

BOARD OF ADJUSTMENT AND APPEALS

REGULAR MEETING  
FEBRUARY 21, 1989

10:00 A.M.  
COUNCIL CHAMBER

Members Present: Jerry Dietz, Robert Boone, Don Hawkins, James Canaday and Ben Turbeville.

Members Absent: David Wright.

Staff Present: Gene Cravens, Ass't City Mgr; Pat Payne, Sec.; Gilbert Villa, Building Inspector; Lyle Drescher, City Mgr.; Robert Walterscheid, Environmental Health Officer.

Visitors Present: List attached to this document.

TRANSCRIPT

Transcript: Joe Ward

Time: 10:07 a.m.

Hawkins: The first item on the agenda is consideration of and approval of the minutes of the Board of Adjustment meeting on October 18, 1988. Each of you has a copy of these minutes, and hopefully have looked them over prior to the meeting. Does anyone have any additions or deletions or corrections to these minutes?

Turbeville: I move they be accepted.

Boone: Second.

Hawkins: Motion has been made and seconded to approve the minutes as written. All those in favor....

All: (Unanimously) Aye.

Hawkins: The second item of business ... is to conduct a public hearing considering an appeal from Joe W. Ward regarding the possible error in order, requirement, decision or determination made by the Building Official regarding Ordinance #333-5-87, storage of discarded parts, junk, debris, or inoperable vehicles without valid State registration and/or valid inspection appropriately affixed to the vehicle is prohibited, on property located 1111 East Cloud Street (in the City of Gainesville).

Gene, would you like to bring us up to date on this?

Cravens: Okay. The ordinance in question is an amendment to the Zoning Ordinance that was passed last April of '87, which in effect, gave additional definitions to automobile service

stations, body shops and repair shops. It very specifically states that automobile repair shops and establishments that are primarily engaged in mechanical repair, rebuilding, maintenance of automobile and truck related vehicles, storage of discarded parts, junk, debris, or inoperable vehicles without valid State registration and/or valid inspection appropriately affixed to the vehicle is prohibited. Uh, Mr. Ward has been in contact with Gilbert Villa, the Building Inspector. Gilbert first sent a letter last July 13, (1988), asking him to...telling him he was in violation of the Zoning Ordinance and giving him 60 days to correct the violation. Another letter was sent on December 16, (1988), stating approximately the same information and then another letter on January 4, (1989), so this has been, this has been ongoing for well over a year now. Gilbert, uh, Gilbert's the one that has been dealing with this, so if you want to have him make presentation or ask him any questions....

Villa: Yes Sir, since the Ordinance was passed (#333-5-87) in '87, I have visited with Joe Ward and , uh, I have talked to him until just '88..it just, I figured no action was being done, so, uh, in January I just, it was the last straw.

Hawkins: Mr. Ward, do you have anything that you would like to add. You appealed this, to this Board, would you like to address this Board and on what grounds you would like to appeal it?

Ward: Yes, uh, the first thing, I've been in business out there for twenty five years. This is my twenty fifth year. I have never done anything..these cars that I have out there, was two third of 'em, maybe three fourths of 'em ought to be repaired. It's a matter, it's old cars out there and I can give you the name of the people and you can contact them, that part that we are trying to get; for instance '62 car over there need a flywheel for it. When I finally found one, in California, and stuff of this nature. Some of 'em are to be repaired. I have cars out there that are don't have any power to 'em, that I have monies in and I cannot get rid of 'em because I don't have any title and it just means if I get rid of these cars, I'm in more serious trouble than I am now. You cannot dismantle, get rid of a car without the proper titles. I've contacted Austin; I've contacted Wichita Falls, and uh, just a month ago, maybe less than that, I contacted Austin again and the lady said there's no ways that..and I said, well the City's on me about some of these cars and I need to get rid of 'em. She said well, I'm sorry but you might as well tell them they may as well give you ample time to try to get the right, uh, papers to get rid of these cars so you cannot get rid of these cars without us okaying..... After you, uh, first you have to send a certified letter to the owners and it keep comin' back, after third time, well then you get the Sheriff of the County Council itself or the City to present us with notification and, and, uh, some kind of certificate that, where we can, uh, vote, uh ever have a bill,...even give you okay to get rid of the car, dismantle 'em or we will issue titles on 'em, but until then, don't you git rid of any of

'em. I tried to give 'em to Wayne Gilbert, Terry Gilbert; he said, Joe, you got a title on 'em, and I said nope. He said I don't want any of them; they can cause me in the long run and you too, and this is my livin' out here, and I been doing this for twenty five years and it's not really a hazard, uh...it's two or three old cars out there that maybe would hold water or somethin' like that, that I know, but the rest of them, the glass is up on 'em. Some of 'em have, uh, uh no license plate or no inspection sticker, but they are drivable. Some of 'em, they all movable, operable, but it would not pay me to go register dem, I can't register someone else's car without havin' a title-I can't just go over there and register it anyway, and I do have monies in these cars and most of 'em and I just can't jump up and git rid of 'em, but a ten dollar car could cost me ten thousand dollars, jail time and everything else just to go rid of this stuff, and the way it's been stated to me, that, you know, just git rid of 'em, we don't care how, you know, you break the law, you know, that's alright, just git rid of 'em, that's all, you know, instead o' workin' with me, some of dem didn't happen over...I got one pickup out there that I got three thousand dollars in and I've tried whatever, lending institutions in Gainesville and had the, uh, come up there at the City Hall, in the Court House, and had 'em put a, and they can't find any ID or who it belong to. The man's wife, he was divorced then, she lived, I tried to get her or her daughter to find out where the title might be, and I can't do anything with it. I'm lost, my money's dead, but just to go and git rid of it, you know, I can't get rid of it, I'm just sittin' there, I can't do anything, them people about parts, but I can't sell it, and you people jus don't know what we up against, we've losin', you know, all the time and these cars sit here. I've got 'em out there that people owe me on, they can't pay their bills; what I'm suppose to do, they won't release the title, you know. My money's tied up, but still, I'm up against a rock and a hard place. You know, I'm losin. So I don't know....

Hawkins: What you're saying, uh, where are those pictures--most of these cars belong to other people?

Ward: Naw, not most, uh, most, uh, two thirds of 'em are there to be repaired; two thirds or more. It's a red Pontiac sittin out by the street, that's a insurance job, the guy had me go pick it up at Grey Hill Apartments. That car's been sittin there-I'd love to git rid of it, but I cannot legally get rid of dat car without the title to it. People been stealing stuff, striping it and everything else, just, you know, have, it's just a nuisance to me. But still, I can't git rid of it without a title. ....the phone bill, I can find the lady's name in Austin that I talked to the lady, and the gentleman, the people at Wichita Falls.

Hawkins: What about this pickup that's sitting here with a tree growing up through the front of it (observing pictures taken of Mr. Ward's business and the surrounding grounds)?

Ward: Can I see that picture?

Hawkins: Yes, this tree's about four foot tall and there's no engine, no hood or anything, and it's been sitting there long enough to let a tree grow four feet tall.

Ward: Oh yeah, that's a Ford pickup, that a tree, there's a little brush growin up through it, that's also a man's pickup that I took in for repair. I had a hundred and ten or two hundred ten dollars in it, and I told another guy he could have the pickup, I didn't know the guy that left the pickup there to be repaired, he left town, or I hadn't seen him since, then another guy came down, and he said you can't do that, that's my pickup.

Hawkins: What about this pickup full of trash?

Ward: This is the same pickup, naw, this is a, uh, Chevrolet, that's a Ford, oh that's my pickup, one I bought to rebuild. That's a Ford pickup. I got two hundred and fifty dollars in the pickup itself.

Dietz: Do you know who owns all these vehicles?

Ward: No sir, not really. You don't know, like this pickup sittin right here, this one right here (indicating), well the guy said, the guy bought it from him, but this, Pete Andrews, as a matter of fact, got it, but he still havin problems, the guy never did pay a penny for it.

Dietz: Well, did you contact the guy that has the title to...

Ward: Pete Andrews? I told Pete Andrews to at least come and git the pickup, he said I'll be up there to git it one o' these days, you know. I had a talk with him just, last summer, or somethin like that. This pickup here is to be repaired (indicating), that van has to be repaired—we looking for parts for the van, someone stole the transmission out of...they just not hardly available, or this pickup with trash in it is one o' mine, I bought, I need a bed on it. This one here is, uh, registered Datsun car that's, uh, need tire for it. This one here is, uh, ..... car, and lot of it, just to be repaired, uh fixed up. This one's to be repaired, the block was bad and what I did try to find a block for it, but I haven't had a chance to put it back together. Two third or more of 'em are to be repaired, but they hard to find parts for, this pickup, this car here's one I told you about the flywheel, I finally got California. He looked for it for two years and I couldn't find, because it's just...it's Richard Cr... he works for Arco, he got a divorce, I hadn't seen him since. This one here belongs, it's a four-wheel drive, it's for a farmer to keep on his farm and that there's....he said he never registered that pickup there..he work for the Santa Fe Railroad, and uh, I have fixed the transmission on it.

Hawkins: Do you charge these people storage for..

Ward: Naw sir, I sure don't.

Hawkins: ...for most of these cars here.

Ward: For all them? Naw. Because when they bring them in to be repaired, well my job's to find the parts and repair them. No, I don't charge 'em any storage on 'em.

Boone: ..well six months to a year, isn't that a long time, I mean to take them in, couldn't you make them wait in their driveway or something. Couldn't that create a liability for you?

Ward: Well, uh,...

Boone: That just seems like an excessive amount of time in average conditions, don't you think?

Ward: No, you would think so, because you, I been doing this for twenty five years, just like I come up there and tell you how to do banking, you been doing it wrong, hey I been doing it twenty five years, hey I understand....

Hawkins: All these cars parked out here...

