

Minutes of a Board of Adjustment Hearing held on July 25, 1984, at 8:00 P. M. in the City Hall to hear arguments for and against a variance requested by Mr. Steve Hardle which, if granted would allow him to build an attached garage on the south side of his home.

Present were Mr. and Mrs. Steve Hardle, Chairman Jack Hudson, board members Howard Fuller and Kim Barlow, who came in at 8:20 P. M. at whichh time the meeting was called to order.

Mr. Hudson explained that the Board could only grant small variances and he also explained the meaning of "hardship" as defined by the law.

Mr. Hardle said there are several options as he sees it and he is asking for one of them to allow him to build an attached garage to the south side of his home. If he were to build a double garage he would need a variance of sixteen and a half feet; if he were to build a single one, he would need a variance of nine and a half feet. He said he would build the garage as narrow as possible so as to require the least amount of variance. He also said he would check with the Chief of Police about how far out he could go without obstructing the view of motorists approaching the corner since the required 30 foot side yard on a corner house is a safety factor.

Mr. Hardle went on to say he is aware of a some places in town with less than 30 feet sideyard, and he named one that he thought was only 21 feet and it was also on a corner lot. He said he would like the same privilege.

Mr. Hudson suggested Mr. Hardle build the garage on the east side of the home since he had plenty of room there as the lot is 165 feet deep. Mr. Hardle said he had thought about this but it would be too expensive for the additional cement needed for the driveway and there were windows on that side of the home which would be in the way.

Mr. Hudson asked if a double garage in back would not be better than a single one at the side, Mr. Hardle replied he could not afford to build in the back and Mrs. Hardle said the kitchen window was in the way.

Mr. Hudson asked what he would do if the request for a variance was denied and Mr. Hardle said he would have to go without a garage which would be hard as they are finishing off the basement to bedrooms and so need storage space or he might ask the City Council to change to ordinance but he doesn't feel it would do much good to ask. Mr. Barlow explained that the Board has to follow the ordinance as closely as they possibly can and only grant small variances. There was another short discussion of the definition of hardship. Mrs. Hardle said she did not see any problem with peoples view on the corner as it is a big lot and even though it has a narrow front, the house is set back far enough.

There was a short discussion on what other cities do about corner lots and what sideyard is required. No one knew what others do. Mr. Hardle asked what the Board suggested he do. Mr. Fuller said they sympathize with the Hardles and the problem they have but he felt they had to go by the ordinance and this was a rather large variance to grant. He



said he wanted the Hardles to understand it was nothing personal, just that they had to follow the rules.

Mr. Hudson said this is the first request like this one since he has been on the board and that they had granted very few variances. Mr. Hardle asked what were the ones they had granted and Mr. Hudson replied there were only two, Verl Wall and Junior Kester. Mr. Fuller said most of the requests they have are for dividing of lots or for new construction of homes on non-conforming lots. Mrs. Hardle said there were other places in town where building on nonconforming lots had gone on. Mr. Fuller said she was probably right but the city may not know about the building going on or it may have been done prior to the ordinance.

Mr. Hudson explained to the Hardles that if the Board denies the request, they have the option of asking the City Council to change the ordinance or to appeal it to the district court. Mr. Hardle said he felt he was being discriminated against if he could not do the same as some neighbors. Mr. Barlow said this depended on the interpretation. Mr. Hardle said if others in town have built closer to the corner than 30 feet then they are being discriminated against, if they cannot do the same. Mr. Hudson said they had not given such a variance to anyone and if it was done for one it would have to be done for all. Mr. Barlow said the city tries to enforce the ordinance to the best of their ability.

There followed a discussion as to what the ordinance means when it reads "30 feet from the side street line of a corner lot." Mr. Hardle said if it meant the asphalt then there was a great deal of room on that side of the house. Mr. Hudson said he felt sure it meant the property line. After some discussion, Mr. Hudson said he would check with some of the people who were on the Planning Commission at the time the ordinance was written, for a clarification of this point.

Mr. Hardle asked if the Board would grant a variance of seven and a half feet and he will build a small garage. Mr. Barlow asked if Mr. Hardle would be willing to ask the city council to change the requirements of the ordinance if they denied the variance. Mr. Hardle said yes he would and that he would check with some other towns to see what they did. Mr. Fuller asked if he was sure the measurements of his lot were correct and Mr. Hardle said yes they were correct. Mr. Hardle said he will wait for the decision on the 30 foot sideyard line and if it is the property line then he will go to the City Council to request a change in the ordinance.

Mr. & Mrs. Hardle left the meeting at 9:03 P. M.

There followed a short discussion of the problem and all felt they should not allow the variance as he had plenty of room at the rear or some other place in the lot for a garage of the size he wanted to build. Meeting adjourned at 9:07 P. M.

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Secretary

Note: One week later, Mr. Hudson called Mrs. Rosenlund saying he had spoken with Robert Hales, Dan Mendenhall, Fred Tasker and Mrs. Helen Kester, all of whom he thought were members of the Commission at the time the ordinance was written. Mr. Mendenhall said he came on the Commission later but the other three all stated the intent of the ordinance was that the side street line and the property line were the same thing. Mr. Hudson said he would contact Mr. Hardie and tell him the same thing.

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Secretary