

Meeting Minutes of the Board of Zoning Appeals Tuesday, November 14, 2017

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, November 14, 2017 at 5:15 P.M. with the following members in attendance: Don Bramblett, Anne Poliakoff, Ryan Gaylord, Jim Badger and Leana Melnichuk. Joshua Lonon and Reed Teague were absent. Representing the Planning Department were Natalia Rosario, Planner III, and Julie Roland, Administrative Assistant.

Roll Call

Mr. Bramblett, the Vice-Chair, called the meeting to order and stated that public notice of this meeting was given twenty-four (24) hours in advance, limited to a request for pre-litigation/mediation or an appeal to the Circuit Court, to be filed within thirty (30) days after the decision of this Board in accordance with Section 603.6 of the City of Spartanburg Zoning Ordinance.

Roll call was taken – Five members of the Board were present, constituting a quorum.

Approval of Agenda for the November 14, 2017 Meeting

Mr. Gaylord moved approval of the Agenda for the November 14, 2017 meeting, and he was seconded by Mrs. Poliakoff. The motion was unanimously approved by a vote of 5 to 0.

[Editor's Note: There were no minutes ready for approval.]

Old Business – None.

New Business:

VAR 17 2-06 - Request for Variance from Leo Cadiz, Property Owner. The Applicant is asking for permission for a recently constructed covered patio and small accessory structure to encroach 4.5' into rear and side property lines at 4 Grey Court. The property is further identified as Parcel 028.00 on Spartanburg County Tax Map Sheet 7-12-12.

Ms. Rosario, Planner III came forward and was sworn; and she introduced the meeting packets the Board Members received last week via email along with tonight's presentation into evidence as Exhibit A, and she informed the Board Members the applicant was requesting the variance for a patio structure that was erected without a permit, as well as an accessory structure. She showed slides of the existing patio that the applicant's contractor had been in the process of constructing a roof over that would encroach into the property line regarding the roof portion; as well as the existing accessory structure when the stop work order was issued, and she explained how close they were to the property line. She said no other work had been done since the stop work order was issued. Ms. Rosario said the applicant could by Code move on with the patio if he removed the roof; and if the Board Members did not approve where the accessory structure now was located, he could move the accessory structure at least five feet from each property line and proceed without a variance, according to a conversation she had with City Building Official, Buddy Bush. Ms. Rosario said the applicant and his Contractor, Al Foreman were present as well.

Mr. Bramblett asked Ms. Rosario to explain regarding the setbacks for the property lines.

Ms. Rosario said five feet from the rear and side property lines for accessory structures, which both of these were considered. She said she forgot to include pictures of the home in the presentation.

Mr. Leo Cadiz, property owner; and Mr. Al Foreman, Contractor came forward and were sworn. Mr. Cadiz informed the Board Members he had the patio built because he wanted to create a little outdoor area, and there were a lot of trees outside and he had a roof put over the patio to keep the limbs from falling on him or whomever might be on the patio; and as far as the storage shed behind it, he said there was not any storage on the lot; and that was the best place to put the 6' x 10' storage shed.

Board Questions:

- Mr. Bramblett asked Mr. Cadiz about a structure to the right.
- Mr. Cadiz said it was a small art studio that was about 400 square feet; and he said on the other side was an approximately 950 square foot, one bedroom home.

