

BOARD OF ADJUSTMENT MINUTES

July 1, 2003

7:00 p.m.

Present: Chairman Bud Neslen, Vice Chairman Dean Holbrook, Leon Thurgood, Al Hess, Assistant City Attorney J.C. Ynchausti, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Planning Commission Representative Larry Rigby.

Bud Neslen welcomed all those present and had the Board Members and all those present introduce themselves. Leon Thurgood made a motion to approve the minutes for June 3, 2003 as amended. Bud Neslen seconded the motion and voting was unanimous.

Blaine Gehring mentioned that there will be a meeting on August 5th to reconsider the item that was tabled for Michael & Lisa Serio.

1. Consider approving or disapproving a special permit for the alteration of a nonconforming structure within 10 feet of the property line at 630 East 500 South, Brian Knowlton, owner.

Brian Knowlton, owner, was present. Don & Marilyn McBride, residing at 654 E. 500 S. and Gail Whetman, residing at 578 S. 750 E., were also present.

Brian Knowlton explained that when 500 South was widened it took away part of the frontage on this lot leaving the existing home less than 10 feet from the front property line. Mr. Knowlton is proposing to remove the existing home and build a garage at the current setback and construct a new home to the south. This will make it possible to not have a garage facing the street and prevent backing onto 500 South. The garage will also create a noise buffer from 500 South. Mr. Knowlton is asking to allow him to have the existing setback in consideration for the fact that there will be no traffic backing onto to such a busy street.

Mr. Knowlton knows that this is a new proposal from what was submitted. Since his application he has some concerns about the utility pole on the property which feeds the electricity to the homes to the west. If it is not possible to move the pole, it will be necessary to have the current setback in order to build a home. The home is also limited as to how far back it can be built because of the creek and its associated maintenance easement for flood control.

The Public Hearing was opened for those who had questions or concerns. Those present had no comments so the Public Hearing was closed.

Blaine Gehring explained that Mr. Knowlton has changed his plans since the application was submitted. At the time of application the front section of the existing home was to remain and be remodeled as a garage. If the home is completely torn down the property will lose the non-

conforming use. This is not for a variance but a special permit to allow the front structure to remain at the current setback. The front section has to remain. This is a special permit to alter the nonconforming structure. If the whole structure comes down, he no longer has a nonconforming structure and start from scratch.

Brian Knowlton will make the changes to comply with what has been submitted. Al Hess understands what Mr. Gehring has explained and sees no problems with what has been submitted.

Al Hess made a motion to approve the special permit to maintain a portion of the nonconforming structure based upon leaving the north, west and east facing structure in it current form. Leon Thurgood seconded the motion and voting was unanimous.

Meeting adjourned at 7:25 p.m.