

Minutes of a Board of Adjustment meeting held July 29, 1981, in the City Hall at 6:00 A. M.

Present were Michael Christensen, Galen Kidd, Fred Tasker, Joseph and Blanche Waters, Everett and Ruth Kester, Allen Gurney and Jack Hudson with Ramona Rosenlund acting as clerk,

Meeting was called to order at 6:10 A. M. by Mr. Gurney and prayer was offered by Galen Kidd.

Mr. Gurney read from the ordinance what the board has the power to act on and what they cannot rule on and explained that the board was set up at the time the ordinance was adopted. He stated that some people seem to think the board made the ordinance but actually it can only interpret the zoning ordinance. Enforcement is by the building inspector. The Zoning Ordinance #152, page 3, Section 13 and page 4, Section 14, are what were read. He explained that the only variances they have the power to grant are minor adjustments as to area, width, sideyards, height of buildings, etc..

It was determined that everyone present had received a copy of the application made by the Kesters and then Mr. Gurney went on to explain that the ordinance requires a minimum of 80 feet frontage and the lot in question is 65 feet and has 165 feet depth and would leave a lot measuring 80.5 feet by 165 feet deep. It was found there was not a map of the immediate area of the property under discussion and so with the help of those present Mr. Gurney drew a plot of this, and then invited Mr. Kester to explain to the group just what it was he wanted to do.

Mr. Kester replied that it appeared the lot was devided and the home built prior to the ordinance being in effect and so probably it had not been necessary to have this hearing. Mr. Hudson pointed out that whoever buys the lot Mr. Kester is thinking of selling would need to know they will need a building permit to enlarge the present home or to build a new one and a building permit might be allowed as the lot is so narrow.

Mr. Gurney also stated that a person buying this lot should be made aware that they might not be allowed to build. There followed a discussion of the septic system connected with the old home and the Kesters said the system was to the North and West of the home and so would not come into the property of their newer home which is on the lot that would remain if the other was sold off. It was pointed out by Mr. Christensen that whatever was done with the old house (rebuilding or renovating) would have to be passed by the building inspector. Also, it and the newer home are on the same water meter and so there would need to be a new water hookup and if the home were enlarged, it would have to leave the necessary side yards or it would not conform. However, it is plenty deep and so it could be built to the back, and they have more than the required 9,600 square feet of area.

Mr. Hudson said they of course, could sell anything they wanted to but the buyer probably could not get a building permit. Mr. Kester said they had spoken to their neighbor Lynn Crook about their questions and he had suggested they meet with the Board of Adjustment and that was why they had requested the hearing and that even though he felt they did not have the authority to act on it, he was glad they had come as they had

learned a great deal.

Mr. Christensen made a motion stating that the request is not one which requires a variance as a person has the right to sell anything they want.

There followed a short discussion about this with Mr. Tasker saying that any buyer would be under a handicap since this would be a non-conforming lot and that the building inspector would have to see that any building or renovating met the requirements. Mrs. Kester asked what the side-yard requirements were and <sup>as</sup> quoted the ordinance that it is combination of 20 feet with a minimum of 8 feet on one side.

Mrs. Waters asked if the existing home on the lot could be used for some sort of small business and Mr. Tasker replied that it is in a residential zone and so only if the Kesters operated it as a home industry with the industry building being incidental to their residence.

Mr. Christensen reparsed his motion to say this is a request the board does not have the power to act on as it is a condition existing prior to the Zoning Ordinance. A person can sell anything they want to but let the buyer beware it is a non-conforming lot. Mr. Hudson seconded the motion. A vote was called for asking all who were in favor that the board does not have the power to act on this request to vote "aye". vote was unanimously for "aye".

Mr. Gurney state that if they were creating a building lot without a house on it, it would not be allowed as it is not a conforming lot but with a dwelling on it prior to the ordinance, they do not have the power to act.

Meeting adjourned at 6:40 A.M.

Ramona Rosenlund  
Acting Clerk