- Mr. Bramblett asked Ms. Rosario wasn't there a percentage of available square footage of a lot versus the footprint that accessory structures could not exceed.
- Ms. Rosario said it was thirty percent for accessory structures on a rear lot; she was not sure regarding the R-8 Single Family at the moment.
- Mr. Bramblett asked Mr. Cadiz how many square feet was the lot.
- Mr. Cadiz said it was about 4900 square feet.
- Mr. Bramblett said the house was about 1,000 square feet.
- Mr. Foreman explained the house was two levels.
- Mr. Bramblett said they were probably o.k. regarding the percentage.
- Mr. Bramblett said he went by and looked at the home prior to the meeting; and he asked how wide was the driveway between the two posts, and could you even get a car through what he called the lean-to area.
- Mrs. Poliakoff said it almost looked like pergola.
- Mr. Foreman said the driveway itself was fourteen feet, but it was not supposed to be a driveway. He said the intent was a patio area (which was a usable space that the petitioner did not have); and that the petitioner had designed it to have a pergola in the front when you pull in with a wood structure with a steel roof in the back of it where he did most of his tinkering.
- Mrs. Poliakoff asked if it abutted the alleyway, and had there been any complaints from the neighbors.
- Mr. Bramblett said it did not abut an alleyway.
- Mr. Foreman referenced a slide and he explained the house behind Mr. Cadiz was very close to the property line, and that was one reason why a question was not raised in their minds regarding setbacks, due to the neighbor's house being built right at the property line.
- Mr. Bramblett said that was what the Board was trying to correct; and there were a lot of houses that were built too close to other houses; and he thought the intent of the Code that was updated several years ago, was that over time the structures that were too close to the property lines would eventually need to be rebuilt; and when they were rebuilt all of the setback issues would need to be corrected; and that was why they were trying to scrutinize the new structures.
- Mr. Foreman said the petitioner had to be able to live in the space that he purchased, and to be comfortable. He explained it was one of the smaller spaces in Converse Heights.
- Mr. Bramblett said if he needed a bigger space, maybe he should not have purchased a home on a bigger lot.
- Mr. Foreman said there was not a lot of homes for sale in Converse Heights; and that the whole area of Converse Heights was a beautiful space to be no matter what, even with the homes that were not built to today's standards.
- Mr. Cadiz said it was not a garage; that he was going to perhaps fence it in and make it like kind of an entertaining area.
- Mr. Bramblett asked if the storage building had been permanently installed.
- Mr. Foreman said it was not; that it could be put on a trailer and be moved; and that it was 6' x 10'; and the building department said they did not have any issues with it because it was under 200 square feet; the only problem seemed to be where they wanted to put it on the lot regarding setbacks.
- Mr. Bramblett asked Staff if they had sent a letter to Mr. Smith on Lucas Court.
- Mr. Cadiz said he had spoken to his neighbors.

- Mr. Foreman said he had also spoken to the neighbors who seemed to have no problem with it. Mr. Foreman said Mr. Smith had told them he would not be at the meeting.
- Mr. Bramblett said he seemed to have a lot of concerns with it.
- Mrs. Poliakoff said he should have been at the meeting.
- Ms. Rosario said he was sent a certified letter.
- Mr. Foreman said they had spoken to him prior to the meeting.
- Mr. Bramblett asked why they had not obtained a permit before they started construction.
- Mr. Foreman said it was a bad decision; and would have made life a lot easier; and they had spoken to each other about it during the construction, and they were going to rectify the situation; regarding tonight's meeting.
- Mr. Gaylord said from the pictures they could see that were part of the record, the buildings were constructed in such a way that water would run off from the ceiling of each structure regarding the storage facility as well as the covering, and would run off right on to the neighbor's property.
- Mr. Foreman said it would fall on to his property line; and they had spoken to that neighbor and he had no issues with it.
- Mr. Foreman said it was probably one of the most unique properties in Converse Heights; and the patio area blended in well with the structure.
- Mr. Cadiz explained he had received a lot of compliments when they were in the process of constructing the patio and covered portion.
- Mr. Bramblett said the accessory structure was smaller than what would require a permit, but the covered structure which looked like a carport would probably be classified as a carport, and the proximity to the property lines were issues that would require a permit.
- Mr. Badger asked the contractor if they were permitted to go ahead, how long it would take to complete everything.
- Mr. Foreman explained it was very close to being finished now; but they had halted all the work when they were stopped by the Building Department; and they were going to have to get back with the Building Official to figure out how to fire proof the privacy fence between the two posts and fireproof the structure regarding safety of the neighbor and the petitioner. He said the fire code was all they mainly had to deal with.
- Mrs. Poliakoff asked if they had met with the Building Department already regarding this issue.
- Mr. Foreman said Mr. Bush and some members of the Building Department had come out to the house; and they had given them three options.
- Mrs. Poliakoff asked about the options.
- Mr. Foreman said one option was a solid wall which was a clap-board type hardi-board where the posts are; or he said that there was a fire-resistant paint available that would give them a five-hour rating; which they might could do instead of the solid wall and still fire-rate the wood.
- Mr. Bramblett said it looked like it would be almost impossible to get more setback from the left side; and he asked could they move the building forward five feet.
- Mr. Foreman said it would completely destroy the structure of their package.
- Mr. Bramblett said it was not as high; and was it wider than the posts were.
- Mr. Foreman said it was not as high, but it was in line with the posts; it would not go toward the house anymore.

