MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Richard A. Hayward, City Manager
SUBJECT: Problem with Donald Crampton
DATE: May 2, 1986

It has come to my attention that the members of the Board are upset with the situation as it exists with the building of a garage at the Donald Crampton residence on Daggett Ave. In my opinion, the Board has a reason to be upset, as do I. In following back the history on this case, it seems evident that what has happened is the result of a change of personnel magnified by an individuals disregard for the rights of the community.

Insomuch as I have not been involved with this situation from the beginning, what the Boards action in the Public Hearings you gave Mr. Crampton is mostly known to me from the minutes of the meetings. From that I understand that the Board refused to grant a variance to build a garage inside the 25 foot set back line in a "B" Residential District. I believe Mr. Crampton originally requested 3 feet beyond the set back line.

In January of this year, Mr. Crampton came to me with the request again, and was told I would ask the Board if they would reconsider. At your meeting in February of this year, I made the request and was told that you would not reconsider. Mr. Crampton was told this and he said he was going to build his garage in the back yard which was fine with the zoning code, but caused the driveway to be built over the City's sewers.

As you will remember, at this time the City had just obtained a contract for residential building inspection and the new inspector was just being brought up to date on what was going on. After my talk with Mr. Crampton, he came in to get a building permit. The new building inspector knew nothing of the history of the situation and made a ruling without my knowledge that the set back line on Daggett Ave. is 20 feet instead of 25 feet because that is what the set back line is on the property plat. The inspector made his ruling based on his interpretation of Section 151.22 (A) (3) of the Zoning Code which states "Building set back lines established in a recorded subdivision shall establish the dimension of from yards in such subdivisions."

In my opinion, and in the opinion of the Law Director, this was the wrong ruling because this section is modified by Section 151.22 (A) (4) of the Zoning Code which states "In case of conflict with the front set back requirements of the Zoning District, conditional uses, or other applicable provisions of this code, the most restrictive requirement shall govern." None the less, the building permit was issued to allow Mr. Crampton to build to the 20 foot set back of the recorded plat. By the time I was informed of the situation the building was already under construction, and because Mr. Crampton had obtained a building permit even based on a bad ruling by the building inspector there was in my opinion little that could be done.

Mr. Crampton has however gone even beyond what the inspector allowed him to do. He has on his own built an extra 4 feet into the set back. In addition, he has made some violations of the building code. The inspector did allow him to put his footer in the 4 feet into the set back as long as it was covered by 18 inches of fill.

I have talked with the Law Director on the situation, and he will be filing to have the garage modified to conform to the Building and Zoning Codes. The problem developed because the new building inspector did not understand the history of the garage, did not check with myself, or the Law Director until after the building was under construction, and felt that because of his ruling on the set back, there was no other reason to refer it to the Board of Zoning Appeals.

Questions like this in the future should be handled better, however, I can only offer my apology to the Board for this incident. The problem was not intentional on the part of the inspector, or myself, as had been wrongly assumed by some members of the Board. Errors like this occur in any situation where personnel changes. It is of course regretable, however, every action that can be taken to rectify the problem will be.

RAH:skw