

Montpelier Development Review Board
August 20, 2007
City Hall Chambers, City Hall

Approved

Present: Philip Zalinger, Chair; Kevin O'Connell, Vice Chair; Alan Blakeman, Daniel Richardson, Jack Lindley and Jeremy Hoff.
Staff: Clancy DeSmet, Planning and Zoning Administrator.

Call to Order:

Mr. Zalinger, Chair, called the meeting to order at 7:00 p.m.

Review of August 6, 2007 Minutes:

Members present at the August 6th meeting were Jack Lindley, Alan Blakeman and Jeremy Hoff. It doesn't appear there was a quorum sufficient to review the minutes so they were tabled until later.

Comments from the Chair:

Mr. Zalinger recognized Jeremy Hoff and Dan Richardson as new members of the Development Review Board. Jeremy has served as an alternate for some time, and Dan comes from the Design Review Committee.

Dan Richardson recused himself from all of the items on the Consent Agenda because he voted on them as a member of the Design Review Committee.

- I. Design Review – CB-II/DCD**
72 Barre St.
Applicant: John M. Peterson
Replacing 40 storm windows.

Mr. Zalinger told Mr. Peterson the Development Review Board reviews these items as Consent Agenda items because they are reviewing the actions the Design Review Committee has already taken with respect to the application. The Design Review Committee recommended approval with one adjustment, which is the aluminum windows will be white and the flat element against the frame will be painted to match the frame trim color and cross piece to match the sash. He asked Mr. Peterson if he was in agreement with the recommendation. Mr. Peterson replied he was.

Mr. Blakeman moved approval of the 72 Barre Street windows along with the Design Review Committee's adjustment. Mr. Lindley seconded the motion. The motion was voted unanimously 5-0.

- II. Design Review – HDR/DCD/FP**
144 Elm Street
Applicant: Roger McMannis for Resurrection Baptist Church
Construction of storage shed.
Applicant not present at DRB.

Mr. DeSmet said the applicant was in agreement with the Design Review Committee's recommendations. The adjustments and recommendations of the DRC dealt with the color of the window and the color of the roof. It is recommended to be blue or another natural tone.

Mr. Lindley moved approval of the Design Review for 144 Elm Street for the construction of a storage shed for the Resurrection Baptist Church. Mr. Hoff said as a friendly amendment he would incorporate recommendations from the DRC. Mr. Hoff seconded the motion. The application was voted unanimously 5-0. Design Review at 144 Elm Street is granted by the DRB.

III. MDR/DCD/FP

148 Main Street

Applicant: Vermont Association of Hospitals and Health Systems

Design Review for replacing exterior siding on second story porch at rear of building.

Applicant not present at DRB.

Mr. O'Connell said since the Resurrection Baptist Church and Vermont Association of Hospitals and Health Systems applications were consent agenda items, he would be willing to consider acting on them this evening. Mr. Zalinger asked Clancy DeSmet if he was at the Design Review Committee for the applications and asked if the applicants represented any dispute or disagreement with the recommendations of the committee. Mr. DeSmet said they did not.

Mr. Zalinger said for 148 Main Street the DRC recommended approval with suggested adjustments. One is that the light may be removed from the old doorway, and the bottom door entrance will be filled with clapboard. Mr. Zalinger said it appears the recommendations are minimal and they have the recollection of the Zoning Administrator that the applicant seemed to be in agreement with the DRC's recommendations.

Mr. O'Connell moved approval the application for 148 Main Street with the recommendations of the Design Review Committee. Mr. Hoff seconded the motion. The application for 148 Main Street was approved unanimously 5-0. Design Review for 148 Main Street is granted.

IV. Variance Request – MDR

12 Crescent Lane

Applicant: Robert and Anne Cauley

Variance request for replacement of patio with deck.

Mr. Zalinger recused himself from participating in discussion of the application for a variance request at 12 Crescent Lane for Robert and Anne Cauley. Mr. O'Connell assumed the role of chair for this application.

Mr. O'Connell administered the oath to Mr. Cauley.

Mr. O'Connell asked Mr. DeSmet to review the proposal and issues of the applications for the Board. He said he was trying to read the communication from the law firm of Zalinger, Cameron & Lambek. He said it would be helpful to the Board if he could summarize the issues.

