

Minutes of a Board of Adjustment hearing held at City Hall on December 10, 1985, at 7:00 P. M. to hear arguments for and against Mr. Lynn McClain adding a room to a home on a non-conforming lot.

Present were Board Chairman Howard Fuller, board members Eldon McMurray and Lynnette Neff. Also present was Lynn McClain with Ramona Rosenlund recording the minutes.

Meeting was called to order by Mr. Fuller at 7:08 P. M. and prayer was offered by Mrs. Neff.

Mr. Fuller explained to Mr. McClain that the Board of Adjustment serves as a very important part of the community as sometimes people need a little lee-way or variance from the ordinance and the Board is impowered to grant small variances. He said they serve without pay as involved volunteers and try to do the best they can for those requesting a variance. He explained they are allowed to grant only variances for hardships as defined by the law, use variances and minor variances.

A map provided by Mr. McClain showed the deminsions of the existing home and lot and showed that he wanted to build a room to fill in a "U" shaped space in the rear or South side of the home. He explained that there is existing in part of this space, a lean-to or shed-type building in poor repair, which he will remove as it has no foundation and nothing that can be used in building.

Mr. Fuller asked if it had a floor and Mr. McClain said there is no foundation or basement under the existing home, just a cement slab which extends under the lean-to about five and a half feet.

Mr. Fuller read Section 27 of the Zoning Ordinance which says a non-conforming building cannot be extended beyond the existing foundation and no repairs or alterations can be made to a non-conforming building beyond the existing foundation.

Mr. McMurray said he could remember when this home was just one or two rooms with a small carport to the east which has now been enclosed for another room and he wondered how this was done since it is a non-conforming situation. It was suggested perhaps it was done prior to the ordinance.

Mrs. Neff asked if Mr. McClain had considered purchasing additional property from his neighbor, Dean Elsberry. Mr. McClain said yes he had approached him as he really would like to get some more property but Mr. Elsberry says he is going to put in a shop and refuses to sell. Mr. McClain said he had also approached his other neighbor, Norman VanAusdal and she does not want to sell any as she has willed the property to her daughter. Mr. McClain said he had also talked with both these people about building on to his home and they both felt it would be fine.

Mr. Fuller asked how large an addition Mr. McClain wanted to build and he said it would be eight by ten feet. Mrs. Neff asked what it would be used for and if he was wanting to build because of the additional exterior walls he now has and Mr. McClain said it would be for storage as they are now storing their supplies in the furnace room which is not very good. Mr. Fuller asked about lighting, etc. for the new room and Mr. McClain said there were additional slots on the circuit breaker in the furnace room and he would come off there.

Mr. Fuller asked if there were any other questions and as there were none, Mr. McClain left at 7:20 P. M.

There followed a discussion of the variance request with Mrs. Neff saying she could see no problem with allowing it. Mr. McMurray said that since the slab the house is built on already comes out where the room will be built, except for two and a half feet, he felt it would be alright. Mr. Fuller said that the intent of the law seems to be that no additional building should be allowed on a non-conforming lot but as the slab already jogs out that far, it is in effect, part of the house.

Mrs. Neff made a motion that the variance be granted. Mr. Fuller seconded the motion and it passed.

Meeting adjourned at 7:30 P. M.

Ramona Rosenlund
Secretary