

**MINUTES**  
**MANHATTAN BOARD OF ZONING APPEALS**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**Wednesday, September 12, 2007**  
7:00 pm

MEMBERS PRESENT: Connie Hamilton, Chairperson; Calvin Emig; Kate Watson;  
La Barbara J. Wigfall; and, Harry Hardy.

MEMBERS ABSENT: None

STAFF PRESENT: Steve Zilkie, Senior Planner, AICP; Chad Bunger, Planner

**CONSIDER THE MINUTES**

Hamilton asked the Board to consider corrections to the minutes. Her proposed corrections included:

- Addition to Page 7 of the minutes. “Fisher stated his opposition to the request based on compliance with the City of Manhattan’s building code;”
- Addition to page 17 to include the statement “Adjacent properties directly to the north, east, and west along Pomeroy Street and Ratone Street are single-story, single-family structures, many of which have been converted into two-family rental properties;”
- Addition to The Findings of Facts for the 1127 Pomeroy Variance request to include the adverse impact on the properties on the north side of Pomeroy Street.

Hardy moved to approve the August 8, 2007 minutes as modified by Hamilton, which was seconded by Wigfall and passed with a vote of 5-0.

**A PUBLIC HEARING to consider a request for a EXCEPTION to allow a temporary gravel driveway between the front lot line and a line parallel to the existing residential structure in an R, Single-Family Residential District. The property is located at 2920 Tatarrax Drive.**

Hardy moved that the item be removed from the table. Emig seconded the motion, which passed on a vote of 5-0.

Bunger provided additional information concerning the staff report.

Hamilton re-opened the public hearing.

Ruth Parker, applicant, presented information concerning the Exception request. She explained that no compaction tests were conducted because the request is based on a timing issue with the applicant's concrete and landscape contractors. Parker explained that a considerable amount of landscaping is needed at the property before retaining walls, patios and walkways can be poured with concrete. The landscape contractor is anticipated to complete the work this fall. The concrete contractor will not be able to complete his portion of the project until after the landscaping is done. Due to the potential conflict with weather during the winter, the concrete contractor estimates that the walls, patios and sidewalks will not be completed until next spring. Parker stated that her concrete contractor advised against pouring the driveway in question until all of the work is complete in the interior of the lot to prevent the new driveway from failing. Due to the fact that two contractors are coordinating their work, Parker would like 18 months to finish the driveway.

Hamilton asked about the issue of the Certificate of Occupancy and the exception request. Emig informed the board that a Certificate of Occupancy is required before a family can move into the home. The Parkers would not be given a Certificate of Occupancy until all building code and zoning regulations are met, or they are granted an Exception.

Emig asked why the applicant needed 18 months to complete the driveway. Emig stated that according to the submitted letters by the applicant, the work could be completed by fall or early spring. Parker stated that the request for 18 months is to provide enough time to ensure the projects are completed without any issues.

Emig asked for clarification how much of the driveway would be paved initially off of Tattarrax Drive.

Parker stated that the first 42 feet of the driveway will be paved to a depth of six inches to provide a nice approach to the property and keep gravel and mud off of Tattarrax Drive.

Emig asked if it would be reasonable to pave the entire driveway up to face of the house. Parker stated that that would be unreasonable because the area was not settling, and that

several concrete trucks will drive over the area, potentially causing the new driveway to break up and fail.

Emig asked if the Parkers had met with the Home Owners Association. Parker said she has only met with two members and that they supported the request.

Watson asked if there would be any other negative effects if the driveway was required to be paved now. Parker said that the cost of repairing the driveway would be unreasonable.

Susan Kice, 3103 Harahey Ridge, expressed her support for the Parkers and their request.

Dick Green, 3100 Harahey Ridge, stated that he has confirmed that nothing is wrong with the sewer trenches or the fill. Green expressed his support for the request based on the sequencing of landscaping and concrete work.

Doug Parker, applicant, provided additional information about the project and pictures of the property.

With no other comments from the public, Hamilton closed the public hearing.

Emig stated that he could support the request based on the issue of sequencing and uniqueness of the request. Emig suggested reducing the time line from 18 months to 12 months.

Hamilton stated she could support the request based on the 12 month time table.

Wigfall and Hardy stated they could support the request.

Watson stated she could not support the request based on the impacts on the community.

The Board made the following findings of fact for the Exceptions:

**COMPLIANCE WITH ALL APPLICABLE REGULATIONS:**

The property complies with all regulations for the R (Single-family residential) district, aside from that addressed by this Exception request.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:**

Directly north of the subject property is another property with a gravel driveway, and directly north of that is a private gravel road, Coronado Heights. Thus, the applicants' temporary driveway will not be out of character with its surroundings. There should be minimal negative impact on surrounding properties.

**EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:**

No adverse on the public are expected as the driveway doesn't obstruct any public easement or visibility along Tatarax Drive.

**THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:**

The applicants acquired this site knowing that they would have to construct a new driveway, but were unaware that part of that process would require maintaining a gravel driveway surface in violation of Manhattan Zoning Regulations for any period of time. The applicants do not plan to use the gravel as their permanent driveway surfacing material.

The issue is a matter of sequencing. The contractor hired to construct the concrete driveway has stated that it would be unreasonable to construct the driveway before all landscaping and constructions projects are complete on the lot. Due to the amount of heavy truck traffic required to complete the projects, including a retaining wall, sidewalks, landscaping and an accessory shed, the new driveway has a high likely-hood of failing. Having to replace the driveway prematurely due to the heavy trucks and sequencing issues would be an unnecessary hardship. Furthermore, without being granted an Exception, the applicants can not be issued a Certificate of Occupancy, thus not allowing them to live in their new home while landscaping and exterior work is being completed. When all facts and circumstances are considered, it would be unreasonable to strictly apply these regulations.

