

Minutes of a Board of Adjustment Hearing for William Snell held on May 17, 1983, at 7:30 P. M. at City Hall.

Present were William Snell, Jill Snell, Jack Hudson, Galen Kidd, Howard Fuller and Ramona Rosenlund, secretary.

Mr. Hudson called the meeting to order at 7:35 P. M. and prayer was by Mr. Kidd.

Mr. Hudson explained to the Snells that the Board was appointed by the City Council, served without pay as a service to the community and were bound by law as to what they could do and that they could only grant minor variances. He said that according to the request for this hearing the problem goes back to 1981 when the Snells got a building permit from the city and it was not returned to be approved prior to them building a large garage.

Mr. Hudson asked why they had not turned the permit back to the city. Mr. Snell said he thought this was to be taken care of by the building inspector and Mrs. Snell said the inspector was often there inspecting the building and giving his okay. Mr. Hudson asked if they knew they needed to bring it back for approval and Mr. Snell replied he did not and that he thought it was being taken care of by the building inspector. Also, that he thought they were doing everything according to code since the inspector was there checking everything. Mrs. Snell said the last time he came was when the block was about half way up and they did not see him after that.

Mr. Fuller asked if the inspector had indicated that there was any problem with the size of the building and its being too big and Mrs. Snell said the inspector did not say anything about the size of it. Mr. Snell said they called the inspector each time they needed an inspection and he knew how big the building was going to be. Also, that they did not intend to do anything wrong, they did not know it was too big and the inspector came each time they called him and didn't say anything about that. Mrs. Snell said she had the permit at her home all the time but did not know the cost of the building and so waited.

Mrs. Rosenlund explained to the Board that the inspector at that time was new and only worked for the city for a very short time and may not have been aware of all aspects of his job.

Mr. Hudson said the size of the building is against the ordinance and Mrs. Snell said she did not know this at the time. Mr. Kidd asked if the garage was a two car one and Mr. Snell said it was a three car garage with a carport and work area.

Mr. Fuller asked if they had not done some building prior to this garage and Mrs. Snell said yes, they built in a carport to make a room. He asked if they had a permit for that and Mrs. Snell said they did and had no problem then. Mr. Snell said they knew they had to pay for the permit for the garage but did not know when.

Mr. Kidd asked about the cost of building the garage and Mr. Snell said he did not know the cost as he did some trading for work and he did not know its value assessment-wise. Mrs. Snell said they started building it in September 1981 and finished it in November 1981. Mr. Kidd asked how much work Mr. Snell did himself on the building and he replied maybe 20%.

Mr. Fuller asked about the placement of the building on the lot and Mr. Snell said the present building inspector checked it out and it is alright.

Mr. Hudson explained they would excuse Mr. & Mrs. Snell and then consider the problem and they would be notified of the decision. Mr. Snell asked what the choices were and Mrs. Snell said she understood it was double the fee or a fine. Mr. Hudson explained that if the variance was denied Snells could go to court and appeal the decision or tear the building down. However, they would consider the fact that it might have been a fault of the city.

Mr. Kidd asked if they objected to paying the permit fee of \$171.33 and they said it was no problem.

Mr. Hudson said they had a permit the first time they built and had brought it in before starting to build so why had they not for the garage? Mrs. Snell said they thought they had to have the cost of the building first, so did not turn it in and Mr. Snell said they left it up to the inspector.

Mr. Hudson said they had some legal advise and would consider this in their decision.

The Snells left the meeting at 7:55 P.M.

There followed a discussion of the problem. Mr. Fuller said it is a sticky situation as apparently the building inspector did not know his job or this would not hve happened. Mr. Kidd said the inspector should know his job and the city is at fault for not seeing that he did and he would suggest they just charge them the regular fee of \$171.33 since he feels the city was in error and people need to rely heavily on the inspector.

Mr. Hudson said he agreed but that they knew they should have brought the permit back to the city office asd they had had a prior one and had handled it right. Mr. Kidd said maybe it was poor communication. It was pointed out that the attorney suggested that they grant the variance post hoc and leave it up to the building inspector to assess the fees. Mr. Fuller asked if the permit they had during the building has any signatures of anyone from the city. It was checked and found there were none.

Mr. Hudson made a motion that the Board recommend that the building inspector accept the fee as figured on the permit or double it if he feels he should and that the variance be granted. The motion was seconded by Mr. Fuller.

There was further discussion with Mr. Kidd saying he did not think it was Snells fault but the citys problem and so the fee should not be doubled. It was brought out that the Board is not in the position of setting fees although possibly they could make recommendations.

The vote was taken and the motion passed unanimously.

Meeting adjourned at 8:05 P.M.

Ramona Rosenlund  
Secretary