

Minutes of a Board of Adjustment hearing held in City Hall on September 18, 1985, at 7:00 P. M.

There was no quorum present until 7:20 P.M. when Mr. Fuller called the meeting to order and prayer was given by Mr. McMurray.

Present were Howard Fuller, chairman of the Board, Wade Garner and Eldon McMurray, members of the Board, Max B. Kay, Glen Thomas, Gina Villegas, Thomas Villegas and Ramona Rosenlund who recorded the minutes.

Mr. Fuller explained the Board can work with two forms of variances which are minor changes from the ordinance and use variances. A use variance is not the type which is being requested tonight. He also explained what hardship means as well as self-created hardships. He said they are restricted by law as to what they can and cannot grant. He told Mr. Kay that if he did not agree with the verdict of the Board he has the option of asking the City Council to change the ordinance or he can appeal to the district court.

Mr. Thomas, Mr. Kay's stepfather, said Mr. Kay had asked him to accompany him to the hearing. He said Mr. Kay wants to build an indoor arena on the south side of his property. It would run east and west and would sit close to the east fence line, with one short end facing 200 West Street.

Mrs. Vellegas asked what the purpose of this arena would be and Mr. Kay said it would be for his own use for riding and training horses so he could do it all year around. Mr. Thomas said he would tear down the hay shed that is already there and put everything under one roof.

Mr. Fuller asked what type of building it would be and Mr. Thomas said it would be wood beams inside and steel outside.

Mrs. Vellegas said they want to build a home on their property which is right next to where Mr. Kay wants to build this arena and they would not want to have the flies and smell of something of this type so close to their home. She said that where they now live the neighbors were allowed to build too close to the property line and as they have 39 cats, there is a bad smell all the time and they would not want to have this again. Mr. Fuller explained there has to be sideyards of 8 and 12 feet from the property lines for a home and he asked Mr. Kay how far from the property line they planned to build the arena building. Mr. Thomas asked how far they had to be. Mr. Fuller read from the ordinance where barns, carrals, etc. have to be set back 40 feet from the street and from any dwelling. Mr. Thomas said the house is not there yet, so they can plan their building as they want as it is still a vacant lot where the home might someday be.

Mr. McMurray said if the building has to be 40 feet from the street and they want to build it 100 feet long, it would go into the next lot as their lot is only 132 feet wide. He said they would need a smaller building in order to allow for the 40 feet setback. Mr. Garner suggested if they built the building small enough to set back 40 feet they might have one small enough to meet the area requirements. Mr. Thomas said they could then only build it about 64 x 42 feet which would not be large enough for what they want to do.

Mr. Fuller said if they granted what is wanted, it would be a variance of one half again of what is allowed and they can only grant a minor amount such as a couple of feet but he feels what is requested is a large amount and he doesn't

feel it is something that can be granted or they might as well throw out the ordinance.

It was suggested that maybe the lot could be devided and the arena building called the main building so Mr. Fuller read from the ordinance where it says a main building is a residence, so this would not work. He asked Mr. Kay how big he would need to have the arena and Mr. Kay said the outdoor one he has now is 60 x 60 feet and he would need at least this big to be of use. Mr. Fuller said he felt the only solution would be for them to purchase additional propoerty in order to build as large as they want.

Mr. Thomas asked if, where he has corrals next to the property line already, and Vellegas build a home on the adjoining property, will they have to move the carrals or do they have to build the house 40 feet from the carrals? No one had the answer to this as apparently it is not covered in the zoning ordinance. Mr. Garner said they may have to ask the City Council to think of changing the ordinance to handle this type of situation.

Mr. Kay, Mr. Thomas and Mr. & Mrs. Vellegas left the meeting at 8:02 P. M.

There followed a discussion of the request for a variance with Mr. McMurray saying he did not see a way they could grant this big a variance. Mr. Fuller said he agreed that it was too much as the building would be more than half again what the ordinance allows. Mr. McMurray made a motion to deny the request. Mr. Garner seconded the motion and it passed unanimously.

Meeting adjourned at 8:15 P. M.

Ramona Rosenlund  
Secretary