

**BOARD OF ADJUSTMENT**  
**November 9, 1993**

Present: Chairman K D. Simpson, Frances Spencer, Kirk Heaton; Blaine Gehring, Planning and Redevelopment Director; Shirley Chevalier, Recording Secretary

Absent: Gene Bangerter; Mick Johnson, Planning Commission Representative

The minutes of August 10, 1993 were unanimously approved as written.

**Petition No. 93-7** Paul Neunschwander, 1270 East Sundance Circle - Permission to build a covered front entry extending 8 ft. into the existing front yard setback.

When Browns Park Plat I was given final approval on April 6, 1976, approval was also given to reduced front yard setbacks of 20 ft. to three lots, including Mr. Neunschwander's lot 10.

Mr. Neunschwander stated that his front porch has a northern exposure and collects snow and ice as it falls from the roof, never seeming to melt. They have lived in the home for 15 years, and have had several injuries from falling on the ice.

Mr. Gehring said this was built wrong and wasn't caught until it was almost completed. It was found to extend two feet into the front yard setback. The new ordinance would allow for a projection of four feet into the yard for steps or an uncovered porch.

Kirk Heaton and Frances Spencer both said they felt this variance request would not encroach on anything he has not already encroached upon.

Chairman Simpson said the Board has some flexibility, but they don't make the rules or the laws. They interpret them, to an extent, based on the three criteria which governs the Board. He felt that the answer to #3 of the application form did not answer the question.

Kirk Heaton said this does not meet the letter of the law because it does not meet the criteria that the statute provides. He said it was difficult for him to find the unique circumstance which necessitates the variance. The home has been lived in for 15 years the way it was built.

Mr. Neunschwander said this would not extend out any further than it is now. It would be an attractive addition to the home, and the neighbors have said there is no problem. Though they have lived in this home 15 years, they do not enjoy the winter months with the ice and snow. People have fallen and there will be more falls with serious injuries.

Chairman Simpson asked Mr. Neunschwander to respond to each of the questions on the application as he read them aloud to see if it would help to go through each one and hear his comments, after which Chairman Simpson called for the motion.

Frances Spencer made a motion to grant the variance because she does not feel he is covering any more than what is already there; seconded by Kirk Heaton; voting was unanimous.

Meeting adjourned at 7:25 PM.