Mr. DeSmet said the applicant came to the Planning Office with a request he be granted a variance from a deck he built on his property. There was no zoning permit obtained. Mr. O'Connell asked if the Board had a retroactive approval for an existing structure. Mr. DeSmet replied yes. This is a situation where either the applicant didn't know or did not pursue receiving the commensurate approval.

Mr. DeSmet said the applicant has proposed some options.

Mr. Cauley said he was involved in a necessary survey of his property recently, and it was at that time he discovered just how close the property line was to the back of his house. He was under the

assumption that it was further back than it is. Since he has his house on the market for sale, when he received the results of the survey he found out he wasn't in compliance. He then came down to find the permit, and there is no permit on file. Then, he started the whole process to come into compliance with what the regulations call for and come before the Board. There was an existing 10' x 14' patio which did not look very nice at all. When you stepped out the back door you stepped down a foot and a half to get to the patio.

Mr. O'Connell inquired if this was pre-2003. Mr. Cauley replied it was there when he bought it. It was a 10' x 14' patio. Fourteen years later he decided to do something about it and talked with a contractor about the permitting process. What he is asking for now is indicated on Tab B.

Mr. O'Connell asked if his proposal was to just include the current footprint, or is he proposing an expansion. Mr. Cauley said it is just the current footprint as it exists today. He would like to leave it as it is in the photograph.

Mr. DeSmet said Tab A is the existing patio before he built the deck. Tab B is the deck as it sits currently today, which is in the setback. Then, Mr. Cauley is proposing that he remove portions of the deck, it would still be in the setback but less in the setback.

Mr. O'Connell said he should have been before the DRB initially. He presumes Mr. Cauley's preference would be just to leave it as it is. Mr. Cauley said yes because the house is on the market. He has already purchased a house in Colorado, so he would like to leave it the way it is.

Mr. O'Connell inquired what direction the neighbors, the Hadleys live. Mr. Cauley said they are located southeast. The Hadley house has a common border that requires a setback. They submitted a letter of support for Mr. Cauley and have no objections to what Mr. Cauley is proposing.

Mr. Richardson inquired if there had been any steps taken or request to extend the back property line belonging to Mr. Cauley. Mr. Cauley said he hadn't approached Fred and Meg Hadley about that.

Mr. O'Connell asked if he modified the deck whether it would be in compliance. Mr. Cauley said no, it wouldn't. If he modified it as he proposed in Tab C it would still over the patio just barely. It still would not be in compliance because the patio itself is not in compliance.

Mr. O'Connell said they find themselves in a little bit of a conundrum when they act on things retroactively because there is variance criteria that is set in statute. The Board reviewed the criteria.

Mr. Hoff asked when he initially thought about building the deck and conceived of going through the permit process, even though it never happened, did he look at the rear setback in the way he built the deck with the old survey. Did he believe it was in compliance? Mr. Cauley said he didn't have a survey then. He built the deck based on where he assumed the back property line was. He never went through the expense of a survey.

Mr. Blakeman asked if his neighbor the Dall's had any comments. Mr. Cauley said he did not speak with them.

Variance Criteria: § 1006.B (1)(a)-(f)

- a. *That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot's size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.*

This is where they are trying to fit a size 10 foot into a size 9 shoe. It's not going to fit. The Board has to make a determination as to whether a deck in this residential neighborhood of this relatively modest footprint is appropriate. He told Mr. Cauley it would have made much more sense if he had come before the Board initially. These kinds of circumstances put the Board into situations that are not what the ordinance is intended to cover.

- b. *That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property.*

This is an after the fact situation. The applicant purchased the property in 1989, and the house was built in 1959. It predates the existing zoning regulations. Most of the lots in the city, certainly the ones that predated zoning, aren't in compliance. We've made allowance for those types of situations.

- c. *That the unnecessary hardship has not been created by the appellant, and the hardship relates to the applicant's land, rather than personal circumstances.*
- d. *That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use of development of adjacent property, reduce access to renewable energy resources, not be detrimental to the public welfare.*

This criteria actually applies to the applicant. Decks are a standard feature in residential neighborhoods. A deck as modest as this one certainly doesn't seem to be out of place with the existing character or use of the neighborhood.