Ward: This one here, a lady...owes me on it, she's payin' it out, she will have the money. This one here is gone. Uh, this red one here might hold water cause the left side glass is out of it, uh, well it's got a motor and transmission in it, it's good, uh, this one here's to be repaired, it belongs in Whitesboro. This '49 Dodge here, it belongs to me, there's nothin' wrong with it, I got..... Uh,...

Turbeville: Just how long has it been sitting there?

Ward: That '49 Dodge pickup, I mean car? (Indication) About two years.

Boone: Couldn't you get the gas tank cleaned?

Ward: Well it's my pickup, it's uh, a '49 Dodge pickup, I restored it and bring it back to its original, you know, there...

Cravens: It's legal for all these cars to be sitting there if they have an inspection sticker and a current registration. That's, that's the main problem, and that would be in conformance with our ordinance. You can have as many sitting there as you want to.

Ward: (Indicating) That's the one I was telling you about, that was an engine job when I picked it up at Greyhill Apartments, and I have not, there was a man in there yesterday wanting to buy the motor and stuff out of it, but I cannot sell the car or git rid of it unless I have approval from the State of Texas to git rid of it, or I have the original title on it, you know, but it don't belong to me and I haven't been able to get hold of...this car here is since been gone. It's five or six or ten of these cars that's gone, that's not there now, but I just got in a new

one this morning, a guy wants me to sell. James Ballard, he wants me to sell it, you know, and since then I got in five or six cars to be sold, you know, and stuff like this, so you know, you just can't go, some of you can, because that's been sittin there for a lot of that stuff is disvalue, not value to ya'll because ya'll don't do it, this kind of business, cause ya'll are in a different kind of business. You don't understand, that kind of business, that we deal in. I have a letter here from, that establishes, that business been there since June of '87 or July or I shouldn't come under the heading of discardin' anyway, because I been there for twenty five years, in the same location, that was before the law was, before the law was on the books. And I don't want, I just want to go in with my business and do my business, try to get along and git rid of these cars, they're a nuisance to me, which ya'll don't understand. I can't do things, I can't drove through my lot because a lot of these cars, they are a nuisance to me, but I have to try to git out of them, and save my own skin, git the money out of 'em, that I got in 'em or tied up in 'em and turn 'em back to the people, hope they want 'em back. Now some of 'em that's junk that I'd like to git rid of, but I jus' can't. I been in touch with the...Austin for about a year and I can show you phone bills and...present you with names of people I talk with down there. One pickup I had seven hundred dollars in, every body say, all you gotta do is go, uh, to, uh, somewhere in Dallas, take your license plate number and the vehicle identification number and you can get the title before you leave that same day. That didn't work. Eight months later, plus a hundred fifty dollars and all the aggravation and stuff, I finally got the title on the pickup, and so...eight months later and a hundred fifty more dollars in the pickup. I finally got.....

Hawkins: You go over here, over here to the County Tax Office and apply for a lost title, how long does it take....

Ward: It can take, that's what I did, we had to send a letter. I sent three or four registered letters and the man undoubtly had three or four different addresses, and everytime one would come back, well, it would say, "Wrong Address", so I got the letters if you want to see 'em, I can bring 'em and present to you and I was sent another letter and the same thing, about the third or fourth letter, came back and I went back over there to the Courthouse, uh, and finally got the title, got the papers sent off...and that registered letter and finally got the title back and that's the one I'm talking, about eight months later and a hundred fifty dollars more in money and aggravation and time it takes to run and do this and look these people up. They run it through the VIR, or whatever and come up that he's a different address, so, I'd have to sent another one off.

Hawkins: Are you saying that you acquired an interest in most of these vehicles because people brought them in for you to work on and then they couldn't pay you for them?

Ward: A lot of 'em, yes. Not all of 'em, but a lot of 'em. Some

of 'em I bought to fix up, fix up, some of 'em I'm restoring, you know, to be restored....then some of 'em it jus' junk, you know, and I'd like to git rid of 'em, I wish I had never seen 'em. But I'm stuck. And that jus' don't happen in a year's time, you know, they can bring 'em to you and you put two or three hundred dollars in it plus your time, and there's no way that you can git it back, it's no law, if you let 'em have it, no law say they got to pay you, if you don't let 'em have it, you jus' stuck with it. ....if the neighbor bring the title in, maybe they'll need the car one of these days and the other car will break down or they can't buy one, they credit is bad or somethin' and they have to come back and git this car. But you jus' stuck, you know. No law to help you, you jus' out there.

Hawkins: Well, this ordinance was passed because we've had a problem all over the City of people not only parking inoperable junk cars around their businesses, but in their front yards and everywhere else..... Uh, the Ordinance has succeeded in cleaning up and disposing of a lot of unsightly automobiles all over the City and it's seems to be working. I understand the problem that you have, but we are going to have to find a solution to it, because it is in violation of the Ordinance and there was a 60-day grace period in the Ordinance when it was passed by the City for people to come into compliance.

Ward: Yes.

Hawkins: Mr. Gilbert has been, has contacted, has been working on this over a year..

Villa: Yes Sir.

Ward: And just as I stated, I had a '77 Ford pickup I had seven hundred dollars in, and eight months later and a hundred fifty dollars more, I finally got the title. How can I comply with this or comply with this ordinance and it took almost a year to git rid of that one, when you got to track the people down and you send 'em registered letters through the mail and they do not have to accept the registered mail, and I think that's what a lot of 'em do.

Hawkins: How many cars have you acquired an interest in because of non-payment since you were first notified that you were in violation of this? How many new cars on the lot since, in the last year? How many more people have gotten into this....

Ward: I don't think there's none, I don't think there's any. I'm trying to watch, that's just money, you know, down the drain, and I'm losing that money, nobody else, I'm losing that money, because I can't recoup it, if I don't have the title, or some avenue of selling the cars, then you cannot....sitting there, because if they come by and see a mirror gone, well that mirror worth five hundred dollars and it may not be worth fifty cents, so you got, you know, if they want to come and git a lawyer, you got to fight that,

you got to prove that you didn't git it, you know, so it's goin' to cost you more so you just can't do these things. That's just foolishness. What we need is more time if you want us to comply with the Ordinance, and be reasonable, you know, we understand, I understand what you talkn' about, and I don't like the ole cars sittin' around, cause that I'm losing money and I sure hate those more than you do, you know, because it's my money, so we need more time, you know, to work with us, becaues this thing didn't happen over night. If you want to help us, you would make an ordinance where if they carry a car to the garage, they've got to give you the title to it and leave it, so we can't dispose of it or git rid of legally without waiting and going through all this hassell.

Dietz: You don't have to accept it.

Ward: You never know! If you bring your car to a garage and you want to fix it, you goin' to leave it there, right? Well, they don't know if you goin' to pay or not. Some of these people will fool you. Some of 'em will fool you. I show you a list if you want to see it, that would fool you, it would shock your pants off.

Dietz: What you have to do in a situation such as that is have a draft drawn up that if they don't pay in a certain period of time, you confiscate the vehicle.

Ward: That's not, it's not that easy, besides you might have the finance company might have a lien on this car, anything like this, and that bring on more legal action, you cannot, that's where the problem come in. The finance company or somebody else like to pick up, I was tellin' you about and the other car, well, other people own the vehicles, but they had sold 'em to these people and never got the title on it, see. So it's a lot more than what you just think, I don't know what kind of business you in, but this is a hazardous business, you losin'.

Dietz: You can always recoup your loses by taking some somebody to court.

Ward: Well, that cost money. And if they don't have anything you can't recoup any, you got a man in court and he can't even pay his garage bill, how, you know, what you goin' to git out of 'em-nothing. You can git judgment on 'em, you know, he know how to escape that, by never owning anything, you know.

Hawkins: What do you consider as a reasonable time to clean this place up and bring it into compliance?

Ward: Well, I think that, I don't, to be honest with you, I don't know. After eight months on that other one, I don't know. It would be way up past a year, but still, we need a avenue where we can keep cars, this is our livin' just like, you know, if you had post all the land that you own down there around your place, there no way you can do it, you know. So

we need a place or avenue or somethin' or a designated area or somethin', uh, besides just, uh, uh, licensed stickers and State inspection stickers, all these automobiles, if we don't have the title we cannot git that. So we need somethin' to help us so we can keep this off our back and it won't happen again and keep after it. This is our livelihood too, you know, this is the way we make our livin', we have family, light bills, you know.

Hawkins: Gene, what is the ordinance allowing for people who are licenses to store insurance automobiles or restore automobiles?

Cravens: They are allowed in, I believe, in Commercial and Industrial districts to do that by right. But, that's just storage, not repairing and taking parts of of them, or, that's just the storage. There's five...

Villa: Five, five businesses in town, with a permit, a State permit to store indefinitely, but Joe Ward is not one of them.

Ward: But still, I was here twenty five years before this law was on the book and it's just not goin' to be a overnight deal to git rid of it, as I spoke, I have lots of money, I've lost lots of money. I'm not just doin' this, it worries me, it's a burden on me and on my cash flow and everything to try to carry these cars and you have no avenue other than to hope that you git rid of, hopefully, bring the titles in, hope they come pick it up, by not having another vehicle that can't git one on credit for something maybe they'll come back and pay you.

Hawkins: How much area do you have? It looks like you got quite a bit of area to the west of your building and behind your building.

Ward: I don't have any idea-I have some to the west of my building, but less than an acre, about six tenths of a acre that I have, about a tenth of a acre, uh, uh, on the east side, the east side I need clear cause I need to expand and I don't even have the room for a little expansion on it, you know. I have cars gutted I bought from, that I towed in for a bank and stuff and I end of with those, you know, stuff like that. It's more than a hassell than ya'll think.

Hawkins: All of these cars that are there, are these cars you have repaired and your're not salvaging vehicles, junking out vehicles, taking parts off some vehicles and making other vehicles, are you doing any of that work?