- Mr. Bramblett asked what was the distance or the inside diameter of that space between the two posts or the inside diameter of that space.
- Mr. Foreman said from the two front posts were about 13'8".
- Mr. Bramblett asked how wide the building was.
- Mr. Foreman said up top was twelve feet; but he mentioned the over-hang area.
- Mr. Foreman said he could twist that building and bring it out, but he could not slide it forward because the overhang on the structure would be in the way.
- Mr. Bramblett asked how they could get a 5 foot setback on the back.
- Mr. Foreman said the only way would be to move it to another piece of the property and where they had it was the perfect place; and it would not be aesthetically pleasing to anybody to move it to another place on the property.
- Mrs. Poliakoff said her concern would be more regarding the fire code; and she asked Ms. Rosario was there any way to get that determined how they would solve the fire code issue and then come back to the Board for the variance.
- Ms. Rosario explained they could table the matter; and they could get with the Building Official; but without a variance they cannot really be issued a permit to do that. She also explained that the Building Official would never issue a permit without the fire code being met.
- Mr. Bramblett said they had three concerns: the fire code, where was the water going to go, and also the five foot setback.
- Mr. Foreman said none of those were impossible to overcome.
- Mrs. Poliakoff said as she understood it, all of the conditions would need to be met before the variance could be issued.
- Mr. Bramblett felt maybe the petitioner's needed to go back to the drawing board and get with the Building Official in order to come up with some solutions; and the Board would be glad to give them more time to do so.
- Mr. Foreman said it was his understanding that Mr. Bush would not issue anything until the variance was approved.

Ms. Rosario came forward again and said as provided in Section 603.3 of the 2012 City of Spartanburg Zoning Ordinance, Variance Review Criteria, that the proposed use and any associated development, noting that in granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare; and she went over the Mandatory Written Findings for the Board to consider when reviewing a variance request and Staff's Analysis of Required Findings as follows:

- 1) *There are extraordinary and exceptional conditions pertaining to the particular piece of property* – The property at 4 Grey Court is a substantially smaller parcel than the already small parcels found in the Converse Heights Neighborhood. Already having upon it two structures and a brick patio in between, there is little space for the addition of a patio that does not remove greenspace from the property.
- 2) *These conditions do not generally apply to other property in the vicinity* – These conditions do not generally apply to other properties in the area, specifically in terms of size and usable lot area. Many of the properties do have smaller setbacks and do have accessory structures on or near the line.
- 3) *The application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property* – Application of the Ordinance to this piece of property would not effectively prohibit or unreasonably restrict the utilization of the property as a residence. The other option Mr. Cadiz would have would be to remove what has already been built

and have a smaller patio, and to move the storage building elsewhere in the yard. Also if he was to move his structure five feet from the property line he would not have to have it fire rated.