- e. *That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the Montpelier Municipal Plan*

- f. *The variance will not result in the initiation of a nonconforming use of land.*

Mr. O'Connell said since there are five members they need four members to pass the variance.

Mr. Blakeman said he is in agreement that Mr. Cauley ought to receive a variance. He came forward on his own.

Mr. Richardson said it was important that when the deck was built the applicant believed his property line was in one place and in fact it was in another. Had he actually completed the application in 2003

Mr. Hoff believes the Board would have granted the variance, so he doesn't see a problem with granting the variance now.

Mr. Blakeman moved that the variance for 12 Crescent Lane be approved. Mr. Hoff seconded the motion.

Mr. Richardson said it seems that some of this situation doesn't meet the exact criteria of the variance and it is an expansion of a nonconforming use. He understands the Board's sympathy to decks as opposed to other types of structures. It seems this was a hardship that was created, and it is an extension. If we go from step one where there was an existing patio of 10 feet out, this represents an additional 5 or 6 feet further into the nonconforming areas. Whatever we may have disagreements with in this particular situation doesn't seem to really create the issue of having the 30 foot setback because the houses are so far apart, the Hadley's and the applicant's. Nevertheless, it does not, in his view, fit the criteria of a square peg in a round hole. Variances, by their language, are really designed not to be allowed except in less exceptional circumstances.

Mr. O'Connell said neglecting for the moment that this is a retroactive approval which is being requested, there is so much nonconformity in lots created before 1972 that the Board has tended to be somewhat accepting of small variances, particularly something as unobtrusive as a deck. If Mr. Cauley's request was for a three-story structure, then the Board would be a lot more careful in reviewing the application in terms of the extent of the variance.

The motion was passed 4 to 1.

V. Site Plan Review – MDR/LDR

303 Berlin Street

Applicant: William Doelger & Linda Normandeau

Site Plan Review for construction of a new two unit dwelling.

Mr. Zalinger administered the oath to William Doelger and Linda Normandeau.

Mr. DeSmet said several months ago Mr. Doelger and his wife came into the Planning Office with a three-unit proposal on Berlin Street, and have since scaled it down to a two-unit proposal. They have a private driveway. They have come before the Board for a site plan review based on some of the recommendations from a previous sketch plan review. They are present to answer any questions the Board may have based on the relevant site plan criteria. They presented sketch plan review on May 7, 2007.

Mr. Doelger explained the application to the Board, which will be on a vacant lot at the top of Berlin Street across from Sherwood Drive. Mr. O'Connell said he believed there is currently a cottage on the lot. Mr. Doelger said there is a cottage on the upper part of the property. They own 2.85 acres of land.

Mr. Zalinger inquired if he was going to create two lots. Ms. Normandeau said it was their property and where they want to build a house. Mr. O'Connell said there would be two structures and three units on one lot.

Mr. Zalinger asked if it was their existing driveway coming in from Berlin Street. Mr. Doelger said it is a paved driveway. The curb opening is 25 feet, and it is paved all the way to the top. When they bought the property about four years ago that building was becoming derelict. It had been built shortly after the

main house had been built, had never seen any paint, the window frames there leaking and the chimney crumbled. Rather than tearing it down they decided to fix it up and it is now a cottage for rent.

Mr. Zalinger said that would be four housing units on the parcel.

Mr. O'Connell said their house is also on that property.

Mr. Zalinger told Mr. Doelger said it was the use that the DRB would have jurisdiction over, so the use would be the creation of two dwelling units on one parcel. He has some recollection of there being a permit issue for it. Ms. Normandeau said they came before the Board to ask permission to fix the cottage.

Mr. Zalinger said the creation of the two residential units was approved, and now there will be four residential units. Mr. Doelger said that was right.

Mr. O'Connell asked if the Planning Office had looked at the application in terms of setback requirements. Mr. DeSmet said the application is compliant.

Mr. Richardson said the driveway has a 25 foot wide curb, but the actual Stretch's Way is narrower. Are there other parts of the driveway on either side of the pavement? Ms. Normandeau said on one side there is 10 feet. Mr. Doelger said the curb cut is 25 feet. The paving runs out to meet the curb and then narrows as it goes up the hill.

Mr. Richardson inquired if this was a private right-of-way. Mr. Doelger said in order to meeting the 911 requirements they had to change their address, and they were asked to make their driveway as part of the way. They are responsible for maintaining it. They have to plow it and perform all maintenance.