Ward: No. Most, two third, three fourths of the vehicles that I have down the east, north side, the ones on the front are customer's vehicles, it's a ....., it broke down on 'em, he was coming from Denton before Thanksgiving and got hot. The engine's out on it, the old man, seventy or eighty years old, he said I want it fixed. I tore it down, and both the heads was cracked, but I don't have the money left, he said I'll start paying you out the first of the year, then when I

git it where you satisfied that you goin to git your money, then you can go buy the heads and put on it, he said, then go ahead and fix it. Well, last month he did, he brought me some money toward fixin it, and it's been sittin there since then. Uh, you know, it's stuff like that.

Hawkins: If, uh, Gene, if Mr. Ward fenced the area west of his garage and got a State storage license, then all of the vehicles that belong to other people that are not his were kept in that fenced storage area under a storage permit, would he, then and if all of the vehicles that belong to him were, had a valid license and sticker, would he be in compliance?

Cravens: Under those circumstances, yeah. And, that's a lot of it too, there's a lot that can be done just by going out there and staying a Saturday or Sunday and cleaning it up.

Ward: I go to church on Sunday. On Saturday, I work all day, but I will try to get it done. But I'm not going up there on Sunday for nobody. I give the Lord Sunday. That's God's day and that's why I won't go on Sunday.

Cravens: But, what I'm trying to say is that if we take too much time with it, whatever it was, just to go, you know, clean up some....

Ward: I'll get it cleaned up, if I can ample time to git it cleaned up and comply with, I'll be glad to. I'm not a person that like disorder and corruption and stuff of this nature. I've been here twenty five years. I have two little girls and I'd like to make it as pleasant as possible for them, for them not to have to come through what I've come through, and that's what I try to do everyday. I don't go around meddling with nobody, trying to disrupt nobody. I tend to myself, and tend to my business, and that's all I do, that's all I ask.

Hawkins: All we're trying to do is to find a solution...to do what you need to do, but yet not leave the door open for somebody else to open a junk yard on Grand Avenue.

Ward: Yeah, and you'll be doing them a service becuase they have to come through what I been through and the monies I got tied up in loss, it would be a disadvantage to 'em and I agree with you, and understand, but we still need time to clean ours up and git our act together and try not to let it happen again.

TAPE CHANGE

Hawkins: ....got a State storage license to where you would be in compliance with storage and put all of the cars that belong to other people inside that storage area, off the street and then license and put valid stickers on the vehicles that you own, then he would be in compliance, is that correct?

Cravens: We're talking about screening type of fence...

Hawkins: I'm talking about a screening type of fence. A wood fence or something that, yeah.....not a heavy chain link fence, but something that's...

Boone: A fence you couldn't see through.

Hawkins: Right.

Canaday: Gilbert's [Wayne Gilbert] got one out there, and they're not expensive, just.....

Ward: Now, the State put Gilbert's up, see the State come in this and they put Gilbert's fence, the State paid forty thousand dollars for that fence because they wanted him, the beautification, uh, Johnson, uh, when Johnson, uh, President Johnson, President, Lady Bird act, yes, when Johnson was President and that where that fence come in. You know, forty thousand dollars, we can't afford no forty thousand dollars, that's just the front of it. We can't afford that. You know, forty thousand dollars....no, but that's just on the front of it, that wouldn't even cover it, it's got about five, six, or eight acres out there, and, uh, it's goin to cost some money so we need some time, and, I'm willing to comply and willing to help in any way I can to get the dead weight off my back and then in doing that, I would be complying with the ordinance and helping that, you know.

Hawkins: Would you be willing to, to put a screening fence around that six tenth's of an acre and get a State storage license for all of those vehicles in there that do not belong to you.

Ward: I sure would, if you, all I ask is for ample enough time what I can, have the money to do this with. The fence is goin to cost money, so we have to get the...you know, I would be, yes, no if's and and's, but I need ample enough time to do it.

Hawkins: Are you willing to license and permit the vehicles that you own and clean up the junk and haul off the debris around your....

Ward: Yes, and put the vehicles I own, they be operable, everything that rebuild when it ready to go for the street, ready for State inspection, when it be, you know.

Hawkins: Any vehicle kept outside that storage area that is found not to have a valid tag and permit and inspection sticker would be subject to violation.

Ward: Yes, I know, that the law, yes. Another thing, you know, a lot of people they let right now, what's happening, ya'll probably don't know it, people goin back buying the old cars and restoring 'em and fixin 'em up, so these cars, a lot of 'em would not be operable, not, you can't inspect them because they're not up to standards to inspection or gettin a license plate on 'em, until after they have been, gone through the process of repairing, renewing, you know, like

this, so you would have some, and that's one thing you gotta, you would have some, and all times it would not be, you could not do this with, you know. But you could tag 'em or if ya'll want to, uh,...

Hawkins: I understand that, Joe, but if you have one sitting there long enough for a tree to grow up through....

Ward: I got two hundred ten dollars on that tree, too, (laughter)..it was a gold tree.

Boone: How much do you say that it takes to bring that up to where you can sell it?

Ward: That pickup?

Boone: Yeah.

Ward: There's no way I would even try. That's what I say, I've lost my two hundred ten dollars. I'd much rather have a gold tree than that pickup...

Hawkins: But that tree belongs to someone else...

Ward: I'm goin' to tell him if he ever comes to get it, I want to say, you got to take the tree with the pickup.

Hawkins: That pickup belongs to someone else?

Ward: Yeah, Pete Andrews told me the pickup belong to him.

Boone: The back end is full of junk.

Ward: Well, the junk belong to me. The junk belong to me, it just scrap iron that I put in there, you know. The junk do belong to me.

Turbeville: (Indicating) This, this one right here.

Ward: Which one?

Hawkins: The junk in that pickup....

Ward: This pickup here? This pickup here..I gave two hundred fifty dollars for it, the guy couldn't pay the repair bill and he needed two hundred fifty dollars...

Turbeville: Is that a pickup underneath that?

Ward: Yes Sir, that's a good pickup there, that's a '79 Ford pickup.

Hawkins: Since you've got it loaded, why don't you haul it to the junk yard? (laughter). We're not trying to put a hardship on you. We are, in my view, that, we need to find a solution to bring you into compliance because if we don't, if the people don't adhere to the ordinance, then what is the sense in having the ordinance in the first place. You

would not want somebody operating a, a operation like this across the street from your front yard of your house. Yet, we leave that door open if we don't enforce this ordinance all over the City.

Ward: If they have their place there first, out all honesty, and I was stupid enough to go do that, that would, you know, my stupidity right there. Now, I was there before Wal-Mart's, Gibsons or any of that other, even before that street was there. That's what I'm trying to tell you. It didn't happen over night and it's not a cure for it overnight. I've tried the State Department and I told you exactly what they told me. I told you the monies, I could show you, I can get the records, I can show you what I've lost in these cars because it's dead money I've invested. It's no way I can take the parts off and get it back.

Hawkins: Did you, when they passed this ordinance, did you attend any of the hearings?

Ward: I did not know anything about it, I come down here the night of the last reading and I sit out there like one stupid bunny, and nobody said, you know I didn't know how to approach it or what to say about it, and I only heard about it through accident. I never got, to my notion, got any information on it.

Hawkins: Well, it was published in the paper...

Ward: Well, you see, I don't read the paper most the time.

Hawkins: Anybody else got any comments?

Ward: But if it was....

Boone: You never did come up to, with what you think is a reasonable amount of time.

Ward: Well, that's hard to explain, it's hard, uh, uh, to sit here and say what a reasonable amount of time would be because I'm still trying to get my money, my money on a lot of these cars, I'm not going to give up, you know, so if I can recoup my money then I could build a fence quicker with the money I recoup, you know. Then I could try to git rid of 'em then, yeah, they hazardous to me, a lot of 'em, I just, you know, rather not have 'em, I rather have the money in my pocket. Uh, I don't know, I would say look at it again in a year and, uh, we, try to have it all under control by, within a year's time, I don't know what Kenny would say about that. Course, this operation, you can't base my operation on Kenny's operation cause his is entirely different from mine, see. But I don't know what he would say, when I would say within a year I hope to have everything under control, but I couldn't guarantee it, I'm not goin' to stand here and tell you a lie, but I will do my best and, like I say, you have not near as much invested as I have and losin' as much as I'm losin' and I sure want to git it under control. That's all I can say.

Hawkins: Okay, thank you. Any other comments.

Dietz: Yeah, how long does it take to get a storage permit?

Cravens: You know anything about that Gilbert, about getting a storage permit?

Villa: Oh no, I have no idea. All I know is....

Ward: When I have the application, uh, the necessary papers for, uh, wrecker permit and a storage deal, but I don't have it fenced in and that's what I say, you, see, I've tried to work up to this, but it just takes time and, you know, you need to, you gotta have a fence, you gotta have, it's uh, I think it's eighteen regulations that you gotta go through for the record, the towing, public towing like they on rotation police, and I' in to this, but it takes money and it takes time to git it all together.

Hawkins: You don't have to have the wrecker permit in order to have storage permit, do you?

Ward: Uh, no you, no, I don't think so. No.

Hawkins: Now, we're talking about a storage permit; that wouldn't have anything to do with a wrecker.

Ward: Yeah, but...

Hawkins: Some of those cars would have to be put in there, wouldn't they?

Ward: Yeah, yeah, right, and on...never mind.

Hawkins: Gene, any other comments from the City?

Cravens: The only other thing I might add, is that when this was passed in April of '87, I believe that's when Barry (LeBaron) started working with Mr. Ward, so we've been going for two years now.

Ward: Naw, naw, he, it's been 'bout a year since, about a year since I, no, he didn't, it hadn't been no two years, I'm sorry, but it, I've, Mr. Villa was the first to contact me. I hered about this. I come up to the last reading of, minutes, or whatever it was, to this effect, and I sit right here about where Otto is, maybe further back, and I never was, you know, they never said anything here about it, and the next day I went down and seen one fellow and ask him what was goin' on, and there's on the City Council, you know.