- 4) *The authorization of a variance will not be of substantial detriment to adjacent property or to the general public good, and the character of the district will not be harmed by the granting of the variance* – In Staff's opinion the granting of the variance will not be of substantial detriment to the adjacent properties either from a functional or aesthetic point of view. The ordinance calls for a 5' setback for accessory structures – if Mr. Cadiz chose too, he could remove a part of the roof that extends to the property line, leaving part of the patio exposed and no longer technically a 'structure' per Zoning and Building standards. A patio up to four feet in height was not considered a structure unless it had a roof over it. Ms. Rosario said the applicant could remove the roof but he would still need to fire rate the boards. She said in Converse Heights there are many properties with structures right on the setbacks, and she has not heard anything from the adjacent or any property owners regarding the request. She said functionally she felt it worked well for the property.
- 5) *Orientation and spacing of improvements or structures* – Staff feels that the orientation and building of the patio suits the character of the district, and the storage building is attractive and innocuous in its current location. Permitting of the structure by the Building Department is depending on the Board's permission to maintain them in this location.

STAFF'S RECOMMENDATION

Staff recommends the Board approve the request as presented. She knew it had not been permitted, but she felt it was a well done structure. She had not received any negative comments on the request, and she did not see it being a detriment to the neighborhood. She said she would ask the Board to take into context the neighborhood, and the context and character of the area from this point going forward, and as long it was fire-rated it would not be a safety issue. She would leave it to the Board's discretion.

Board Questions:

- Mr. Gaylord said Ms. Rosario had said the applicant would have the option to remove a portion of the roof; and he asked would it be only the roof portion within five feet of the property line.
- Ms. Rosario said yes.
- New Board Member Ms. Leana Melnichuk asked how many boards would need to be removed from the roof.
- Ms. Rosario said just the portion of the roof to keep it from being five feet off the property line.
- Mr. Badger said maybe they could turn the 6' x 10' building long ways.
- Ms. Rosario said they could get more setback of maybe two or three feet; but she did not recommend doing that regarding where the cars parked, and she did not know where else on the property it could go.
- Mr. Bramblett asked what was on the ground in front of the studio.
- Ms. Rosario said it was just concrete.
- Mr. Foreman asked Ms. Rosario if she had the survey of the property and the structure he had given her on a jump-drive, when he turned in the application.
- Ms. Rosario said she was sorry, she had forgot to include that as part of the package, and she entered into the record as evidence as Exhibit B a copy of that survey which she brought up on the projection screen and she apologized for the blurriness on the slide; and she said the City IT Department was performing maintenance this evening on the computer system, and the picture was not real clear.
- Mr. Badger said there appeared to be a tree in the picture that had been notched out. Ms. Rosario explained they had built around the tree; and the City had no jurisdiction regarding trees on private property.

- Mr. Bramblett said from the survey, that it showed what he was thinking – that they had started out with a small compact house on a small lot; and it just kept spreading out further and further. Now they wanted a five foot variance on a five foot setback; and to him there were other ways this could have been done.
- Ms. Melnichuk asked was there a reason why the structure could not be made smaller to meet the setback.
- Mr. Foreman explained in detail it would limit the use of the space tremendously. Mr. Foreman said it would not look nearly as nice if they made it smaller.

Mr. Bramblett opened the public hearing and asked anyone who wished to speak in favor of the request to come forward. No one came forward. Mr. Bramblett asked anyone who wished to speak in opposition to come forward. No one came forward. Mr. Bramblett closed the public hearing.