Mr. Blakeman said referring to page 3 the staff has two recommendations and he wanted to know if he agreed with them. Mr. Doelger said yes.

Mr. Lindley inquired how long the existing driveway was. Mr. Doelger said he believed it was over 900 feet.

Mr. O'Connell said usually if there are issues required by the Department of Public Works, particularly regarding storm drainage and water and sewer, those should be submitted with the site plan and the resolution already included. Mr. Doelger said they have a plan that is submitted which shows the site. Being that is a very hilly location it makes him a little nervous not to have Public Works saying this is the plan that is acceptable and be certain there won't be a storm runoff issue.

Mr. Doelger said since they submitted the plan a number of questions have come up in his mind. At Technical Review one of the issues that came up was the fact that in order to bring sewer lines up they would have to cross Berlin Street. Mr. McArdle wasn't very happy about that. One of the changes he would like to discuss with him is bringing the sewer lines and down their side of the street.

Mr. O'Connell said he would like to see DPW's approval of that. This doesn't fit with the Board's standard protocol. He said he would make a very strong case that the Board needs to have engineering solutions that DPW is willing to sign off on, or with very minor changes. Mr. O'Connell said he has questions and concerns knowing in the past there have been problems with storm water runoff particularly in hilly communities such as this. He isn't comfortable with this.

Mr. Doegler said he was informed by DPW that in order to meet requirements of this meeting he needed to hire an engineer to come up with a plan.

Mr. Zalinger said what Kevin O'Connell is suggesting is that normally the Board has an established sequence in which it proceeds. Under relevant site plan criteria, paragraph 3 reads that the TRC reviewed the plan and provided the following guidance:

Relevant Site Plan Review Criteria

3. *Vehicular Access and Circulation [704]:* The Technical Review Committee (TRC) reviewed the plan and provided the following guidance related to the driveway/street:
 - a. A minimum clear width of 20' is required for a fire lane and space should be provided for turning fire trucks and emergency vehicle access.

Mr. Zalinger said he was uncertain where on the plan that appears.

Ms. DeSmet said he believed there were a couple of errors in a and b. Since the property is going to be sprinkled the width that Tom McArdle and Chief Facos were worried about is being able to have two cars come in to avoid cars on Berlin Street. The 25 foot cut is enough to get two cars in safely.

Mr. Zalinger inquired if the Technical Review Committee and Tom McArdle had reviewed the plan. Mr. Doelger said they had. Mr. DeSmet said the biggest outstanding issue was the storm water.

Mr. Doelger said regarding a road profile indicating compliance with maximum grades that he didn't have the skills to determine whether the elevations don't exceed the maximum grade. Tom McArdle is qualified to make that determination. Mr. Zalinger voiced concern that the application didn't meet all of the relevant site plan criteria in 3 having to do with vehicular access and circulation.

4. *Parking & Loading [705]:* The parking requirement for a two-family dwelling is 1.5 per dwelling unit for a total of 3. There will be one garage for each unit plus parking for two (2) cars in front of each dwelling.

Mr. Zalinger said it appears the application meets the minimum requirements of the zoning ordinance.

5. *Landscaping and Screening [708]:* Shrubs and planting will be placed around the building. The Applicant also proposes to plant more arbor vitae, or similar bushes, above the berm along Berlin Street. The Applicant needs to submit specifications regarding the installation of all plantings, which shall include provisions for soil enhancement, root space, transplanting procedures, and protection from injury and pruning. Planning maintenance also needs to be addressed by the Applicant.

There are general statements that shrubs and plantings will be placed around the building and that the applicant plans to plant more arbor vitae above the berm along Berlin Street. The applicant said the plantings will be above the berm near the house. Mr. Zalinger inquired whether there was a landscaping plan. Mr. Doelger said he didn't have a landscaping plan. The contour lines between the two driveways are the landscaping being proposed. There will be a large retaining wall on the south facing side and a retaining wall between the other two driveways.

Mr. Zalinger said he isn't adverse to acting favorably upon the project once he knows what it looks like and what its components consist of.