Cravens: Even if it's been about a year, we still, I mean, still, it's the same, it looks the same as it did last year, so another year from now, uh, I don't see how there is going to be much change.

Hawkins: Well, I really think that the only way that we can solve the compliance problem and protect Mr. Ward's interest at the same time in these vehicles is to, for Mr. Ward to obtain a storage permit, create screened storage yard to the west of his building and put all of these vehicles that do not belong to him, uh, in this storage area, and any other inoperative vehicles that he's storing be inside this area. That protects his interest until it gets him out of violation, to clean the place up. Mr. Ward.....

Ward: (Indicating he has some papers to show Mr. Hawkins and comes forth and hands them to Mr. Hawkins for his inspection)

Hawkins: What is this from?

Ward: Uh, that's, uh, junk yard, wrecking yard, recycling plants, uh, the one I gave you, I think, was under under two million people.

Hawkins: Without reading this whole thing, this is something you got from the Commissioner's Court, which applies to the County?

Ward: Yes sir, well....

Hawkins: Now, what's your point?

Ward: Uh, uh, any, junk yard, wrecking yard, or recycling factory that was in operation before, I think it was July, 87, the compliance of the State and law is written out to, you know, it, the ones that come in after that date have to comply with the law right then, which we not sayin' that we don't want to comply with the law, but we jus' need ample enough time to comply, which would make our situation better for us as a whole and our businesses.

Hawkins: Well, in the first place, you're not a junk yard or an automobile wrecking yard....

Ward: Naw, it's jus' a junk yard.

Hawkins: (Laughter) I hope you're not. You said you were.

Ward: Well, naw, but recycling plants is a, you know....

Hawkins: There are a lot, I understand that. There are a lot of things that can take place outside of the City limits, the corporate City limits that can't take place inside the corporate City limits regardless of what other....that's what ordinances are for, to give...in the City of Gainesville and this particular ordinance was not grandfathered when it was passed.

Ward: Naw, but the statement I'm trying to make in the statement, is that if the State acknowledged that you need time and stuff to redo this and git it under compliance for, you know, and without jus' overnight situtation, well, I think I said it here, I've got a part of the business and been in it twenty five years and I can't stress that enough. That hits

hard. Now, we jus' need time, not, you know, if we was millionaires, I wouldn't be doin' it anyway, you know. I wouldn't even hassell with it.

Hawkins: Well, as I was saying, I think that the only way we can solve both of these problems is for you to get the State storage permit and do that and do this within a reasonable period of time. I would entertain discussion and what the Board thinks about that and what the Board feels is a reasonable period of time. If that is a viable alternative.

Dietz: I think it is, but what...how long long it takes to get one of these permits--thirty days, sixty days, ninety days....

Ward: That's another, that's what you, you not listenin', what's your name, Sir?

Dietz: Jerry Dietz.

Ward: Jerry Dietz? Mr. Dietz, you not listenin' to what, first you gotta have a fence before you can pro., there's no way you can proceed without the fence. A fence is expensive. We need to appropriate money to even qualify, the State, they, you can't even send in a application if you don't have the fence, the regulations of it, and everything down, you can't even apply for it. So, the first thing is we need, that's what I'm saying, we need time to git the fence. You might have money to buy the fence right now, but I don't.

Hawkins: You need the money more now....

Ward: Yeah, I need the money, yeah. It's the lack of money to some people, because, you know....

Hawkins: Anybody else got anything to add to this? Nancy, have you got any comments?

Williams: Well, you might set up a deadline for acquiring the fence and then at least start the solution to the problem and then the permit can come as soon as Mr. Ward would be able to get the permit. But at least you would then have all the vehicles enclosed and it would be less of a problem.

Boone: That's kind of what I was thinking about. Maybe a staging compliance, uh, the first stage is clean up and get rid of the tree and stuff in the back and the junk over a period of days, which Mr. Villa would check. Maybe at that stage get rid of the junk and the next point where he would have the fence and the permit and the final deal where, that way we can at least we can show that we're not waiting as they stated, Joe, you know we've known about it for a year, but not even the cleanup force we started, at least get it to where we can all come into compliance over a reasonable period of time.

Ward: I understand what you saying, but you still don't understand what I'm saying. It's about twenty vehicles that was there when those pictures was taken and that's not there anymore.

That's what I'm tellin' you, I been working trying to get this, to recoup my money.

Boone: Wouldn't that be fair?

Ward: I think, I think we need about a year to comply with the complete thing and staging it out will not, I don't think, would help that much.

Boone: The staging would just assure that certain points were being reached where we weren't going to have to start from square one again in a year.

Cravens: You can at least put all the cars in one spot that were being stored without a fence, put them in one spot, all the cars that are yours, that you are repairing, go ahead and get the inspection stickers and get the registration and put them in another spot and clean the area up and that's a start.

Ward: I think we need a year.....

Boone: But if we wait a year, Joe, say we waited a year, how would the year work better than....

Ward: Because you have a long period, money's tight right now. A lot of these people may or may not, a lot of 'em have to go back to the day they was brought in for repair and the people jus' don't have the money. A lot of my customers are used to come in and you do a thousand dollars worth of repair, four or five hundred, well, they's can come up there and git the money from you without any question, now, you know, if the car's not worth somethin', you not goin' to let 'em have the money.

Dietz: Yeah, but how much is it going to cost to take those cars and put them in one specific area, take your cars and put them over here, and clean up.

Ward: Well, in the first place, I've got to start, to be honest with you, is on the west end, where I'm talking about puttin' a fence and ya'll ask me put the fence, I consulted with the uh, uh, gravel service and uh, two weeks ago, I think it was, we talked, and he said it was going to cost you 'bout fifteen hundred dollars to gravel the lot, that's the first thing. That's fifteen hundred all together right off the bat, you know, you got to move all the cars there. Then it's goin' to cost you 'bout fifteen hundred dollars worth to come in put gravel on. Bill Cannon, you can, I talked to him, you should o' ask him if I talked to him, because, see, the water hurts me real bad. When it rains and water runs from over the Sonic and the lots over there over on me. It runs in my building. Right now, my pit is full o' water because the water hold behind, between Sonic, the lots they going to develop this spring to my understanding and it runs my building full of water and I can't even work in part of my building, because there's water in it. You know, and ever since it's been raining,

and it runs, all the water run off them over on me on on the part ya'll told me I had to put a deal 'round, it's full of water right now. You can't do anything. My building, a third of it is full of water right now. Then all of these things have to be taken care of before we can even do that.

Hawkins: I think we understand your situation and your problem and I think this Board has the alternatives before we get into the motion stage here. We can call for a motion on your request as your request stands, uh, if it is, if your request for relief is approved and you would have relief if it is denied and you would be forced to come into compliance or be subject to the penalties, uh, as are stated in the ordinance, or your other alternative would be to seek further relief from the ordinance by going to the District Courtroom and filing suit. The alternative is for this panel to consider a time staged program whereby you would come into compliance through some other vehicles, some other ordinance of complying with some other ordinance, uh, within a specific period of time. That time period would be monitored by the City and you would, that is the course this Board takes. You would be expected to be in full compliance with that at the end of that specific period of time. So those are the alternatives that we have.

Ward: Well, another thing too, that I didn't state. I check with people out o' the City, in the County trying to obtain enough land to put these vehicles. Curtis Overstreet is one out on East 82, you know. Uh, Mike, ? , real estate over here, uh, I've been workin' with him and you can talk to him that I been workin' with him for over a year as I've stated to Mr. Villa here, I told him I was tryin, you know, jus' trying to git 'em out o' town so git ya'll off my back, you know, so I wouldn't have this complications, cause I, that's jus' wastin' my time, I can be workin' 'stead of up here this morning, and I been tryin' to git, even git land to put 'em on, you know, but I have, I been tryin' to give 'em to Wayne Gilbert, you know, but he say, no way if you don't have the title, you know, and I been tryin' and that's why I say, a short amount of time, under a year is not goin' to help a thing. We be right back up here and it still not goin' to help a thing, and we just, I need enough time to try to make a honest effort and do this thing the way ya'll want it done.

Hawkins: Any other comments.

Otto: Can I say something on Joe's behalf?

Hawkins: Please.

Otto: I been in business, also, for twenty five years, and I used to repair cars like Joe. I been in the same boat, but maybe I didn't have the problems as big as he do, and mine was before '87, anyway. But, uh, I, I know where he's at. Ya'll probably don't understand and I understand you don't understand, because you've never been there, but anyway, uh, the economy especially, well we both been through a divorce,

we both were rich. You rich one day, Joe? (Joe-I thought I was). I thought I was too. Well, anyway, we both had plenty of money at one time to do anything we wanted to do, but since '83, '83, well mine started in '83, anyways, the economy really went downhill when National Supply shut the doors and layed off twelve hundred people and, uh, I know, my business went to zero. I couldn't pay the bills, so I got into a different line, okey? We rebuild old cars, but, uh, I don't know how Joe even makes a livin' doing repair, I don't do none. Uh, another man that went out of business due to the economy is James Witt, and uh, Roy Sistrunk, he went out of business. (Joe-Freddie) Freddie Kish, well he dumped himself though. Anyway, uh, the economy uh, won't let you do things that you need to do right now is what I'm trying to say. Is like myself, I can barely pay the rent. I owe rent right now. I owe my friend, the banker, I don't even have a banker no more, but I have a friend that is a banker, we can't pay these bills like we should, simple as that. It just, there's no money there, or the overhead offsets the money that, like I've got comin' in, but, like I say, Joe's trying, I believe he's tryin'. Like I say, I don't know he makes a livin' repairing cars anymore, 'cause I can't. My overhead is way, way more than what repair business would bring in. I think I've said all I wanted to say.

Hawkins: Any other comments.

Otto: Can I say one more thing?

Hawkins: Sure.

