unanimously.

Meeting adjourned at 6:20 A. M.

Attest: Ramona Rosenlund
Secretary