Mr. O'Connell said he would add to that by saying the project certainly seems like it has a lot of good potential, but the Board is handicapped by the fact they don't have the information it needs to make an informed decision. He said he would be willing to continue this hearing until another date certain for the applicant to resolve the plan issues. Mr. Zalinger said if they continued the hearing until a date certain it isn't necessary to re-warn the hearing. He would project it out until September 17th it is more likely that the applicant will have the opportunity to have the field work performed that is necessary to develop the plans. If they aren't ready on September 17th, the Board could continue again to another date certain avoiding the need for further advertisement.

Mr. Doelger said he would like to come back on September 17th.

Mr. O'Connell moved to continue the hearing on the Doelger application until the regularly scheduled meeting on September 17, 2007. Mr. Blakeman seconded the motion. The DRB voted to continue the application until September 17, 2007.

VI. Site Plan, Conditional Use and Design Review – RIV/DCD

623 Stone Cutters Way

Applicant: Hunger Mountain Coop

Continuation of Site Plan, Conditional Use and Design Review for expansion of existing retail establishment

Mr. Richardson said since he had voted on the application originally on the Design Review Committee he was going to recuse. When the proposal originally came before the Design Review Committee, he was at the meeting for the evidence and did vote on the proposal. When reviewing the additional deck he did not participate in the Design Review Committee review or vote.

Mr. Zalinger asked what was the scope of the Design Review Committee's review of this matter.

Mr. Richardson said originally it was within the normal parameters of the design review for the conformance to the standards of Article 3 and whether or not it conformed to the standards of the district.

Mr. DeSmet said the applicant reduced some of the project so it isn't the same application the Design Review Committee reviewed. It is in response to conditional use.

Mr. Zalinger said he is trying to isolate the issues that relate to conditional use criteria and compliance with elements of the zoning ordinance that set standards for noise. He asked if the applicant had a view as to whether Dan Richardson sat to hear the application or not. Brian Leet said they had no particular view and didn't object if he continued to sit. Mr. Richardson said if the applicant doesn't have any problem he would be glad to participate.

Mr. Zalinger told the applicants they remained under oath since this is a continuation of the prior hearing.

Brian Leet, Bill Maclay of Maclay Architects, Keri Bradley, General Manager of the Coop, and Amy Johnston, Project Manager for the Coop appeared before the DRB. They recently visited a DRB

meeting and a few issues came up at that meeting which they needed to go back and resolve. One was a desire to change the deck, and the second major issue was the noise. In order to react to the noise, they have come up with a scheme that replaces the existing equipment. He assumes the noise issue is the key issue for most members of the Board.

Mr. Zalinger said that might be premature. His recollection from July 2nd was the DRB started down the path to review some components. Mr. Leet said at the initial meeting there was a great deal of discussion about what was appropriate to review. There was an understanding there were concerns. On July 16th the Board took evidence. They discussed the three components of the project – design review, site plan review and conditional use. Their understanding from that meeting was that there were concerns about the noise issue.

He told Mr. Richardson that there was a significant amount of evidence taken by the Board on July 16th and he recommended he review the minutes. There is a provision in the statute and in case law for him to participate if he reviews the minutes. The Board reviewed most of the criteria on July 16th. Mr. O'Connell said he was comfortable reviewing the minutes.

Mr. Lindley said he wanted to raise a question about the traffic outlined in the site plan. With regards to traffic and roads, the applicant has indicated a 10.3 percent increase in customers. They said additional customers will be on foot or use other means of access. He assumes that is bicycle traffic. When he looked at their plans he didn't see any bike racks. He asked if the Coop had made provision for the other traffic that will be coming with the increase. Mr. Leet said he is correct that it does not show on the plan. The Coop does have bike racks by their entrance and they will remain there. They were expanded this year.

Mr. Leet said the existing equipment has a limited life and the cost it is going to take to significantly improve the acoustic impact of the equipment was not justified. The Coop has accelerated their equipment turnover replacement schedule. They had talked about adding additional equipment in order to pick up the additional load. That allows them to buy quieter fans and a better enclosure for the compressors.

Mr. O'Connell asked if with the new equipment the compressors will be quieter than it is now. Mr. Leet said it would be significantly quieter. The existing equipment, even for the manufacturer's specifications, is about 15 decibels over property line of the conditional use criteria. Just for a reference, they have gone back into the history and determined the equipment that is there on the building predated any ordinance the city had for specific decibel limits. The Coop had some discussion and decided on this course of action. The new equipment is about 15 decibels quieter. All of these calculations are at the peak.

