

CITY BOARD OF ADJUSTMENT

November 2, 1978

M I N U T E S

The regular meeting of the City Board of Adjustment was called to order at 8:22 a.m. in the City Hall Auditorium by Chairman CHUCK BRUMBAUGH, with the following members present: VIRGINIA FLAGER, CHERYL LYNN, WARREN LOWE, DON HENRY, ANITA JOHNSON, and MERLEAN BROWN.

Also present were, RICH LIVINGSTON, Attorney representing the board, PHIL ROMEO, Zoning Administrator, GERALD ASHBY, City-County Attorney, RICHARD HOLLINGER, Chief Building Official, PAUL BARRU, 2780 Cheyenne Drive, FRED ALDRIDGE, Attorney for Paul Barru, ANTHONY TYSDAL, Applicant, 334 Acoma Court, TOM LACROIX, Attorney for Anthony Tysdal, KAREN SNELL, Acting Secretary, and six interested persons.

GERALD ASHBY suggested that the resolution which was adopted as a result of the action taken at the last board meeting be included in the minutes of that meeting to reflect the action of the board. VIRGINIA FLAGER made a motion to approve the minutes with the second being made by DON HENRY. The board approved it 6/0.

1. #78-16 Consider a request for appeal under Section 9h. City Zoning Ordinance in reference to Building Permit #8008, dated June 1, 1978.

Petitioner: Anthony Tysdal. Location: 334 Acoma Court.

The board heard Mr. Tysdals' request for appeal against the decision on permit #8008, by Mr. Hollinger.

After a lengthy discussion the board denied the request. (A complete transcript and tapes are available for the board).

2. #112-78 Consider a request for expansion of a non-conforming business use located at 1625 North 15th Street.

Petitioner: Paddock Meats. Location: 1625 North 15th Street

Phil Romeo stated that there was currently a non-conforming business located in an R1C zone, who were proposing to add a 50 by 50 foot freezer, therefore asking for an extension of an already non-conforming use.

It was made clear by the petitioner that if the variance was granted he would then fence in the south side of his property, with the loading dock being on the north, away from the street side, thereby eliminating noise which could disturb neighbors.

WARREN LOWE questioned the petitioner as to how long the present business had been in this location.

The petitioner answered that it had been there for five years and had been operated as a grocery store and meat market for approximately twenty-three years.

After a brief discussion LOWE/FLAGER made a motion to grant the variance. The motion passed unanimously.

VIRGINIA FLAGER made a motion to the effect that the board initiate whatever action is deemed necessary by the staff in the development department to correct the inequities and definitions of fences, retaining walls, etc. That this be specifically addressed by the Rewrite Task Force so that they do not have to face this particular situation that was faced this morning, again.

DON HENRY stated that the board should be allowed to proof-read the definitions before finalization as the board knows as well as anyone where the loopholes stand.

DON HENRY seconded the motion.

The meeting adjourned at 11:47 a.m.