Board Deliberation/Comments:

- Mrs. Poliakoff was inclined to go with Staff's recommendation.
- Mr. Badger said if the photograph was correct and they had to notch out the tree; in a wind storm the tree would go back and forth and would be pounding against the roof. He thought it was too cramped in regarding safety.
- Mrs. Poliakoff said wouldn't all those issues be addressed by the Building Official.
- Ms. Rosario explained actually the tree was on the neighbor's property; and that if anything was to happen it would be between the neighbor and the petitioner; and she explained again that the city had no jurisdiction regarding trees on private property.
- Mr. Bramblett said they were dealing with two structures and two setbacks. He said the little storage building was behind the lean-to.
- Mr. Foreman said that was correct.
- Mr. Bramblett said it would be almost impossible to get five feet from the right side neighbor; but he said perhaps they could with some creative design get five feet from the back, since they were dealing with two different structures. Mr. Bramblett said he would be willing to go along as a compromise to try to help them move things forward that they forget about the setback on one side; if they wanted to move the accessory building forward five feet off the back property line.
- Mr. Gaylord said he would be concerned regarding whether or not this request would satisfy all the conditions that would allow the Board to make a variance.
- Mr. Gaylord felt the applicants were very talented people that could come up with something to work well within the parameter of the code or the applicant's desired use and also for the protection of the neighbor's property.
- Mr. Gaylord moved to table the request to a subsequent meeting; and there was no second.
- Mr. Bramblett asked the applicant how long they would need to come up with a solution to the Board's concerns, thirty days, sixty days, or longer.
- Mr. Foreman said the concerns they would be considering would be the setback from the back lot; and he said there was a window on the studio that was right up against the storage shed; and he could not get even three feet out of it; and there would only be about a foot and a half at the most the shed could be brought forward. He said as far as tabling and redesigning, he did not know what they would come up with. He said they had already put a lot of thought into the matter.
- Mr. Bramblett asked could they move the window in the building.
- Mr. Foreman said aesthetically no.
- Mrs. Poliakoff felt the request as proposed would create a good usable outdoor space for the applicant.

- Mr. Bramblett asked if Mr. Gaylord would like to restate his motion.

Mr. Gaylord moved to table the request to the December meeting, and was seconded by Mr. Badger. The motion was approved by a vote of 4 to 1, with Mrs. Poliakoff opposed to the motion.

Mr. Foreman explained they were trying to add value to the home and neighborhood.

Mr. Bramblett explained to the petitioner they would look forward to seeing them at the December meeting, unless they made the earlier mentioned changes to the request to where it would not require a variance.

Mrs. Roland said the next meeting would be on Tuesday, December 12th.

VAR 17 2-07 - Request for Variance from Lisa and Gaetan Hemond, Property Owners. The Applicants are asking for permission for the extension of an existing accessory garage in the rear of the property to the zero-lot line that abuts an alleyway in order to utilize the garage for parking. The property is located at 722 Maple Street, and is further identified as Parcel 183.00 on Spartanburg County Tax Map Sheet 7-12-08.

Ms. Rosario, Planner III came forward and was sworn; and she introduced the meeting packets the Board Members received last week via email along with tonight's presentation into evidence as Exhibit A. She said this was a similar case in the same neighborhood and was from Lisa and Gaetan Hemond. The request was to build out the front of an existing garage on the rear property that was about three feet off the property line and the request was to be able to build on the front of the garage to be able to park both cars in the garage.

Gaetan and Lisa Hemond came forward and were sworn. Mr. Hemond said they just moved in to the property last Friday; and they had a contractor that would help change the garage so that both of their cars could be parked inside, and have a garage door that goes up and down. He pointed out on a slide, that there was not enough distance for them to be able to park their cars in it. They wanted to extend two walls out two feet to the fence line so they would be able to park their two cars inside.

