

Minutes of a Board of Adjustment hearing held on August 7, 1985, at 7:00 P. M. in the City Hall.

Present: Board Chairman Howard Fuller and members Wade Garner and Lynnette Neff. Also present were Mr. & Mrs. Jim Gause and their small daughter, Mrs. ReVoe Jackson and Mr. James DeGraffenried. There was no quorum present, so Mrs. Rosenlund phoned the other members of the Board to see if they were coming. She found Mr. McMurray to be out of town, Miss Higginson (who had called earlier) was working and she could not locate Mrs. Neff. After a short discussion it was thought another member of the Planning Commission could act in place of Mrs. Neff, who was thought to be still on vacation. Mr. Parsons, who is vice-chairman of the Planning Commission was called and he was working and could not come. Mr. Smith was called and he came right down. In the meantime, Mr. Garner had gone looking for Mrs. Neff and found her. They both came into the meeting at 7:55 P. M. Mr. Smith then left the meeting.

As there was a quorum, Mr. Fuller called the hearing to order and Mr. Garner gave the prayer.

Mr. Fuller read from the Notice of Hearing which stated that Mr. Gause is requesting he be allowed to have a Home Industry. He read from the Ordinance the requirements and explained that the Board is to make certain all requirements as outlined in the Ordinance, are met. He said that after discussing the request, Mr. & Mrs. Gause would be dismissed while the Board made a decision and that they would be notified of that decision.

Mr. Fuller read a letter to the Board from Mr. Dee Clements which states he feels the Board should allow the request. This letter is a part of this file.

Mr. Fuller asked Mr. DeGraffenried if he had any thing to say to the Board and Mr. DeGraffenried said he had no qualms about allowing the Home Industry but another adjacent property owner, Mrs. Louella Kay, had called and asked him if he would come to the hearing. He said her concern was that this would open up the neighborhood to a big industry. He had explained to her how a home industry was regulated and she said she then would have no objection if the place did not become an eye-sore.

Mr. Fuller asked where he was operating his repair business now and Mr. Gause said out of his truck and that he was using space in two parts shops in Provo and marketing his own machines through Stringhams Hardware here in town. He would like to have his own repair shop as he now has to work at their time and sometimes takes things and then has to return with them as the shops can't accomodate him. He said he wants to rebuild and repair home appliances and use the old home on his property for this work and to store parts and appliances.

Mr. Fuller asked how many workers he would have and Mr. Gause replied just himself and his children with his wife answering the phone which would ring both in the home and the shop. Mr. Fuller quoted from the ordinance where he would be allowed only two helpers outside those residing on the premises. Mr. Gause said he sometimes has to get help with a heavy machine but just to load or unload it. He said he just does common household appliances, that there will be no outside storage of anything and he is arranging for there to be two off-street parking spaces in front of the building as is required.

Mr. Garner explained that no accessory building, which this shop would be, can

be larger than 10% of the total lot. Mr. Gause said this was no problem as the lot was a full half acre. Mr. Garner said that when he pictures a repair service he thinks of one in Payson which is a mess on the outside and he hoped this one would not be the same. Mr. Gause replied that he would have no storage or old machines outside the building.

Mr. Fuller asked about signs and Mr. Gause said he wanted a small sign only to direct to the shop or so people could find the place, with a phone number and showing which door to use. He went on to explain that the driveway would go in on the south side of the building and circle around in front the the mobile home behind it and then come back out to where it came in.

Mr. Fuller said there would have to be two off-street parking spaces besides the two required for the residence. Mr. Gause said there would be this many.

Mr. Fuller asked if there were any more questions. There were none. Mr. Gause said he will be glad to be able to do what he wants with this building so he won't have to travel to a work place. He said it is done this way all the time in europe.

Mr. & Mrs. Gause left at 8:12 P. M.

Mr. Fuller said they would hear Mrs. Jackson's request now and after she had been excused they would vote on each case.

Mr. Fuller explained that Mrs. Jackson is requesting a variance on area. She wants to divide a property into two lots and each would contain 9,528.75 square feet in area. The ordinance requires 9,600 square feet in area, with 80 foot frontage and 100 foot depth minimum. Mr. Fuller explained to Mrs. Jackson that they have laws and the ordinance which they must abide by and can only grant small variances. This is so people with odd size and shape lots may be made of use. He explained that some people plead hardship when requesting a variance but if it is a self-imposed hardship, they cannot grant the variance. If an owner can not acquire more property or make any other use of the property then this is a hardship and may be granted. He also explained that if anyone is not satisfied with a decision of the Board, they have the right to appeal to the district court for a reversal of the decision.

Mrs. Jackson's lots, if the property were divided, would be okay on the frontage and depth minimums but each would be lacking 71.25 square feet in area.

Mrs. Jackson said she wants to put a double wide mobile home on the new lot (her mother has a mobile home on the property where the other lot would be. She said she is not just sure which way the home will sit but she thinks she will have a drive way come in on the south side and go around behind the house and out on the north side of the new mobile home. There will have to be some fill put in as the property slopes sharply on the south side. She said there will be plenty of room for the required sideyards which ever way she decides to sit the house. She plans on a car port to rear of the home.

Mr. Garner asked where the septic system was on her mothers existing home and Mrs. Jackson said she was not sure but thinks it is to the south and east of the home and she said she is sure it is all on what would be her lot. Mrs. Jackson said the lot owned by Eldon McMurry, was part of this same parcel and was sold by her sister and is the same size lot as these would be.

Mr. Garner said if she could buy some property from Pusts to make up the lacking amount she would only need about six inches. Mrs. Jackson said she could get none from the neighbors.

As there were no more questions, Mrs. Jackson was excused and left the meeting at 8:28 P. M.

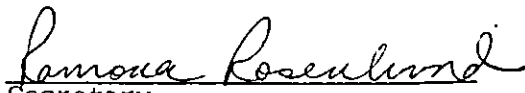
Mr. Garner said he had looked back through the minutes of other variances and found where a very similiar variance had been granted. Mrs. Neff said she wondered if there would be enough room to put the mobile home in because of the long slope and drop-off at the south side of the property. Mr. Garner said this could probably be slopped and rounded off. Mr. Fuller said the fact that there is another lot in the vacinity of the same size needs to be considered and they need such a small amount to make the necessary area although they need about 6 or 8 feet to make the required depth. Mrs. Neff said she thought they had granted variances when they had less than this.

Mr. Garner made a motion to propose they allow the variance. Mr. Fuller seconded the motion. Mrs. Neff voted for the motion but requested that the minutes show she was hesitant about allowing another mobile home in the area. The motion was unanimous to grant the variance to Mrs. Jackson.

Mr. Fuller said he felt they should grant the Home Industry requested by Mr. Gause only on he condition that the ordinance be inforced and there be no outside storage and that it conform with the charactor of the area. Mr. Garner said it should not appear as a business except for the sign.

Mr. Fuller made a motion that the request be granted on the above conditions and Mrs. Neff seconded the motion. Voting was unanimous that the request be granted.

Meeting adjourned at 8:38 P. M.


Secretary