

Minutes of a Board of Adjustment meeting held April 28, 1983, in City Hall at 7:00 P.M.

Present were Chairman Jack Hudson, Kay Higginson, Howard Fuller, Steve Porter, Sam Sellers, Everett Junior Kester and Everett Kester. Ramona Rosenlund, secretary.

Mr. Hudson called the meeting to order at 7:36 P. M. and offered the prayer.

Mr. Hudson reviewed for those present what had previously happened with Mr. Kester. He had asked for a variance in order to build on his property facing a private right-a-way and this was denied him as he did not have a full half acre and would be able to acquire additional property to the west. Junior Kester explained that it had been arranged for deeds to be given to the city from Clement Kester and Inez Kay, giving the property immediately west of his (measuring 99 feet wide east and west and 80 feet long north and south) for a road which would be an extension of 100 West Street. The City Council has accepted these deeds.

Mr. Kester showed a map of the property and explained that a small section on the south-west corner had not been annexed at the time of the original annexation and the City Council has agreed to amend the annexation to include this portion.

What Mr. Kester is asking for tonight is a variance to allow him to build facing this new street extension but his lot has only 70 feet frontage. He pointed out that although he only has 70 feet frontage, the property contains 20,037 square feet and the ordinance calls for only 9,600 square feet when a lot fronts on a dedicated street.

There was a short discussion of the irrigation flood control ditch which goes through the property. Mr. Kester explained that he had an agreement with the city that if it ever comes up to be covered or piped it will be taken care of by the person who owns the property.

Mr. Fuller asked about how the person who owns the east 1/2 acre of Mr. Kester's property will have access to this and it was explained that a drive would go off the 33 feet wide right of way into the east 1/2 acre and this would come out of the 20,037 square feet of the other property leaving roughly .42 acres in it. Mr. Porter pointed out that a public hearing will be held to amend the Master Plan to show the extension of 100 West Street to the South to where the Freeway would intercept it and that the city was leaning toward making this area an industrial zone.

Mr. Hudson asked if this new section of 100 West Street had been opened yet and was told no but it had been deeded to the city. He then asked who was going to oil the new section of this road. Mr. Kester replied that whenever the people on either side of it wanted the road to be done they would not protest a special improvement district and they will pay for it to go through. He also said he felt it was good to have this as a road instead of buying the property to give him a half

acre so it would not close out others to the south.

Mr. Hudson wondered if after annexing the small piece that was inadvertently left off the original annexation, Mr. Kester would have a half acre so he could build on the private right-of-way to the north of the property and Mr. Porter pointed out that he would not have enough acreage and so that was why Mr. Kester is requesting a variance for a 70 foot frontage on the new road.

As there were no more questions, the Kesters were excused and told they would be notified of the decision of the Board. Mr. Everett Kester said he thought it was good to have something like the Board of Adjustment in town to work out problems of this kind.

The two Mr. Kesters left the meeting at 8:48 P. M. There was a short discussion of the variance being asked for and then Mr. Hudson said he felt this was a unique and special situation and quoted from the guidelines where it says the major reason for creation of the Board of Adjustment is to take care of special situations which can not be dealt with in the ordinance without making it unduly complicated or where ordinary workings of the ordinance will produce hardship cases which otherwise would have to go to the court for releif. A typical example is where the topography of the particular lot makes it impossible to comply with the normal front or sideyard requirements. If the variance is denied what will he do the the property, just let it sit there? He has only 70 foot frontage but has around 20,000 square feet of area.

Miss Higginson said she did not see any reason why we can't give it to him. Mr. Porter said he felt they should consider that Junior did approach Mr. Clement Kester to purchase additional property to the south of the ditch and he did not want to sell it but was willing to give some property for part of the road so Junior would front on a street and not need additional property.

Mr. Hudson made a motion that the variance be granted. Mr. Porter seconded the motion. Motion passed unanimously.

Adjourned at 8:00 P.M.

Ramona Rosenlund  
Secretary