

Minutes of a Board of Adjustment hearing held at City Hall on June 15, 1982, at 7:00 P. M.

Present were Mike Christensen, Jack Hudson, Larry Butler and Richard Bettis and Secretary Ramona Rosenlund.

Mr. Christensen gave an explanation of what the duties of the Board of Adjustment are and how they are bound by both state and local law as to their powers. He said they can grant a variance only if it is shown that a hardship exists and he quoted the meaning of hardship, saying "The term 'hardship' means more than ordinary inconvenience or difficulty. You must be able to show, if you comply with the provisions of the ordinance, you cannot make any reasonable use of your property." Also, that the difficulties and hardships were not created by any act of the appellant subsequent to the effective date of the regulation appealed from, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone, or in other words, they can not deny you something others in the same zone are enjoying.

Mr. Bettis asked if that meant he can't build a building larger than the ordinance allows unless someone else in the neighborhood has one also. Mr. Christensen replied "No" it meant they could not deny him this unless he is not enjoying the same privileges as others with property and he again quoted the above paragraph.

Letters from two neighbors of Mr. Bettis, Mr. & Mrs. Fred Ore and Mr. Thomas Hore were presented. These two letters, each stating they have no objections to whatever Mr. Bettis wishes to build, are made included in the file on this hearing.

Mr. Hudson said they have to do what they can under the law. He asked Mr. Bettis what he needed the building for and Mr. Bettis said he wanted it 600 square feet in area so as to have a place large enough to keep his boat out of the weather and also big enough to work on his truck when he needed to change the oil, etc. and that he likes to do wood working and would like a place to pursue this hobby, but that he understands the ordinance allows a building of only 480 square feet in area.

Mr. Hudson pointed out that 600 square feet is 25% larger than allowed by ordinance. Mr. Christensen said he felt they could not grant a variance just for individual convenience unless it is unique. Mr. Hudson said that if this variance is granted to Mr. Bettis, they will be obligated to do the same for anyone else. Mr. Bettis said he knew of a large garage on Center Street which had recently been built and asked if the owners had obtained a

variance for it. Mr. Christensen said he did not know of a variance being granted and thought perhaps it had been either built without a permit or it was an oversight of the building inspector. Mr. Bettis said it was built within the last year and is three bays wide and he wondered how come. He said he felt a little foolish asking for the variance as he did not understand what the board could and could not do. Mrs. Rosenlund asked if he had received a copy of "Procedure for Making Appeals to the Board of Adjustment" and he had not. Since she is supposed to give a copy of this to all persons requesting a variance, she said she was sorry to have failed to do this.

Mr. Hudson said he did not feel they could grant the variance requested and Mr. Christensen said although he does not agree with all the laws in the ordinance, they are governed by it and need to go along with it and he also felt they could not grant the variance. Mr. Butler said he felt there was no special need and so it should not be granted. Mr. Bettis asked for there was no chance for the variance and asked what if he had a personal business to carry on in the building, would it be granted then as the ordinance says a home industry can have a building of 900 square feet. He was told yes, if he had a legitimate business and had a license to operate it, he could go ahead. He asked if he could go ahead and build the building 480 square feet and Mr. Christensen said he could, with no problem at all.

Mr. Bettis said again that he did not have knowledge of how the board operated and if he had he would not have come in at all and saved his \$10.00 fee and again asked if there was any way for him to be allowed to build the building larger and was told there was not. He asked if he could go to the city council and ask for this variance. Mr. Christensen said yes he could take it to the council but they would have to change the zoning ordinance before a variance could be granted. Mr. Bettis again asked about the large garage that was built on Center Street and was told it is the building inspectors duty to see that no building is done without a permit although sometimes it is hard to know all that is going on in town. Mr. Bettis said he felt he was penalized for being honest and above board in requesting a building permit when others built whatever they wanted without a permit.

Mr. Hudson made a motion to deny the variance to Mr. Bettis. Mr. Christensen seconded the motion and the voting was unanimous to deny the variance.

Mr. Christensen said they did not feel good when they had to deny any one but felt they had no choice. Mr. Bettis said he is going to do a little checking on his own as he does not feel it is right that others can do what he is denied. Mr. Hudson said that if the people on Center Street had a

permit then Mr. Bettis would have a case but if they had built without a permit and the knowledge of the building inspector, then they can't do anything.

Mr. Hudson made a motion to adjourn the hearing and Mr. Christensen seconded the motion. Motion passed unanimously. Adjourned at 7:30 P.M.

Ramona Rosenlund  
Secretary