

Minutes of a Board of Adjustment hearing held at City Hall, February 5, 1987, at 7:00 P. M.

Present were Chairman Howard Fuller, members Charles Coleman, Ed Westover and Eldon McMurray. Also present was Ralph Coomes and minutes were recorded by Ramona Rosenlund.

Mr. Fuller called the meeting to order at 7:05 P. M. Prayer was given by Mr. Westover.

Mr. Fuller explained the duties and responsibilities of the Board. He said they can grant variances which are minor departures from the zoning ordinance, they can not grant use variances, and they may grant a variance for hardship where the hardship is solely with the land, not the owner. He went on to say there are six areas they must consider which are:

1. Does the zoning ordinance lead to practical difficulties or undue hardships on the part of the property owner in the use of this property?
2. Is the hardship unique to this property?
3. Is the hardship caused by actions on the part of the land owner? (Self-created hardship)
4. Is the land owner unable, at a reasonable cost, to acquire adjacent land so as to meet the dimensional standards of the ordinance?
5. Will the proposal alter the essential character of the area?
6. Is the proposal in conformance with the spirit and intent of the zoning ordinance?

Mr. Fuller asked Mr. Coomes to explain what it is he wants to do and Mr. Coomes said he is asking to be allowed to build a garage measuring 24 feet by 40 feet. His lot is 70 feet by 111.5 feet. Because it is short and narrow, it is a non-conforming lot. Also, the size of the garage he wants to build exceeds the 10% of the gross area of the lot which is as big as the ordinance allows. For these reasons, he is requesting a variance to allow him to build the garage. He said he has a 20 X 60 foot driveway and he would widen it to 40 feet and build the garage over it.

Mr. Fuller asked if there were any questions and Mr. Westover asked if the garage would be to the front or back of the house. Mr. Coomes said it is 20 feet to the sidewalk and so it will be back farther than the house. Mr. Westover said he could see no problem with the building obstructing the view of oncoming traffic, most of which would be coming out of the Stake House parking lot next door.

Mr. Fuller said the rear yard of the house has to be 30 feet but an accessory building only 1 foot from a property line and a garage is an accessory building if it is unattached. Mr. Coomes said there is no common wall with the house and it will be 2 feet from the property line even with the eaves it will still be 2 feet. He said there will be 10 feet between the house and the garage.

Mr. McMurray entered the meeting at this point (7:12 P. M.)

Mr. Coleman asked what per centage of the area would the garage be. A calculator was used and it was determined it would be 11% of the gross area of the lot.

Mr. Fuller said that if the garage were built 22 X 40 feet it would meet the ordinance as this would be 890 square feet or 10% of the lot area.

There was a short discussion of the problem with Mr. Westover saying he felt there was no problem of access in an emergency situation as he would be coming into and out of the lot on the east side. Mr. Coomes said he would like to park the police car out of the weather so when he had a call, he could respond immediately, not having to scrap frost and snow and warm up the car. Mr. Westover said he felt a garage or carport was worth having just for the safety factor alone. The lot size was created a long time ago, probably prior to the church being put next door.

As there were no more questions, Mr. Coomes was excused and told he would be notified of the decision of the Board. Mr. Coomes left the meeting at 7:22 P. M.

Mr. McMurray said he wanted to make a motion to grant the variance. Mr. Fuller asked that they talk about it a little before the motion being seconded. He said that in the past they have denied others for a variance of this size and this has to be considered. Mr. Westover said if they look at it realistically, allowing it would be better for all. Mr. Coleman said Mr. Coomes can't do anything about the size of the lot. Mr. Fuller said he meets the rear yard requirement but just has too small a property. Mr. Westover said he is limited to that size of lot as it and the house have already been there for a long time. He said he considers this a minor variance. Mr. McMurray said they had granted a similar variance to Malcolm Jolly because his lot was short and he could not obtain anymore property. Mr. Fuller said the side yard seems okay. Mr. Westover said the visibility for oncoming traffic is okay. Mr. Coleman said that because of the fence between him and the church lot, there might be a traffic visibility problem. Mr. Westover said there will be traffic from the church parking lot but it doesn't appear to be a problem and there has been no objections from neighbors.

Mr. McMurray again made a motion to grant the variance. Mr. Westover seconded the motion which passed.

Meeting adjourned at 7:30 P. M.

  
Secretary