Board Questions:

- Mr. Bramblett asked that they did not want to come up to the property line.
- Mr. Hemond explained that it would be at the fence line which was at the property line.
- Mr. Bramblett asked if they had considered adding to the other end of the garage.
- Mr. Hemond explained to do that they would have to remove the brick wall and the foundation.
- Mrs. Hemond said they would like to add a breezeway between the garage and the house.
- Mr. Bramblett asked if they had a survey.
- Mrs. Hemond said not a recent one.
- Mr. Hemond said they had asked if they needed one, and were told they did not.
- Mr. Bramblett said even though they had a lot of space, they could come in from several angles. The official alley was only ten feet wide; and one of the reasons setbacks were good was so you could get that turn radius.
- Mr. Bramblett asked with all of the commercial construction going on, if some commercial building came in and built all the way up to the alley or put a fence up, would that interfere with them being able to turn in to their garage.
- Mr. Hemond explained he would not have any problem getting one car in the garage, and he and his wife had talked about it and felt it may be more of a challenge for the second car; but felt they could get both cars inside if the request was approved.
- Mrs. Hemond said that the current garage was quite dilapidated (which they did not want to destroy) and they felt like the improvements would beautify it.

- Mrs. Poliakoff asked if they were parking on the street now.
- Mrs. Hemond said yes; and it was sixteen steps to the house; and it would really help them to better utilize their home.
- Mrs. Hemond said it would really help them to be able to utilize their home.
- Mr. Gaylord asked that the depth of it currently was not enough to put in a modern size car.
- Mrs. Hemond said the depth was not; she said the width was tight.
- Mr. Bramblett asked if they knew the depth.
- Mr. Hemond said he had a Lexus 350; and when he pulled it in; he cannot get a garage door down over it.
- Mr. Hemond said if they did not approve the variance, they would have to blow out the wall in order to go in the other direction; but they really hated to waste that structure.
- Mr. Badger had a question regarding their fence; and he said it looked like one of the posts was on the other property.
- Mr. Hemond explained it was his fence and on his property; and that the neighbor's garage was setback right at the property line as well. He said the house was for sale and no one lived in it at the current time.
- Mr. Badger asked was there a garage door already.
- Mr. Hemond said there was a door, but they wanted a modern garage door; and the roof of the garage was rotted and not good, and that would come up and they would go up enough only to accomplish what they needed to do.
- Mrs. Hemond said they would not put a second story, just enough regarding the garage door to be able to open and close.
- Mr. Hemond said they were planning on doing a breezeway as well so when they pulled in with groceries they would not get wet.

Ms. Rosario came forward again and showed and explained slides in order to better illustrate the request. She said as provided in Section 603.3 of the 2012 City of Spartanburg Zoning Ordinance, Variance Review Criteria, that the proposed use and any associated development, noting that in granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare; and she went over the Mandatory Written Findings for the Board to consider when reviewing a variance request and Staff's Analysis of Required Findings as follows:

- 1) *There are extraordinary and exceptional conditions pertaining to the particular piece of property* – The property at 722 Maple Street does not have any extraordinary or exceptional conditions that restrict the use of the property, but it is one of the only homes on this portion of Maple Street whose garage does not back up to the alleyway at the zero lot line. Other homes in the vicinity feature newer garages at the 0' lot line.
- 2) *These conditions do not generally apply to other property in the vicinity* – These conditions do apply similarly to other properties in the area, and other properties in the neighborhood with these same conditions do have detached garages close to the rear and side property lines, and often abutting alleyways.
- 3) *The application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property* – Application of the Ordinance to this piece of property would not effectively prohibit or unreasonably restrict the utilization of the property as a residence, but does restrict the useful utilization of the existing structure to the owner.

- 4) The authorization of a variance will not be of substantial detriment to adjacent property or to the general public good, and the character of the district will not be harmed by the granting of the variance – In Staff's opinion the granting of the variance will not be of substantial detriment to the adjacent properties, and would in fact be more in line with what is seen along the alleyway to the rear of this property. In addition, the improvement will likely serve to raise the property value of the home and improve the appearance of an older, somewhat neglected structure.
- 5) Orientation and spacing of improvements or structures – It may be possible to expand backwards into the property, but this would require the removal of the existing rear wall of the building, likely being more costly than an addition; and would likely amount to tearing down and building a new garage in its place.

STAFF'S RECOMMENDATION

Staff recommends the Board approve the request as presented.