Mr. O'Connell said with the new compressor equipment there is a graduated startup on the fan rather than the instantaneous startup which causes the loud noise. Mr. Leet said there are eight fans as part of the equipment. He believes this particular equipment package with the quieter fans, which run at a quieter peak level, have instant start loaders.

Mr. O'Connell asked him to review what the decibel levels will be at which on which part of the property. In other words, there are four different property lines. Mr. Leet said at the southern property line, which is the river bank, with the new equipment it is 46 decibels. At the northern property line, it is 41 decibels. At the Allen Lumber property line it is 49 decibels.

Mr. O'Connell said he was concerned about the north end because of the new apartments and condominiums which have gone in behind the Coop. He asked Mr. Leet if it was his testimony that it would actually be less noise than there is now. Mr. Leet said that is correct. Mr. Leet said they did invite neighbors to a meeting.

Mr. Leet said the main purpose of their continuance was to resolve the noise issue. Given the additional time, they did make some design changes. One change was to remove the extra piece of roof that extended. The reason they decided to make that reduction was because that was the piece which had previously been discussed requiring relocation of the city's storm water easement. By not doing that work they don't need to relocate the easement nor the storm water line. They had also approached the subject and then withdrawn the idea of a new deck. Because they were going back to the Design Review Committee it allowed them to present the new deck. In the course of their discussions at that level it became clear there were a lot of concerns about the way the zoning talks about the setback along the river. As a consequence they are simply showing the new deck on this side behind the setback. The decks had been within the 10 foot setback. If you look in the zoning ordinance, there is language that says patios, decks and balconies are allowed. They had thought that meant a deck was allowed. During the design review process there was some concern that the intent stay at grade.

Mr. Zalinger inquired what would be there now.

Mr. Leet said what they were proposing is the expansion of the café area behind the setback and then a new deck on the southeast corner that is also behind the setback. The proposed patio is also behind the setback.

Mr. Zalinger told the Board members this was probably an appropriate matter to take under advisement rather than entertaining a motion tonight. It is necessary for all of the members to have reviewed and become familiar with the minutes if they are going to rely upon the evidence during the July 16th meeting. The Board won't unnecessarily delay the process for the applicant by taking it under advisement and not acting this evening. The Board will act fairly quickly and issue a decision in a prompt fashion.

Mr. O'Connell said in addition to the July 16th minutes he would like to review the original meeting as well. He told Mr. Zalinger he agreed with the recommendation.

Mr. Zalinger asked the applicant if he felt he had a better project. Mr. Maclay said the new compressors should actually save money over the long term. The old compressors had about five years of life left, so it wasn't that long before they would need to be replaced anyway. They feel they have a better project.

Mr. Zalinger said the Board would close the record and take the application under advisement. Mr. Leet said the Coop did go through the staff comments and entered their understanding of each of the points. He said the DRB would close the public hearing and the record on the application of the Hunger Mt. Coop and take the matter under advisement.

Other Business:

Mr. DeSmet told the Development Review Board he had initiated an enforcement action. An applicant came in for a proposal to replace windows on both sides of 10-12 State Street, which is Candy Moot's property. They actually purchased the windows prior to coming to the Design Review Committee. The

DRC tabled their proposal. The applicant came back again to try to replace the windows on the back side of the building and the DRC denied them. They wanted to come to the Development Review Board to fall upon the Board's mercy. He received a telephone call from the applicant saying they wanted to be removed from the agenda and explore their options. On Friday he took pictures of seven windows that were not approved by a building or zoning permit, or by the DRB. He has instituted a Notice of Violation.

Mr. Zalinger said the Board tries to avoid involvement in the enforcement ends because appeals of the Zoning Administrator's actions will come to the DRB. There is no rational reason under the statute for the Board to treat an "as built" application different than a prospective application. The criteria doesn't refer to "as built."

Adjournment:

Mr. Lindley moved adjournment, with Mr. O'Connell seconding. The DRB adjourned.

Respectively submitted,

Clancy DeSmet
Planning and Zoning Administrator

Transcribed and prepared by:

Joan Clack
City Clerk & Treasurer's Office