Otto: I think even the banks are having a hard time now.

Hawkins: We all are.

Otto: Am I not right? I mean, it ain't like it used to be, in other words.

Turbeville: At least we keep our yards clean. (Laughter)

Otto: You can afford a gardner, I guess.

Morton: May I say something?

Affirmative.

I know in the City of Dallas, well even down in Del Rio, where they bring in cars that are, are, that no one claims...or that's picked up along side the road, the City has the power to sell those vehicles and dispose of them. An if the City might take them off Joe's hands and do such as that if he is willing to give them up. Well, they would have the power to, uh, dispose of them that way. They can call in a crusher, a car crusher, and just most of them, haul them off.

Boone: Don't they call that a rule of abandonment, like on the

street?

Williams: There is a State statute that, if I recall correctly, you have, it has to be abandoned on the street or public property.

Ward: Now, ya'll not listenin'. I got money in these cars.

Hawkins: We understand. We're not unsympathetic to what you're trying to....

Morton: Some of those vehicles, they might not be of any value at all to Joe, what you can't get title on....

Dietz: Like the old pickup with the tree growing through it.

Ward: Yeah, but that man goin' to see it gone sure as I let it git away, even though it been there, just like Wayne Gilbert stated. He say it not a matter of they see me get rid of 'em, the thing is they knew you had 'em, so you gotta tell 'em where those cars are and then if you can't produce the car, you and me too, brother, in trouble, you know.

Dietz: You're not going to try to repair it or sell it, right?

Ward: The pickup?

Dietz;: Yes.

Ward: The pickup?

Dietz: Why don't you just call him and tell him to come and get it?

Ward: He say, he won't take it without a title. He won't take it.

Ditz: I thought you said he had the title.

Ward: Naw, he, oh, not him, the man that actually own the car was in the wreckin' business and he said he own the car. He said he knew it been there ever since it been there, and he say it my car, Joe, I own that pickup, I got the title.

Dietz: The individual that's got the title that's in his name, call him and tell him to come and get it.

Ward: Well, I told him come and git it and he said he, this back in the summer or spring, he say I be over there to git it one o' these days when I git time.

Boone: Where does he live?

Ward: Pete Andrews? I don't know where he lives.  
Somewhere in Gainesville?

Ward: Yep.

Boone: Deliver it. You've got a wrecker.

Otto: You can't legally do it, Joe.

Hawkins: We understand, we're not unsympathetic to the problem that you have and we're not here as a Board to put you out of business either, but on the other side, we have a responsibility to everybody in this City and we have to find solutions to these problems and they're not always tasteful to everybody involved, but we have to find solutions that everybody can work with. We can't just abandon the ordinance and say it will go away, the problem will go away. We've got to do something. We have to take action on this situation.

Ward: I can understand that.

Hawkins: And so this, uh, I think I layed out the options that we have.....[tape end and transfer]...If you were to fence that area and get a State storage license....and having to, uh, force Mr. Ward to come into compliance with the Ordinance on an immediate basis or be subject to, uh, the penalties involved, compliance involved, or we can find another solution, uh, for which he can come into compliance over a reasonable period of time. So this Board, would like to discuss it further and the Chair will entertain a motion.

Boone: Might as well, let's kick something out here so we can at least get some discussion started. Joe, what if you had a situation as far as coming into compliance where, uh, uh, to break it down to ninety days clean up, ninety days graveling and fencing, and ninety days licensing and registration. That's nine months with a possibility of an extension with proof of progress subject to the approval of this Board that there's progress being made and that the extension would possibly be needed.

Ward: Well, I need a year to comply with the complete thing, because, just, it's raining, there's no way I can start on that before, it keep raining and then I have....

Boone: You're not listening to me, Joe. Isn't that what you said a while ago?

Ward: Yeah.

Boone: Ninety days to clean up, ninety, and I don't mean each segment starts, hopefully you're working on all of them through this time, but for a breakdown to where somebody can be possibly reviewing the situation. Look at the ninety days cleanup, the ninety days graveling and fencing, ninety days licensing and registration. If we run into a problem and we see to where, okay, we have progressed greatly within this area, but there are some things that were totally beyond your control, subject to the approval of this Board, a possible extension.

Ward: What, uh...it still...

Otto: Okay, rain, to begin with. I have been trying to move some cars myself and just about the time it gets to where you can get a wrecker in there, it rains again.

Boone: I've seen some pictures here that showed a whole bunch of stuff that you don't have to worry about moving cars. You've got several days just hauling this stuff. I mean, that's, that's hours, you can spend that time right now, you can back up, take a wheelbarrow and go through and you pick up stuff. That can be being accomplished during that time.

Ward: You got to go look.....not that dirty, it's just got stuff in the back of the truck, pickup, but it not that dirty. A lot of that stuff in there is heavy and some stuff you can't.....

Boone: I kind of like what you said, Joe, you said it didn't happen overnight, and like Don said, you know, we want to be sympathetic to your cause and yet, get, accomplish something, but I don't know of another way of doing it.

Ward: One full year, and then I haven't got it, lay the...on me.

Turbeville: ...a hundred and twenty days on each....

Ward: Because it's raining now and you got to move the cars...

Hawkins: A hundred and twenty days broken down into three sections is a year. And if you had, if this Board granted you, granted you four months to have all the junk hauled away from your place, you would have to have your fence up, your yard ready for your application for storage within eight months and have the permits and all the cars inside within twelve months, that would be a full year to come into compliance. An then you would have had two years to have worked out some kind of a solution, because it's been going for a year.

Ward: I don't like it, I don't think it's enough time with the weather, and you have to work....

Hawkins: But, you have your year.

Ward: The options is what it is, it's not the year, it's the options.

Hawkins: Well, the Board will entertain a motion.

Boone: Well, do we make a motion pertaining to his request or do we make a motion pertaining to a possible amendment?

Hawkins: Well, he has asked for relief under the current ordinance and the relief as I see it is that he can be granted is for him to come into compliance, uh, ... under the storage ordinance, which would be Ordinance No. , what, Gene?

Cravens: It would be the regular Zoning Ordinance.

Hawkins: Will you obtain a storage permit and store these automobiles

in compliance with the regulations under....

Cravens: Section 8-108: Auto Storage or Auto Auction which is allowed under Commercial, Light Industrial, and Heavy Industrial.

Hawkins: And all the junk be removed, uh, etc. Is there any further discussion before we get into the motion? [Pause] Hearing none, the chair will entertain a motion.

Boone: I'll make a motion that we give Joe the year, I think that the compliance progress needs to be checked on one hundred and twenty day intervals that we talked about as far as the cleanup is concerned. Uh, the next one hundred and twenty days would be the graveling and fencing and the final hundred and twenty days to be the licensing and registration and taking away the ninety days, I've taken out the extension period.

Canaday: I second.

Hawkins: We have a motion on the floor that we grant Mr. Ward relief in the form of him being allowed to come into compliance by conforming with the different ordinance, ordinance number what, Gene?

Cravens: It's the Zoning Ordinance, which is Section 8-108 of the Zoning Ordinance (NOTE: Zoning Ordinance No. 25-2-71, 101A-8-76, 154-12-79).

Hawkins: ...coming into compliance with Section 8-108. He has a year to come in that compliance staged the first one hundred and twenty days he's to clean up the junk and debris from the exterior of his property; uh, within the next hundred and twenty days, he will establish a storage yard in compliance with conformance with the permitting; and within the next hundred and twenty days will obtain his permit and place all of his storage vehicles within the confines of that designated storage area. Is that clear? It's a little more elaborate than what was said, but that's the way this Board understands it. Now we have a motion and a second to that affect. All those in favor signify by saying "Aye".

All: Unanimously voted "Aye".

Hawkins: Motion carries.

Hawkins: Item #4 on the agenda is a similar request from Mr. Otto (Kenneth). He operates an automobile repair shop and used car sales business, uh, at 3200 E. Highway 82. The property is presently zoned Commercial which allows the above referenced by right. Mr. Otto was notified by Mr. Gilbert [Mr. Gilbert Villa] that he was in violation of the same ordinance, Ordinance No. 333-5-87, Section Two, #3 which states that "...automobile repair shops establishments primarily engaged in mechanical repair, rebuilding and maintainance of automobiles and truck related vehicles.." The violation is that storage of discarded parts, junk, debris or inoperable vehicles that have a valid State registration and/or valid inspection appropriately affixed to the vehicle is prohibited. Mr. Otto has requested this appeal, uh, is meeting to appeal to the City's, Building Inspector, challenging that ordinance and its validity. Gene...

Cravens: I'll turn it over to Gilbert and let him make....

Villa: Uh, last month I sent letters to five different businesses in Gainesville, uh, that have junk cars like that, and we had a couple of complaints about Mr. Otto's business so I visited with him last month and he toured me the place there and he told me that he, about every week he brings in two automobiles to rebuild or whatever, work on, and what he does, he says is from, if a front end is wrecked he uses the back end, you know, and uh, he uses the front end of another car. In other words, from two cars he assembles one and you can't tell anything. They look new and that's how he's making his business and as you can see, last week, I photographed all the area and, uh, I haven't been working with him as long as Mr. Joe Ward, but, uh, you can see from the, those pictures, somethin' needs to be done.

Hawkins: Mr. Otto, are there any comments you would like to make?

