

Minutes of a Board of Adjustment hearing held at City Hall, 68 East Main Street, on June 10, 1986, at 8:00 P. M.

Present were Chairman Howard Fuller, members of the Commission Charles Coleman and Eldon McMurray with minutes recorded by Ramona Rosenlund. Also present were Mr. & Mrs. Thomas Gates and Mr. & Mrs. Michael Smith.

The meeting was called to order at 8:02 P. M. by Mr. Fuller and prayer was given by Mr. McMurray.

Mrs. Rosenlund explained to the Commission that when she typed the notice of the hearing she stated that Mr. Gates wanted to build on the east side of his home but actually it was the west side where he wanted to add the rooms. The neighbors to the east were concerned with this as they were aware there was not sufficient room on that side of his property for the desired building and so they came in for the meeting. Prior to the meeting being called to order, the error was pointed out and so they left, stating that they had no objections to his wish to build on the west side. These people were Yvona Sutherland and Mr. and Mrs. Clair P. Pay.

Mr. Fuller explained how the Board of Adjustment works, that they are volunteers for a given number of years and serve as an advocate of the people of the town. They mainly are allowed to grant minor departures from the Zoning Ordinance and they have to consider that it does not lead to undue hardship on the part of the land. He explained that a hardship might be because of a unique shape of a parcel of land such as a tringle or a remenant which would not allow it to conform. It means more than inconvenience for the owner and cannot be a self-created problem. He said they are bound by legal quidelines and can be held responsible under the law if they grant variances which are more than minor.

Mr. Fuller stated that Mr. Gates was desirous of adding to his present mobile home and as his lot is nonconforming, a variance would be necessary before he could do this. The lot is non-conforming because of the frontage which is only 70 feet instead of the required 80 feet. He has a lot measuring 17,375 square feet which is about one-third of an acre so the only problem is the non-conforming part.

Mr. Gates explained that the lot faced south and the east side had a drivestrip with an awning over it, making it into a kind of carport. The awning is about 11 1/2 feet wide so it leaves a side yard on that side of 7 1/2 feet. The front setback is 33 feet and the west sideyard is now 37 feet. If the new rooms are built on the west side, the remaining sideyard will be 25 feet.

Mr. McMurray asked what type of addition he wanted to add and Mr. Gates said two rooms which would measure 12 feet by 36 feet. Mr. Fuller said they needed to ask what the possibility where of buying 10 feet from the Pays, who own the property directly east of him, in order to make his lot conforming. Mr. Gates said there was no way he could buy it if it were for sale as he is on Social Security and can't afford it. He said if he can't build the rooms on he will sell out and move as their home is not large enough now for their needs.

Mr. Fuller asked about the awning and Mr. Gates said it was about 11 1/2 feet wide and was like a carport with cement under it for parking of cars. Mr. Fuller said if the carport was 11 1/2 feet, it would leave only 7 1/2 feet for a sideyard and the ordinance requires 8 feet. However, they would still have a

west sideyard of 25 feet.

Mr. Fuller asked if Mr. or Mrs. Smith would like to say anything and they replied that they had just come to listen. Mr. Smith then asked why the lot was nonconforming at 70 foot frontage. Mr. Coleman explained that the law could not be made retroactive and when the present zoning ordinance came into being, the requirement for frontage was set at 80 feet, therefore, any property with less than that for frontage is nonconforming. Mr. Gates said he understood that it was 5 feet. Mr. Fuller said the present ordinance requires sideyards of 8 and 12 feet. Mr. Gates said that had he known at the time he purchased the property what the frontage requirement was he maybe could have dickered and got a few feet more. Mr. McMurray said he understands how he feels as his own property is short and he needs 4 more feet to build a carport and the person he needs to buy from wants enough money for 20 feet.

Mr. Gates said that he can't buy any additional property and if he is not able to build on they will just sell the place and move to Payson. Their family is from Tennessee and when they visit, there is no place for them to stay. He said he is not installing any plumbing, just adding two rooms on for the space they need. He went to explain where the doors and hall would be and said the present entry for the home is on the east side and the new part would have a south entry.

Mr. Fuller asked if anyone had any questions and as there were none, everyone was excused while the Board made a decision. He explained that minutes of this meeting and the decision of the Board would be mailed to Mr. Gates. However, he wanted to know sooner than that, he could call Mrs. Rosenlund after the meeting.

Mr. & Mrs. Gates and Mr. & Mrs. Smith left the meeting at 8:20 P. M.

Mr. Fuller asked Mr. McMurray how he felt about the request. He replied that that with the addition to the house, the sideyards and area meet the ordinance and he feels they should grant the request. Also, he is not asking to get closer to the property line than is allowed.

Mr. Coleman said he was not sure he understood the non-conforming portion of the ordinance. This section of the ordinance was found and read. Mr. Coleman said he then understood what they were looking at.

Mr. McMurray made a motion that the request be granted as the area and the sideyards are alright, and something similar to this was done before. Mr. Fuller said as it is only the frontage which is nonconforming, the sideyards and area are okay, he feels that the variance is acceptable.

Mr. Fuller seconded the motion to grant the variance request and the vote was unanimous in the affirmative.

Meeting adjourned at 8:45 P. M.

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Secretary