

Minutes of a Board of Adjustment hearing held March 4, 1983, at 7:00 P. M. at City Hall.

Present were Jack Hudson, Howard Fuller, Galen Kidd, Steve Porter and Ramona Rosenlund, secretary.

A short business meeting was held just prior to the hearing to acquaint the new member with his duties and to select a new chairman for the Board as Mr. Michael Chiestensen's term has expired.

There was no quorum present until 7:20 when Mr. Kidd came in. At that time the meeting was called to order and Mr. Fuller, the new member of the Board was introduced. Mr. Kidd gave the prayer.

Mr. Kidd recommended that Mr. Hudson be made chairman of the Board and Mr. Fuller seconded the recommendation. Mr. Hudson accepted for one year, at which time a new chairman may be selected.

There was a short discussion with Mr. Fuller about the duties of the Board. Mr. Porter entered the meeting.

Mr. & Mrs. Joseph Waters, Everett Kester, Everett Junior Kester, Clement "Jake" Kester and Mrs. Merle Jones entered for the hearing of the Everett Junior Kester variance request.

Junior Kester was asked to explain his request to the Board which he did saying that he does not want to build a four-plex or anything else just now but just wanted to know if a multi-plex unit of some kind could be built on the 1/2 acre of property, should he be able to sell the land. People have wanted to buy it but no one seemed to know what it could be used for.

Mr. Hudson read the variance request and stated that if the property were divided making one 1/2 acre lot, it would be conforming but the balance left would be non-conforming and that is what would need a variance. He asked Mr. Kester if the right-of-way granted him by Lynn Crook was only 165 feet deep and Mr. Kester said yes. He said that some time ago he had discussed this with Mr. Crook and at that time he was going to be allowed to use it for the full length of his property but since that time, Mr. Crook had decided not to develop his property and was thinking of putting it in orchard and so the agreement they had was only for 165 feet. He said Mr. Crook may in time allow it to go deeper but not at the present. Mr. Kester said he had already hauled in gravel to make the road.

Mr. Hudson read the agreement between Mr. Kester and Mr. Crook and it was decided that it was only for 165 feet,

although Mr. Kester's map showed it all the way to the east end of his property.

Mr. Hudson then read from Section 26, Paragraph 3 of the Zoning Ordinance which says there has to be one-half acre for a building lot fronting on a private right-of-way and from Paragraph 11 which states that a multiplex shall be on a half acre. He pointed out that no variance was needed for the half acre part of the property but was wondering how they would get into it as the right-of-way would need to go back further than it does.

Mr. Kester said that the property to the south and a small strip to the west of his belonged to Jake Kester. He wondered if Jake Kester gave 70 feet of his property at the west end of Juniors to the city for a continuation of 100 West Street, would this allow him to build on the non-conforming lot. Also, he understood from Lynn Crook, who used to be on the Planning Commission, that he could use some of the half acre as a road into it and this would not be considered making it short of the half acre. Mr. Hudson said that taking part of the half acre out for a road would make it short for a building lot and therefore non-conforming.

Mr. Kidd said he felt they could not go on the assumption Jake would deed that road to the city. They had to go on how things are now or wait until the road had been given to the city. Also, if this property was made into a road, a variance would still be necessary as he would have only 70 feet frontage and needs 80 to conform to the ordinance. Mr. Everett Kester said this was such a small amount, he wondered where is the argument. Mr. Hudson pointed out that it was still less then the ordinance called for and if more were taken out to make a road into the east half acre piece, it would be that much less than required.

Mr. Hudson asked Junior Kester if he wanted to wait until such time as the road area is given to the city and he replied that he wants to know what he can and what he cannot do with his property. He said that last year Jake was approached by the city council to annex his property and give this road to the city.

Mr. Jake Kester said he did not see why the west part of Junior's property could not be used for a building lot as it had well over 9,600 square feet. It was explained to him that when a lot fronts on a private right-of-way, half an acre is required. He said he had not understood the ordinance requirements.

Junior Kester said he would rather go on with his request as it is now for a variance for the lot that is too small in area for a building and see if a variance can be granted, so he will know what he can do with the property. Also, that if

Jake sold him the 70 foot long area at the west of his property he would probably have a full half acre for that lot and would not need a variance.

Junior Kester, Everett Kester and Clement Kester left the meeting at 8:00 P.M.

Mrs. Waters said they did not understand how Junior was planning to get into the east half of the property in question and they had come in to find out what it was all about. Their property joins on the east to the property in question.

Mrs. Jones said she had come in as she and her husband were not thrilled with a four-plex going in there. Mr. Fuller explained to her that they were not planning on putting a four-plex in, they only wanted to know what use there was for the property and if it would be possible to have a multi-plex building, should they have a sale for the property.

Mrs. Waters stated that the east half-acre of the property in question belongs to Everett Kester and the west part of it to Junior Kester, according to Everett. She had wanted to put in a fence between her property and this east half and Everett had told her at that time that it was his.

Mr. & Mrs. Waters and Mrs. Jones left the meeting at 8:05 P.M.

There was short discussion of the variance being requested with Mr. Hudson saying they have certain guidelines they must not go against in granting or denying a variance and he quoted item 4 of the Board of Adjustment Guidelines: "Is the land owner unable, at a reasonable cost, to acquire adjacent land so as to meet the dimensional standards of the ordinance?"

Mr. Kidd said that because he apparently has the option of purchasing land from Jake Kester, he feels they can not grant the variance. Mr. Fuller pointed out that whoever built on the east half acre would have to cross two other persons land in order to gain access. Mr. Porter said whoever had the west part would have to deed a right-of-way through this part in order for the owner of the east half to get into his property without crossing through the west part and both parties would have to use the right-of-way granted Junior by Lynn Crook.

Mr. Kidd made a motion to deny the variance and Mr. Porter seconded the motion. Voting was unanimous to deny the variance.

Meeting adjourned at 8:15 P. M.