Otto: Well, uh, I am rebuilding cars and, uh, we do have what looks like junk, but it's money to me, because we rebuild not one out of two, but two out of three, or three out of four, you know, we, we, build a lot of cars from one or two extras. Uh, but, what, like I say, looks like junk ain't junk. Now, we did crush about twenty or thirty cars back in, I got, uh, I finally got paid for it on 11/28. We, we crushed 'em back in July or August. I don't know exactly when it was, but I finally got paid for it two or three months later, but my yard was, the fences were bulging and what have ya, and we did have some old cars. Gilbert didn't see the old cars that I had crushed since that time. I crushed before this time, but, uh, I don't have no trees growing through my hoods. I do have one ole' car, two ole' cars out there that, uh, one belongs to my brother, is a Studebaker, he is going to, in fact he mentioned this two weeks, or in the last week, I don't know, I don't remember, within the last two weeks, but he wants to pick up his car, and I said fine and dandy, just any time, and the other old

cars, the only other old car out there has a perfectly good motor and transmission, but, uh, everything else is late model, rebuildable, or it's for parts to rebuild the newer cars. That's my livelihood. I, I am, like I said earlier, I am not in repair business as such, because there's none going on, like James Witt went out of business and my brother-in-law, Dennington, he's there, he ain't makin' a livin'. People come in and say, have cars repaired, and if their first question is how much, I say take it up to Joe Ward, take it up to Dennington, or somebody-I don't want it. There's no money in it. We're rebuilding cars for myself to sell. And the cars that are, uh, you know, somebody wants to buy a car as is, where it is, I do sell that too. But you cannot license something that's wrecked. You cannot put stickers on 'em. And uh, I, I'll guarantee you that they don't sit there for years. Uh, I will crush every year. I just first started this in February last year of rebuilding cars. Before that, I was buying high mileage, wore out stuff and, and repairing mechanical problems. But that was too hard, too hard a row to hoe.

Hawkins: Do you have titles to all these vehicles?

Otto: I have titles to everyone of 'em.

Hawkins: If someone came into your place of business and wanted to buy a fender, can they buy a fender?

Otto: Uh, I am not a wrecking yard, no.

Hawkins: Never sold a fender or a windshield, or...

Otto: Naw, I don't, I don't think I have. They're, they're worth more to me than they are,...I can, I can mention the man's name, that he wanted to buy a wheel for a Ford Tempo, and I just flat told him, I says it's worth more to me than it is to you. I says, I'll take the price of a new wheel because if I need one, that's what I'll have to pay and I did not sell him a wheel. He goes to the same church I do, but I, uh, I'm not sure of his name, but, uh, you know, I, I don't, I'm not in business to sell parts.

Hawkins: There's a large number of these cars, though, am I right, that are just, you have them just for the parts, the cars themselves are not actually rebuildable?

Otto: They, they're parts to rebuild the rebuildables.

Hawkins: That's what I'm saying.

Otto: I'm, in other words, uh, like I showed Gilbert, I, one particular car, if you'll remember, had wiring harness burnt underneath the hood, body was perfect, okay, now we took off the left front, from the right front to the left door, we took all that off to put on one car. Alright, now I can't junk the rest of that car, because there's a whole rear clip, perfect, with perfect interior. Uh, it had four good tires on it and everything. I can't afford to go crush

that, that's money in my pocket. As soon as I find a car that's h... in the rear, of that same Cavalier, uh, I'm goin' to use that. Now eventually, I will, and this takes time, 'cause you can't go down there and buy just exactly what you want, the day you want it. I go ever Wednesday and buy two cars. I got two car hauler, that, I put 'em on a car, I bring two cars a week. Now I'm goin' to miss this week and next week 'cause I'm flat broke. I haven't paid my landlord yet this month and I am not goin' to buy any cars this week. I didn't buy any last week either. I had to pick one up that I bought two weeks ago and I just covered the check a while ago. But, uh, I cannot afford to say, crush the car because I took one front end off of it. It's, it's even got the right front fender on it yet. Uh, in other words, three fourths of the car's still there and I'll build two or three cars out of that car, outta that car, I sure will.

Hawkins: When you moved your business to this location, you went out there, uh, as, uh, a sales lot, is that correct?

Otto: Car sales, primarily, yeah.

Hawkins: Right. You were selling and repairing, is that right?

Otto: Right.

Hawkins: Uh, did you check, bother to check if the City, as to the zoning and the allowability of this type of operation at that location...

Otto: No, I didn't

Hawkins: ...before you started.

Otto: I didn't have no idey that I was gonna' have a problems.

Cravens: Our definition of a wrecking or auto salvage yard is "...a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, salvage parts, or as processed metal." So our definition, he's operating a salvage yard.

Otto: No I'm not. I am not operating a salvage yard.

Hawkins: Well, you're selling the, the...

Otto: I'm selling the cars.

Hawkins: Once you have gotten everything you want off the car, you have....and you sell it.

Otto: I have it crushed. I have a ticket right here (indicating). I grabbed, at the last minute, I says, maybe I ought to grab this...

Hawkins: But you do sell....

Otto: ...that I had crushed and got paid for. I didn't say how

many I got, that cars were crushed. I grabbed this file, this is the fourth quarter. I don't want to take it out (indicating a ticket) because these tickets are numbered. ....H. & H. Crusher, out of Oklahoma City. I got paid by check, finally, on the eleventh and twenty eighth. We done this, that's money. But I cleaned up my act.

Hawkins: But under the definition of a wrecking yard, the sale of metal is a wrecking yard. If you are selling those cars as salvage and,....but you just sold those as salvage.

Otto: But that was to clean up before ya'll come on and jumped on my back. I sold these to keep from having a problem which I have bought a bunch of cars since then to replace those cars, because I crushed some I shouldn' of crushed. I know I crushed one particular vehicle, I didn't realize it, but it was, was worth six hundred dollars and I got sixty dollars out of it, I think, roughly.

Williams: Have you read the definition of wrecking or a salvage yard that's in our Zoning Ordinance?

Otto: Nope, I'm not operating a salvage yard, I am rebuilding cars.

Williams: But the point is really not whether, you know, what you're saying is that the way you look at what a salvage yard is, you're not doing it, which well may be true, but by what the City's Zoning Ordinance defines a zoning or salvage, uh, a wrecking or auto salvage yard to be, you are doing that. Therefore you would be doing something impermissible in that, in that zone, er area, because it says "...it's a yard or building where automobiles or parts of automobiles or machinery are stored." And you said you are storing both...

Otto: I am doing that.

Williams: ...automobiles and part of automobiles, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal. And that would be, you know you would, you fall within that definition.

Otto: I'm not a lawyer, I can't read things that lawyers can read, but I understand what you're sayin', I, I'm a mechanic, ex-retired mechanic, or somethin', because I don't do mechanic work no more, but, uh, I, I'm tryin' to make a livin', simple as that, an honest livin'. I, I, I claim not to be a car salesman, because car salesmen are thieves and liars, but I do sell cars. Uh, I, I have, alright, I, I have working for me four people in my shop, two people in Woodbine, and two people down the street, I'm givin' them jobs that they would not have right now if I wasn't doin' this. Er, if I was to have to shut the doors down on this,

I would, uh, it would be hurtin' quite a few people. Uh, this is / twenty fifth year, I, I, last year I says it's goin' to be my best year ever, uh, I've done made up my mind. I, I am optimistic. I had a real good January, I sold fifteen cars which, uh, best month I ever had. February, I ain't hardly sold anything. Bad weather hurts car sales. Uh, I'm just tryin' to make an honest livin' like Joe. I've known Joe a long time. Uh, he may be black, but to me he ain't. That's why I ask if you'd sit by me, Joe...

Ward: I did this time.

Otto: But, really, I, I uh, I don't know who complained. You said you had some complaints on me. I don't have no idey who would complain because I did have a complaint from the lady next door because somebody, uh, throwed somethin' on her side of the fence, uh, I don't have no idey who did it and her son had come and told me about it, and I says, I know I didn't do it, but I'll pick it up or whatever it takes, and uh, I've never, I've talked with him since then and I've never had a complaint since then, but that was, that was two years ago, almost three years ago when I first moved out there and I wasn't doin' that then. I wasn't even rebuilding cars, I jus' had used cars that we was mechanically repairing and like I said, it was high mileage stuff that, that we was doin' then. And uh, uh,....

Hawkins: We have another situation that is exactly like yours, where the people started out to doing something else and then now they are doing the same thing you are doing and they have now created the same problem that this has created and they are not in complaince either...

Otto: Well, now....

Hawkins: ...the City has advised them just as they have advised you, the City will take appropriate action if they don't come into compliance.

Otto: I mean, do you want to put me out of business, is that what you want?

Hawkins: No, but I would like to hear some solutions from the City as to, if there is a way as we have found for Mr. Ward, a way to bring him into compliance and, uh, keep him in business and do the same for you. It is not our intention to put you out of business. It is our intent to find a solution that complies with the ordinances.

Otto: Well, what, tell me what it is. I'll do it.

Hawkins: Well, I don't know, that's what I'm asking.

Cravens: One obvious solution is to apply for a zone change for the designation as a wrecking or salvage yard, which would have to go before th Planning and Zoning Commission and the City Council.

Otto: Well, even Nolan [Nolan Chevrolet] has some cars sittin' out back that, uh, I know have been sittin' there a long time, they're, I don't know if the tags are good, the stickers are good and all that, but I do know that there are some back there.

Cravens: Well, we're checking everybody in the City; we're not picking out anybody. We're trying to clean up everything.

Otto: What, what do I need to do? Now, I'm here, I came.

Hawkins: Well, I think you have two alternatives, uh, I've been sitting here trying to weigh, but you really cannot do what you're doing. You cannot conduct the type of business that you're conducting without having the operation that you have. You can't, unless you can go buy cars and bring them in, salvage them out and rebuild other cars with those parts. I know where you're comin' from. I used to be in your business. You can't do that.

Otto: Do I need to apply for a zoning change, then?

Hawkins: You need, I think you've one, two choices. I think you've either got to apply for a zoning change and go through the zoning change process, which would bring you into compliance, or your're going to have move this business to a location that is already zoned....

Otto: I can't afford to move; I've done moved three times and I said if I moved again, I'm goin' to move out of town. Because I just can't afford it.

Hawkins: Yes, Mr. Ward.

