

Minutes of a Board of Adjustment hearing held July 13, 1983, in the City Hall at 7:00 P.M. to hear arguments for and against allowing a variance so Mr. Jose Alfredo Parra can build a garage with a four foot side yard clearance.

Present were Jack Hudson, Kay Higginson, Galen Kidd, Jose Parra and Ramona Rosenlund, secretary.

Meeting was called to order at 7:23 P.M. as there was not a quorum present until that time. Chairman Jack Hudson offered prayer.

Mr. Hudson explained to Mr. Parra how the Board is set up and that they all serve the community without pay and that they are bound by the law of the City and can only make minor changes in the zoning ordinance such as when a property is an odd shape, or when the situation is a hardship one, etc. He explained they would hear what Mr. Parra has to tell them and this would be discussed, then he would be dismissed and the Board would make a decision and Mr. Parra would be notified by mail of that decision.

Mr. Hudson asked how long Mr. Parra had had the home and he replied they moved in to it about five years ago. Mr. Hudson said the lot is non-conforming in size but the house was put in prior to the present zoning ordinance. He then asked Mr. Parra why he started building the garage with a permit. Mr. Parra said when they bought the house there was a double wide cement driveway already poured and he thought he could go ahead and build a garage that wide. He said his father-in-law came by and told him he needed a permit, and he did not know he should have one until then.

Mr. Hudson explained that the ordinance requires a sideyard of at least eight feet on one side and at least twelve feet on the other for fire protection, so that vehicles can get around and behind buildings. Mr. Parra's lot is non-conforming on both sides as he has ten feet on the one side and would have only four feet on the other if he is allowed to build the garage as he wants to do. Mr. Hudson said he had driven past where the garage is being built and looked at it and it is already partly constructed. He explained to Mr. Parra that if the Board denied him the variance he wants, he could appeal the decision to the district court.

Mr. Hudson asked about the vacant lot on the left of the Parra home and if it would be possible to purchase the few feet needed from Ross Holman, the owner. Mr. Parra said he has tried to buy some from him but Mr. Holman said he would not have enough left for a lot if he sold any. After checking the figures on the county plat map, Mr. Kidd said Mr. Holman has about 11,948 square feet and does have enough for a building lot and to sell four feet to Mr. Parra if he wanted to sell it. Mr. Parra said that maybe Mr. Holman thinks he would not have enough for this.

Mr. Parra said that when he put a fence in he went to Mr. Holman who decided what kind of fence it was to be, he then put it in and when he went to Mr. Holman and, asked for his share, he got stuck with the cost

of the fence. He said maybe he could go back to Mr. Holman and work out something with him but he has said he does not want to sell. He then asked if Mr. Holman had enough to have a building lot and still sell him what he needs and Mr. Hudson said yes and Miss Higginson said unless he builds a really big house.

Mr. Hudson said that if he could not purchase additional ground, Mr. Parra might have to build a smaller garage. Mr. Kidd asked how much of the garage was up and Mr. Parra replied that the foundation and a two foot wall, all the north side and the steps. The driveway was already there.

There was a short disucssion as to whether a carport or a shed needed a building permit as well as garages, etc.

Mr. Hudson told Mr. Parra that the Board would consider the variance requested and if it is denied, he will have to ask Mr. Holman to sell him an additional four feet as he has plenty to do this. He felt it was too bad Mr. Parra did not check on a building permit first and it could have been built smaller. Mr. Hudson suggested that once or twice per year it be put on the water bills that a permit is necessary for all building and maybe this would help do away with these kinds of problems.

Mr. Parra said he knows of some homes in town which have been built without any sideyards at all. He said he wanted to do it right when he found out he needed a permit but maybe he should have just built it fast. Mr. Hudson said he also knew of some homes like this but they could not do anything about them as they were built prior to this Board knowing about them.

Mr. Hudson asked if there were any more questions or discussion and as there was not, they would dismiss Mr. Parra from the meeting while they discussed the situation and made a decision. Mr. Parra said he would ask Mr. Holman again for some of his property and Mr. Kidd suggested writing a letter to Mr. Holman telling him of the situation and explaining that he did have enough property for a building lot without the few feet Mr. Parra needed.

Mr. Parra left the meeting at 7:33 P.M.

There was a discussion of Mr. Parra's request with Mr. Kidd saying that in nearly every instance of a fire with loss of life it was due to bending the rules. If the sideyard requirements are not adhered to we are setting up a potentially dangerous situation. Mr. Hudson said the city is liable if such a problem comes up and they have allowed the situation to come into being.

Mr. Hudson made a motion that the variance be denied. Mr. Kidd seconded the motion and it passed unanimously.

Miss Higginson suggested that if the people in the office thought there was a possibility of a variance being denied, they should tell the person applying and thus save time and their money. Mr. Hudson said

the office staff has no authority to say if a variance will or will not be granted. Mr. Kidd suggested that all such questions be given to the building inspector and let him determine if a variance should be asked for.

Meeting adjourned at 7:50 P.M.

Ramona Rosenlund
Secretary