

**BOARD OF ADJUSTMENT MINUTES**  
**May 10, 1994**

Present: Chairman Kirk Heaton, Paul Summers, K D. Simpson, Vedon Duncan, Dean Thurgood; Kathl Izatt, Planning Commission Representative; Russell Mahan, City Attorney; Shirley Chevalier, Recording Secretary

Excused: Blaine Gehring, Planning and RDA Director  
Absent: Frances Spencer

The minutes of January 11, 1994 were unanimously approved as written by Kathl Izatt, K D. Simpson, and Kirk Heaton, representing a quorum of those present at this meeting.

The minutes of April 12, 1994 were amended by eliminating the first sentence In paragraph 2 of Petition No. 94-3. The minutes were unanimously approved as amended.

City Attorney Russell Mahan researched the law and advised that only the members who were present at the public hearing on April 12, 1994 should vote on the petitions this evening.

**Petition No. 94-3** (Tabled from April 12, 1994, see minutes) - Kyle Brewster, 3855 So. Bridlewood Drive Permission to construct a single family dwelling with a front yard setback of 26 ft. Ordinance requires a 30 ft. front yard setback. (NOTE: Mr. Brewster was not present this evening.)

Mr. Brewster had stated that because of the steel construction of his proposed home, the design could not be altered. He was asked to bring back some engineering data that says ft cannot be shaped in any design other than rectangle, and also bring a copy of the restrictive covenants stating the requirement for square footage. Mr. Brewster had maintained that the other property owners said It would detract from their property if a home smaller than 3000 sq. ft. was built on this property. The city obtained a copy of the restrictive covenants which stated that the main floor area of the primary structure shall not be less than 1600 sq. ft. for a one-story dwelling, or not less than 1200 sq. ft. on the main floor for a two-story dwelling. Mr. Brewster does not want to change his design. He wants a single level home since he does not want to climb stairs.

Kathi Izatt said that her husband Is a builder and he said there is more flexibility with steel than with wood. She feels Mr. Brewster's hardship Is that he does not want to shape his home to f1t. He could change the shape of the house, abide by the restrictive covenants, and build a nice home on this lot.

Kathi Izatt made a motion to deny Petition No. 94-3; seconded by Paul Summers; motion approved by Kirk Heaton and Verlon Duncan, members who were present at the public hearing April 12, 1994.

**Petition No. 94-5** (Tabled from April 12, 1994 - see minutes) - Glenn Carroll, 1890 South 900 East Permission to construct an attached garage with a front yard setback of 18 ft. Ordinance requires a front yard setback of 20 ft.

Mrs. Carroll said she would like to point out that most of the homes along the street have already built their structures close to the sidewalk. Theirs would not be any closer than some of the neighbors. She feels they are not asking for anything that hasn't already been done in the neighborhood.

K. D. Simpson made a motion to approve the variance; seconded by Paul Summers; Vedon Duncan voted aye; Kathi Izatt and Chairman Heaton opposed. Variance was approved by majority vote 3-2. Those voting on this petition were present at the public hearing April 12, 1994.

Meeting adjourned at 8:00 PM.