

Minutes for the Board of Adjustment hearing held at City Hall, June 30, 1988 at 8:00 P. M.

Present were Chairman Howard Fuller, members Eldon McMurray, Ed Westover and Grant Pay. Also present were David and Lynda Broadbent and minutes were recorded by Lynn Smith.

Mr. Fuller call the meeting to order at 8:12 P. M. Prayer was given by Mr. McMurray.

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 a use variance and a variance could only be granted if a hardship could be shown. He read definition of "minor departure" and listed the six considerations for "hardship".

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. Broadbent corrected an error in the dimentions on the maps provided the members expailning that the map showed 32' from the home to the road. There is an additional 32' from the property line to the road making a total 64' from the home to the road. He went on to explain the addition propped, a two-car garage with an attatched room . The addition would be level with the back of the house and extend 10' beyond the exisitng front of house. This would require a variance of 8' from the frontage minimum of 30' in current ordinance. There are power and telephone lines and a septic tank behind the home where the addition is propped which make construction in that direction impossible. Heating for the room and convenience in moving furniture, a large player piano specifically, were also considerations for the placement of the addition. Mr. Broadbent also explained that a power pole that was on the property when the house was built had influenced the position of the house on the lot.

Mr. Broadbent also noted that he had noticed many of his neighbors lots did not meet the 30' frontage requirement. He asked about ordinances prior to 1978 and Mr. Westover explained there had been ordinances then. Mr. Broadbent went on to explain that a garage had been in the original plan for the home, but was not affordable at the time. The homebuilder had, to Mr. Broadbents understanding, built the home so that the addition could be made according to the existing ordinance. He also mentioned that the style of the home lends itself to the proposed addition better than any alternative.

Mr. Pay explained the prosed addition would make the house non-conforming and therefore no further construction or additions would be allowed. This

would include out-buildings with foundations.

Mr. Broadbent felt presidence had been set by a neighbor who has a small frontyard. It was explained that since the lot mentioned was a corner lot the land owner had the choice of either yard to meet the frontage requirement.

Mr. Broadbent also said that he mows the city property beyond his property line. He also expressed concern that ordinances serve the public not limit the use of individuals property.

Mr. Fuller explained the need to be careful in establishing presidence and the impact it could have on future and others applying for variances.

Mr. McMurray asked about the property across from the lot and was informed there are no existing buildings and that the property is swampy because of a spring. He explained the need to consider lots to the sides and across from the Broadbents and the impact their' addition may have on them. The neighbors have signed papers stating they have no arguments against the proposed addition.

Mr. Broadbent repeated his concerns and the Broadbents left the meeting at 9:06 P. M.

Both Mr. Westover and Mr. McMurray had checked property and agreed the house appeared set back further then required 30' partly because house sits on a rise.

Throughout discussion Mr. Fuller expressed concern that the Board take care in determining "minor" variance. He also questioned that the inability to build a garage and room was a hardship.

Mr. Westover and Mr. McMurray felt the job of the board was to make ordinances work. Since there was some question of where the board should take their instructions from in the execution of their duties Section 13 of the City ordinance was reviewed. It was agreed that Section 13 b. was the key in this particular situation. After restating many of the concerns already noted and determining proposed additon would not impact future new building and considering peculiarities of this case, i.e. houses location in considerable rise, location of sewer system and the fact that it is a pre-existing building Since the proposed addition is not contrary to public interest as per Section 13 b. Mr. McMurray motioned for granting the variance to the Broadbents, with the understanding that it applies to this specific lot under these specific conditions. Mr. Westover seconded the motion and voting was unanimous.

Meeting adjourned at 9:30.

Mr. Fuller pointed out that this would be his last meeting as his five year term had ended as of March. He reminded the members that two new members were also needed and the election of a new chairman would also be necessary at the next meeting.