Ward: Yeah, but how could that be, I'm inquisitive. Nolan Williams sittin' eight of a mile down the street from 'im and if that apply to him, then he do the same type of business....and he do some 'o the business that I do, and it the same thin' so how could that be that it need to be rezoned.

Hawkins: Mr. Nolan is buying wrecked cars and rebuilding them?

Ward: Naw, but it the same difference and dey repair wrecked cars.

Hawkins: They're not storing, he's (Mr. Otto) not in violation of repairing wrecked cars. He's in violation in the storage of the cars out here, salvaging these cars and selling these cars for, uh, salvage metal. These...

Otto: The only reason I sold it for salvage metal is to clean up the yard...

Hawkins: I know that...

Otto: ...it was full.

Hawkins: I understand that.

Otto: Should I have given it to 'em?

Hawkins: We don't have the power to change the ordinance.

Otto: Should I have given it to 'em?

Hawkins: I understand what you're saying.

Otto: Next time I'll give it to 'em.

Hawkins: No, now, we're trying to find a solution. We're not here to put you out of business. We have guidelines to go by just like you have to have guidelines to go by. I, I'm open to a solution to this.

Otto: Most of 'em are in a fenced yard. I do have some that need to be moved, but, like I said, uh, 'bout joe, 'bout the time you git ready to move, the ground is almost dry enough and it rains again. Uh, I did, like I said, clean twenty to thirty of 'em out. I do need to move some on the east side of the building into the yard. I know I need to do that.

Hawkins: Back again and I will reiterate what I said to Mr. Ward, you know, the type, the rebuilding of automobiles the way you're rebuilding them is permissible in this type of zone...

Otto: As long as I don't store 'em?

Hawkins: ...as long as you didn't have all that in the back, and if we don't take action on this and, and have people comply with this ordinance, then it would not prevent someone from going down on Grand Avenue or out on 82 in the middle of this nice shopping area and to any other area that backed up to residential zone and doing the same thing that you're doing, if we don't enforce these ordinances; it's not picking on you...

Otto: What you pickin' on me? (laughter)

Hawkins: I know, but I just want you to understand that we're not picking on you. This is a City wide problem and we have others that are in the same violation and they're going to have to come into compliance.

Ward: Where they at?

Hawkins: Well, they've been cited but they didn't ask for relief so that's why they're not here.

Dietz: Are you willing to apply for a zoning change?

Otto: What's it cost, first....

Hawkins: I don't know that a zoning change would be granted.

Cravens: It cost a hundred and seventy five dollars to apply.

Otto: I ain't got a hundred and seventy five dollars right now,...

Cravens: And that doesn't guarantee you anything, other than that guarantees you a hearing before the Planning and Zoning Commission..

Otto: You mean I could, uh, pay hundred, seventy five dollars and not not git it?

Hawkins: Yes, that's right.

Turbeville: What does a junk yard license cost?

Hawkins: You can't operate a junk yard in this location anyway. That looks like Gilbert's Salvage Yard there (indicating).

Otto: Yeah, Gilbert's is right down the street from me.

Cravens: He was operating as a salvage yard before he was brought into the City limits and is grandfathered in.

Otto: Well, I was operatin' before this '87, uh...

Cravens: Yes, but he was operating before the Zoning Ordinance was created.

Otto: Yeah.

Cravens: Therefore, his operation was grandfathered in. He is called a non-conforming use and he is allowed to continue in that use

Otto: Well, I was in business twenty five years ago too, although it was in a different location. That, hey, I'm a grandpa, by the way.

Cravens: But you were not doing this type of business....not in this type of business.

Otto: Not exactly, no....

TAPE CHANGE

Morton: ....zoning change. I don't think he could ever get a zoning change. I wasn't one who complained against him, I don't anyone did, it's just the Council, but as far as a zoning change, I don't think anyone in that neighborhood would be agreeable to the zone choice. You know...

Otto: I'm not trying to operate a salvage yard.

Morton: ...in that neighborhood. You know, that's pretty valuable real estate out there and I, I've never complained to Otto about, you know...

Otto: You my neighbor?

Morton: Yeah, Stevens Floor Covering.

Otto: I thought you was down on Grand.

Morton: I sold.

Otto: Oh.

Morton: We've never complained, you know, about that, but I don't think any of 'em will be too agreeable to an ordinance change.

Hawkins: Is there a provision, for, uh, for any type of Special Use Permit for a specific period of time for this type of operation?

Cravens: Well, no, uh, even under a zone change, where you would go to Light Industrial, it would still require a Specific Use Permit to operate the type of business he operating, so it would really, he would have to request a zone change then request a Specific Use Permit.

Hawkins: In other words, there cannot be Specific Use Permit issued for this type of business under the present zoning period?

Cravens: Not unless we amended the Zoning Ordinance. That way, we would have to create a whole new, uh, category, the type of business that he does and add it as an amendment to this, but, which would mean changing our definitions too, because, according to our definitions, this is a salvage yard.

Otto: Well, I'm not really a salvage yard, but, uh, you know, if you want to call it that, uh, I mean, I'm outnumbered, I can't argue, but what do I need to do, I can't afford to move, simple as that. Uh, this, this is my twenty fifth year and uh, I, I would like to make my twenty fifth year. I been in Gainesville since '62, you know, I'd hate to move out o' town, but if I have to move again, I, I'll definitely do that because I can't...the economy is too bad here to move again, you know, it would be expensive movin'.

Hawkins: Under the definition that we have, uh, would he be...to operate, (pause) if he was only moving parts and putting them on other cars, uh, what would that be?

Cravens: Well, we're back to the problem of not having an inspection sticker or registration.

Hawkins: Okay.

Cravens: Because we've still got discarded parts.

Williams: If you had everything stored within a fenced area...

Otto: I'm trying to do that.

Williams: ...within a...

Cravens: No, because it's still a salvage yard.

Otto: It's not really a salvage yard.

Cravens: ..according to our definition.

Hawkins: We understand that, I'm trying to find a way around it.

Williams: What I'm saying is if you figure out a way to make a salvage yard into a storage yard...

Cravens: But that's just bringing cars in and storing them, but what he's doing is taking parts off of them, because he's not bringing them in just to store them.

PAUSE

Hawkins: That rebuilding of cars at that location is not the problem.

Otto: I know what you're sayin'. I know...

Hawkins: If you had the automobiles, uh, let's say that you had the automobiles at another location, uh, outside the City limits or wherever, or in the City limits within a complied area and you brought the parts from that location to this location to rebuild cars, you would not be in violation.

Otto: Yeah, I understand that.

Hawkins: Is that a possibility?

Otto: I couldn't afford it. I just couldn't afford it. My rent right now is twelve hundred dollars a month, and that, you know, I couldn't afford it. I couldn't afford another place. I wouldn't know where to start lookin', and, uh, they climb the fence enough and steals so much already, uh, if you put it somewhere that it's, it wasn't half way under surveillance, there would be nothin' left. I thought of that. There would be nothin' left o' the place. You know what I mean? They take the fence down, uh, and go, not over the barbed wire, they go over the fence itself. They take it and lay it down. In fact, it needs to be rehung agin on the south side, and you put it out somewhere that you're not there, uh, they would have a field day.

Cravens: How much room do you have inside your building for storage?

Otto: There's only room for six cars, and usually, it's, pretty well full.

Cravens: Would you, if you bring in two cars a week, you go out and specifically pick out these cars that you are going to be able to put together and make one car, and once you do that you're through with them?

Otto: Well, like I say, we build two or three cars from one car, like the Cavalier, that, that, I got, the front wiring

harness. We got a front end taken off of it, and right now I am looking for a rear hit. I like rear hits better, because they are lower mileage. But meanwhile, I can't go crush that car or, uh, dispose, uh, I mean, it's money. That's money. And I'm not talkin' five or ten dollars. I'm talkn' 'bout makin' a car out of an '86 car or '87, whatever, and using this '85, you know, rear end. Uh, that's money. That's, that's worth at least a thousand dollars to me.

Cravens: I understand that.

Otto: But just for the parts...

Cravens: What about building a storage building?

Otto: I can't afford it right now. That, that....

Cravens: If everything was indoors....

Otto: That would mean the whole place.

Boone: ...store the kind of cars he would....

Cravens: Well, if he could cut down on the number of, of, parts that are laying around.

Hawkins: There's not any way that you can salvage these cars out and not have anything on the lot but usable parts.

Otto: Naw, the nonusable parts....

Cravens: Still, still, it still comes under that definition, yeah. We've got a basic problem with definition of what's being done plus all the parts, inoperable parts, two big problems.

Otto: I didn't mean to create this problem. I done it out 'o desperation. Uh, I, I knew it wasn't no where what I was doin' before, you know, the repair of the older cars, higher mileage stuff. I knew I wouldn't gittin' no where there. Any even then I had a lot of cars sittin' 'round there. I couldn't build 'em fast enough. I haven't got the cash flow that would let me, uh, fix 'em and sell 'em that quick. I'm, I'm willin' to do whatever, er, is, uh, agreeable.

Boone: ...even have, do we even have an option on this particular situation of Kenny's. As a Board, I don't see where we have an option. As I see it, the only thing we can do is to disapprove that situation and not to you, Kenny, but, from what our guidelines are that are given to us, and his situation of remedies as Don mentioned can only be one of two avenues, the zone change or the move. I don't see that we have an option. If we even wanted to exercise....

Hawkins: I don't see that we have one, that's what I've been sitting her trying...

Cravens: You can either overturn Gilbert's decision, in which case he

would have relief to continue what 's doing, regardless of the Zoning Ordinance, or you can uphold Gilbert's decision.

Dietz: But if we overturn Gilbert's decision, though, we open up the case for everybody else.

Hawkins: What I'm doing is disapproving something that is in violation of the ordinance.

Boone: In Joe's case, seemed like we had, we had some alternatives there. I don't know, I don't see where we were given the alternative here.

Hawkins: Joe?

