

Minutes of a Board of Adjustment hearing held in City Hall on July 18, 1985, at 7:00 P. M., to hear arguments for and against the granting of a variance to Mr. & Mrs. Rick Wilburg for a reduction in the required sideyard.

Present were Board members Wade Garner, Kay Higginson, Eldon McMurray and Chairman of the Board Howard Fuller. Also Present were Mr. and Mrs. Rick Wilburg. Ramona Rosenlund recorded the minutes.

Mr. Fuller called the meeting to order at 7:06 P. M. and Miss Higginson gave the prayer.

Mr. Fuller explained that the Wilburgs are requesting a variance in the reduction of the sideyard requirement. He explained that variances are of two kinds: 1- minor and 2- major and that the Board has the right to grant only minor variances and so they are limited in what they can do but always try for the best interest of everyone. He went on to explain that hardship is often brought up and that it means a unique situation. It must not be a self-imposed problem and the Board must stay within the guidelines set up for granting a variance.

Mr. Wilburg showed the map he had drawn of this property saying it is an odd shaped lot and narrow at the front and widens out at the back at the same time it goes up hill and is terraced in the rear to the end of the lot which ends at the city limits. He said they want to build a double car garage.

Mr. Fuller said the ordinance requires at least 8 feet sideyard on one side and 12 feet on the other and they are requesting that half the 8 feet be allowed. The lot angles in such a way that if they had 4 feet at the front, they would have 14 feet at the rear of the garage. He asked where the closest corner of the neighbors house is and Mr. Wilburg said it is 22 feet from where the rear corner of the garage would be to the corner of the rear of the neighbors house.

Mr. Fuller explained that the rear yard must be 30 feet and Mr. Wilburg said it was 30 to 35 feet. Mr. Fuller said he would suggest they move the garage back so they would have the required sideyard. Mrs. Wilburg said they did not want to do this as the back was already terraced. Mr. Garner asked why they wanted the garage to be 29 feet wide and Mr. Wilburg said they wanted to use one side of it for the storage of fire wood. Mr. Garner suggested they cut it back to 25 feet wide. Mr. Wilburg said they have an exit from the house with a step so they need room for the step and for the door to open which they could not do if the garage was set back.

Mr. Fuller said if they allowed a 4 foot sideyard there would be no way for a fire truck to get in to take care of a fire to the rear of theirs or the neighbors home. Mr. Wilburg said they are making a door in both the front and the rear of the garage and so they could just drive through. Mr. Garner said this might be alright but what if no one were home and the doors were locked.

Mr. McMurray said they could angle the corner off the garage so they would have the necessary sideyard. Miss Higginson said she thought they could do this and so conform to the ordinance. Mrs. Wilburg said they already had the sprinkling system in and so could not build it to the back any further. Mr. McMurray then suggested they build the garage smaller and store the firewood at one side. Mr. Fuller said if they were asking for only a foot or a few inches they could grant the variance but he felt half the requirement was too much. Mr.

Mr. Garner said his is 20 feet wide and he can get two cars in although it is tight but if it Mr. Wilburg built his 27 feet side he would still have room to work but Mr. Wilburg said if he had a boat to store it would not be big enough. Miss Higgison asked if he was planning on a boat then and Mr. Wilburg said yes, they were. Mrs. Wilburg again mentioned they would have doors both at front and rear of the garage so there would be a go-through in the event of fire. Someone said that would be fine if no cars were in the garage and the doors were unlocked.

Mr. Wilburg said maybe they did not do so good in buying this particular property and Mr. Fuller said often people buy without looking ahead. Mr. Garner asked if 2 feet could be purchased from the neighbor. It was thought this would leave his non-conforming as must of the lots in this sub-division are non-conforming. Mr. McMurray asked how close the terracing of the back yard came to where the back of the garage would be and Mr. Wilburg said about 10 feet. He went on to ask if they would grant a variance of 2 feet if they built the garage 27 feet wide. Mrs. Wilburg said that would be cutting it close as a boat would be about 8 1/2 feet wide. Mr. Garner said adding the width of a boat, two cars, etc. would come to 27 1/2 feet.

Mr. Fuller said they would have to consider the request for a variance as it has been requested. He felt if they built the side of the garage on same angle as the lot line it would give them the necessary sideyard and also the space they might need. Mrs. Wilburg said she thought it would look funny sitting back four feet behind the front line of the house. Mr. McMurray said if they set it back two feet the angle cuts back enough to give the necessary room. Mr. Wilburg said if it is even with the front of the house, he can tie into the main beam of the house. Mr. Fuller said if they set it back two feet, because of the angle of the lot, they would probably have enough sideyard that no variance would be needed.

At 7:30 P. M. Mrs. Neff phoned to say she was on her way to the meeting so the discussion of the angle of the land and the possibility of angling the building the same way was carried on until she arrived at the meeting at 7:35 P. M.

Mr. Wilburg said it looked as if they could get along without a variance if they built the garage 27 feet wide and set it back 2 feet as this would give them the 8 feet for a sideyard. Mr. McMurray said he thought it would look neat built this way.

Mr. Fuller asked if there were any more questions or discussion. As there were none, the Wilburgs were dismissed and told they would be notified of the decision of the Board on the request.

After the Wilburgs left, there was a short discussion of the variance request with Mr. Fuller saying he felt they could not grant a variance of four feet as it was too big a variance. Mr. Garner said he felt the same way.

Mr. Fuller made a motion that the request for a variance be denied and Mr. McMurray seconded the motion. Motion passed unanimously.

Meeting adjourned at 7:50 P. M.

Ramona Rosenlund
Secretary