Board Questions:

- Mr. Bramblett said to him it would be in the petitioner's favor, and he referenced a slide regarding the ten foot alley he had spoken earlier about. He said the whole fence may be built four or five feet off of the property line, even if they built it all the way out to the fence, that it was possible they still had a setback there. It was too bad they did not have a survey.
- Mr. Hemond explained their cars would always be backed in to the garage, so they could be aware of everything that was going on in the alleyway when pulling out.
- Mr. Gaylord asked Ms. Rosario if she considered the location of this lot and the fact that it abutted up to the alleyway, as well as backed into pretty heavily commercial traffic areas that was different from properties in the Hampton Heights area.
- Ms. Rosario agreed that was true.
- Mr. Gaylord said it would probably have a greater risk of crime, etc., if it was not secured.
- Ms. Rosario said that was correct, especially as you progressed on down Maple Street.

Mr. Bramblett opened the public hearing and asked anyone who wished to speak in favor of the request to come forward. No one came forward. Mr. Bramblett asked anyone who wished to speak in opposition of the request to come forward. No one came forward. Mr. Bramblett closed the public hearing.

Board Comments/Deliberation:

- Mr. Gaylord said when the time came, he would move to adopt the revised findings to provide the fact this does constitute an exceptional or extraordinary circumstance in the location of the property is adjacent to commercial rather than residential property. He also said the application of the variance for this property would leave a section of the property that would have no logical use. He said it was not a question of safety regarding fire, and in essence backing up to East Main Street.
- Mr. Bramblett said he thought it would be good to have an accurate survey, and he referenced a slide of the fence. He thought it looked like they may already be five feet off the property line, which was a good thing.
- Mr. Bramblett said he was not real sure a variance was really required, regarding no survey or anything to prove that they were not already within the setbacks. Mr. Bramblett referenced the slide he had referenced earlier; and said normally power poles were put at the edge or residential property or on the edge of the alley.
- Mr. Hemond said his fence was further back than what they were looking at on the slide. He said they did not want to come out further than the fence.
- Mrs. Poliakoff said it looked like there was quite a bit of difference.
- Mr. Hemond thought it may be fifteen feet back.

Mr. Gaylord moved to adopt the findings of Staff, with the exception of finding #1 to be amended to state to find there was an extraordinary and exceptional condition pertaining to the particular piece of property in that it was adjacent to heavily traffic commercial area, and the other findings be adopted and the request be approved as presented. He was seconded by Mrs. Poliakoff.

Discussion of Motion:

- Mr. Bramblett felt the fact that they were willing to improve the structure and the fact they were willing to put a door on it, he thought what they had planned was better than they now had.
- Mrs. Poliakoff and Mr. Badger agreed.
- Mr. Bramblett said he would be inclined to vote against the motion as it was, because he did not think the fact that there was a commercial property there makes any difference.
- Mr. Bramblett asked Mr. Gaylord to restate his former motion.

Mr. Gaylord said to restate the motion, he moved that they adopt the findings of staff, with the exception of finding #1 be amended, to find that there is an extraordinary and exceptional condition pertaining to the particular piece of property in that it was adjacent to heavily traffic commercial area; and that the other findings also be adopted and the request be approved. He was seconded by Mrs. Poliakoff. The motion was unanimously approved by a vote of 5 to 0.

Staff Announcements

Mrs. Roland welcomed New Board Member, Leana Melnichuk to the Board; and said they were all happy to have her on the Board.

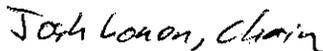
Mrs. Roland said all the regular Board Members had now all received their 2017 Continued Education Training; and she would work with Ms. Melnichuk within the next year to get her required New Board Member Training scheduled.

There being no further business the meeting adjourned at 6:40 P.M.



Don Bramblett, Vice-Chair

Edited by Julie Roland, Administrative Assistant


Josh Logan, Chair