Ward: I notice, well anyway, uh, you could amend the ordinance on him and jus' let him stay in business, uh, for a year, or a period of time or somethin' of this nature, and another thing that I don't know if ya'll consider or not, Gainesville lost all our factories and everything and every bit o' business that Kenny do when he ever rebuild a car, if it sell for five thousand dollars, well, the ..... when they send a check back from Austin, part o' dat is the money was, uh, received on the sale tax on him and me, we create sales tax, as little as you think so. And that's gonna be hurtin', like he said, the people dat he hire, plus, we, that's less comin' into the City of Gainesville. After the economy start boomin', well then we can look at these things, where, you know, but right now we jus' thankful.....and if everybody go out o' business, it won't be any need for any beautification, anythin' else. Gainesville's gonna be dead.

Hawkins: We know that.

Ward: You know....

Hawkins: And that's why, this Board takes no pleasure whatsoever in having to sit here and hear a case like this, because our hands are tied on one side by a City ordinance that, that is beyond our means of change. We do not have any authority to change it, all we can do is rule one way or another on a request made by a citizen, with regard to that ordinance, and it's not tasteful for us to have to make decisions like this at all. We understand where you're coming from. We know what kind of situation this is. We know how these decisions affect people. The sad thing is is that these things are preventable in the beginning if people would check to see what those ordinances say and how they pertain to what they're trying to do at a particular location. That's why we have ordinances. We have ordinances so that we can have some kind of order within the confines of the City limits. We don't have wrecking yards sitting next to churches and other businesses, uh, we don't undesirable mixes all across the City and we try to grant relief wherever we can grant relief within the confines of our authority to do so. That's why we're sitting here trying to find a solution. We found a solution to yours [Mr. Ward].

Let's find, er, but I don't know how we can find a solution to your problem without a ruling that is in direct violation of the ordinance itself. You're going to violate the ordinance and if everybody is going to violate the ordinance, why have the ordinance in the first place.

Williams: While you all are exactly right in your interpretation, what you should be doing by, by ruling that this was okay is permitting a variance in essence that is an impermissible form of usage and when you do that, you don't have the power to do that. About all you could do is determine somehow to change the business so that it would fit within another definition that would be permissible in that zone, and that would work, but, but, the closest thing to it would, there is an auto storage and auto auction definition that falls within that zone but it's not defined in the ordinance and I don't know exactly what it would take to change to meet that requirement. Gene would probably be....

Cravens: Well, I think it would be circumventing what we're trying to do in our Zoning Ordinance.

Williams: Yeah, well, what I'm saying though is to change the business enough to fall into that, not just say, "You fall into that category", uh, other than that, the only other thing would be to come before P & Z and Council with a zoning change and so that what he does could be okayed in that....

Hawkins: I think David [Morton] is right. I think that, it would be a waste of a hundred and seventy five dollars.

Otto: What if I put up a, uh, screening on my fence. I'm talking like, uh, I can't afford a metal fence right now, at all.

Hawkins: I thought about that, but that would not change what you're doing. All you would be doing would be hiding....

Otto: It wouldn't be exposed.

Hawkins: I know that. If I thought that would work, uh, I would have already suggested it. But it won't change what you're doing and you would still be in violation of the Zoning Ordinance. The only way you could do what you're doing is to cover that entire area and enclose it.

Otto: Well, we know, we all know that's not feasible.

Hawkins: No, I know that's not.

Otto: There's no way; not at this time anyway. I would like for it to be covered, I would like for it, but, uh, you, you talking about, what, a million dollars to cover something like that, I mean maybe not a million dollars, but, uh, you're talkin' about a large size building.

Hawkins: The only relief I would know, Nancy, is if we denied him relief, he has the right to take this to District Court to get a ruling...

Williams:

Sure...

Hawkins:

...and there if the District Court ruled that, uh, this ordinance was, did not apply to him, then he would have that relief.

Otto:

Here's somethin' else. My contract is up in July. If my landlord wants more money, and the economy ain't no better, I may just say, to hell with it, because I can't afford no more, uh, overhead, and if the economy ain't no better, say if Weber was to close the doors, you gonna' see me, the first one to move outta town. We've heard rumors of that sort.

Turbeville:

No, they're not.

Otto:

We've heard rumors.

Turbeville:

They've landed a big contract and they're in good shape.

Otto:

Yeah, but, I'm just saying if something were, if something like that was to happen, I'm ready to say, excuse my language, but to hell with Gainesville.

Hawkins:

Well, Kenny, what I'm saying to you here is that if this Board chooses to deny you relief, you still have one last shot at relief and that is to, uh, file a, I guess it would be a suit, uh, against the City, seeking relief from this ordinance and you file that in District Court. Now, is you file that, I would assume that the delays could be perpetrated in that hearing and you would be continued, and you would be allowed to continue to operate until such time as you have that hearing, uh, within a reasonable period of time. So if this could put you out past any decision making time with regard to your lease and so forth and so on. I mean if you didn't continue at that location, then you would have no reason to pursue it....and you could pursue it, and you might very well get relief there that you can't get here, because we don't have the power to grant it--they do.

Otto:

The Planning and Zoning...

Hawkins:

No, I'm talking about the District Judge. You'd have to file suit in District Court, uh, for a hearing on this matter before the District Judge. If he finds that this ordinance is in violation of your rights or whatever he finds, he may grant you the right to continue at that location under this ordinance and you would be allowed to do so. The City couldn't do anything about it. That would do two things. It would allow you to continue to operate, but it wouldn't necessarily allow somebody else to create the same type of business without going through the same process.

Otto:

Well, like I said, I didn't plan on doing what I did. I was desperate....

Hawkins: But, it puts us in a position of kind of having our hands tied. We're dealing with the, the basis of an ordinance that was passed by the City Council, and frankly, I think we have to stay within the confines of that ordinance unless we can find relief in another ordinance that you could comply with and in this case I think that is impossible due to the nature of your business. I don't think there is another ordinance that you can comply with at that location. So, quite frankly, the only relief, in my opinion, is going to be relief that you would have to seek elsewhere and that would be in District Court.

Otto: Well, I'm sure I can come up with a hundred and seventy five dollars, not today.

Hawkins: Well, I, I'm, I don't, we're talking about a whole different....not the P & Z. If you go before P & Z,....a zoning change, that's the hundred and seventy five dollars.

Otto: But we decided, that probably wouldn't go anyway.

Hawkins: I don't think it would, but if that's, you know, if you want to try it, that's your business. The other relief is in District Court and filing a suit in District Court.

Otto: Would that take a lawyer?

Hawkins: Yes.

Williams: Well, you can always represent yourself but it's not....how to it.

Otto: Well, I'm ignorant to the law, okay, as far as something like that, and, and, at the same time, uh, I probably couldn't afford a lawyer.

Williams: Well, it would cost you a lot more than a hundred and seventy five dollars, I mentioned, to go that route, and I don't know that your chances of success would be very good, because the Courts don't, easily overturn what cities do with respect to their zoning, but it is a possibility.

Cravens: It would be a hundred and seventy five to apply for the zone change, then you have to get, if that was, if that was given, then you would have to apply for a Specific Use Permit which is another seventy five, so we're talking about two hundred and fifty for a zone change.

Otto: Well, if this took some time, you know, uh, well here at the same time, what, what if I was to go through all this trouble and then my lease is up in July, uh, that's just money throwed away, and a lot of time throwed away.

Hawkins: The only relief that I could suggest to this Board, uh, would be to, that this Board grant you a specific amount of time, and I would say six months, to come within compliance of the ordinance. Okay, that relief there is that would put you past your decision time, but that's all it does.

Otto: Yeah...

Hawkins: You could stay at that location and you would have to come into compliance or seek one of these other two avenues.

Otto: In other words, I would have to build a building to cover everything, or move...

Hawkins: Or go for a zone change, or go to the District Courtroom.

Otto: Well, I would have to try for the zone change, that's all, that's the only option I see.

Dietz: I really think it's the only viable option.

Hawkins: I think it is too.

Otto: That's all I see.

Hawkins: You don't know how any of them are going to go, but that's the only relief that I could see that this Board could even think about granting would be just some time.

Otto: Speaking of time, you know what time it is?

Hawkins: Yes, it's twelve o'clock.

Otto: My chicken is ready.

Canaday: I've missed my soap opera.

Otto: My chicken is ready.

Hawkins: Are you....discussion?

Otto: At this point, then, I, uh,....

Hawkins: We haven't made any motion...

Otto: Right, right, okay.

Hawkins: We haven't acted on your request.

Otto: Okay, we goin' to take a break?

Hawkins: No, we're going to finish this right now.

Otto: Oh.

Hawkins: Okay, is there any further discussion on this request from Mr. Otto for relief under the ordinance? At this point the Board will, the Chair will entertain a motion.

Dietz: I'll make a motion that we grant a six-month time frame for him to comply with the ordinance.

Hawkins: I have a motion that Mr. Otto be given six months to comply

with the ordinance and if he's not in compliance within six months, then he will be subject to all penalties that will be imposed on him to be.....

Turbeville: Second.

Hawkins: All those in favor.

All: [Unanimous] Aye!

Hawkins: Okay, motion carries. Mr. Otto, you will have, you bought you some time, that's all we can do. You have six months to come into compliance...

Otto: Meanwhile, can I file the P & Z?

Hawkins: You can file with P & Z in the meantime if you would like and you can go through that hearing to see if you're going to get a zone change.

Otto: How do I go about this?

Hawkins: See Mr. Cravens, and...

Cravens: You'll need to the Annex Building and talk to Margaret Bailey, uh, back behind here, the main building....

Otto: The old Automotive Store? You don't even know what that was, do you.

Cravens: Sure I do, uh, talk to Margaret Bailey. Margaret Bailey, she's the clerk....

Otto: Margaret Bailey, okay.

Cravens: She's not there right now.

Hawkins: We stand adjourned (12:02 p.m.)

Otto: Okay, thank you.