Emig moved that the Board grant an Exception to allow a temporary gravel driveway between the front lot line and a line parallel to the existing residential structure at 2920 Tatarax Drive, in the R, Single Family Residential District, with the following conditions:

- (1) The driveway must be completed in twelve months from the date that the Notice of Decision is issued, October 10, 2007

- (2) The first forty-two (42) feet of the driveway must be poured before a Certificate of Occupancy is issued.
- (3) The driveway is constructed as indicated in the site plans submitted with the application materials.

Wigfall seconded motion which passed 4-1. Watson voted against the request and stated that the standards of 14-605(d) were not met in her opinion.

**A PUBLIC HEARING to consider an EXCEPTION to allow a reduction of the eight (8) foot side yard setback to two (2) feet for the expansion of an existing garage in the R-1/TNO, Single-Family Residential District with a Traditional Neighborhood Overlay. The property is located at 311 North 14<sup>th</sup> Street.**

Hardy moved that the item be removed from the table. Emig seconded the motion, which passed on a vote of 5-0.

Bunger provided the staff report recommending approval with three (3) conditions.

Hamilton opened the public hearing.

Michael Pruss, applicant, provided additional information about the project and the need to demolish the existing structure.

Watson asked how the sink hole would be corrected. Pruss stated that the foundation has been removed and that the hole will be filled, compacted and properly graded to correct the situation.

Emig asked if the applicant had spoken with adjacent neighbors. Pruss stated that he has spoke with the neighbor to the south and they expressed no concerns or issues.

With no other comments from the public, Hamilton closed the public hearing.

Hardy and Watson stated that they could support the project.

The Board made the following findings of fact for the Exceptions:

**COMPLIANCE WITH ALL APPLICABLE REGULATIONS:** The subject property currently complies with all applicable regulations except for what which the Exception is being requested.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:** The proposed garage expansion should cause minimal adverse effects on adjacent properties. The subject property is located in one of the older neighborhoods of the city; where many of the garages were built before the establishment of setback regulations, thus creating nonconforming conditions. Although the applicants have chosen to expand the legal non-conforming, attached garage two (2) feet to the south and nine (9) feet to the west, the impacts from the proposed expansion's encroachment should not be noticed by the neighborhood because of the presence of the existing attached garage.

**EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:** The proposed garage encroachments do not extend into public easements or vision clearance triangle. The public should not be impacted by the proposal, because a majority of the encroachments have been part of the neighborhood since it was established.

**THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:**

If the zoning regulations were strictly applied to the proposal, the existing garage's failing foundation and walls could be repaired to its existing location. An alternative to the proposal would be to eliminate the two (2) foot southern expansion and build the nine (9) foot western expansion outside of the eight (8) foot side yard setback, giving no need for the EXCEPTION request. However, the applicants feel that this alternative would be unreasonable. The reconfigured expansion that meets the zoning requirements would not accommodate today's standard vehicle widths of seven (7) feet wide with a one and one-half (1 ½) feet of door opening space. The reconfigured garage expansion may look "piece-mealed" together; causing an unnecessary change in depth along the south wall of the garage which would be inconsistent with the architectural structure of the house and adjacent properties. This alternative may have a negative effect on the property and adjacent neighbors because of the

strict requirement to the architectural design of the southern wall. Also, several properties in the area have garages in similar locations on their properties and have expanded the attached garages for similar reasons. Taking into consideration the functionality of the garage, its architectural appearance and the location of similar attached garages in the existing neighborhood, the strict application is unreasonable when all facts and circumstances are considered.

Hardy moved to grant an EXCEPTION to allow a reduction of the minimum eight (8) foot side yard setback to two (2) feet for the purposed addition to the existing attached garage at 311 North 14<sup>th</sup> Street in the R-1/TNO, Single-Family Residential District with a Traditional Neighborhood Overlay with the following conditions:

1. The Exception shall be limited to the proposed attached garage as outlined in the application documents and shown on the applicant's site plan.
2. Siding and trim materials should match the existing house's siding and trim.
3. All applicable permits shall be obtained.

Watson seconded the motion, which passed 5-0.

**A PUBLIC HEARING to consider an EXCEPTION to allow a reduction of the minimum twenty-five (25) foot front yard setback to zero (0) feet for a proposed fence in the R-1, Single-Family Residential District. The property is located at 1501 Hartford Road.**

Bunger provided the staff report recommending approval with two (2) conditions.

Hamilton opened the public hearing.

Marvin Rupe, applicant, provided additional information about the project and the request.

With no other comments from the public, Hamilton closed the public hearing.

For the record, Hamilton stated that one letter was provided in opposition to the project stating that the zoning ordinance should be enforced to uphold the appearance of the neighborhood.

Wigfall stated she could support the request and appreciated owners who want to improve public safety and their property.

The Board made the following findings of fact for the Exceptions:

**COMPLIANCE WITH ALL APPLICABLE REGULATIONS:** The subject property came before the BZA in November of 1999 seeking an Exception to allow a reduction of the minimum twenty-five (25) foot front yard setback along Todd Road for a proposed garage. While applying for this Exception it was discovered that the existing house was located within the minimum twenty-five (25) foot front yard setback along Todd Road and within the minimum eight (8) foot side yard setback along the northern property line. The owner at that time sought and was granted Exceptions for all three setback reductions. At this time there is a fence located in the Todd Road public right-of-way. The property currently complies with all applicable regulations except for the requested Exception.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:** Surrounding properties include a mix of single family owner and renter occupied housing. The proposed fence is not anticipated to have a negative effect on adjacent properties due to the fact that there has been an existing fence in the same general location for a number of years.

**EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:** The subject property currently has a fence located in the Todd Road public right-of-way. The existing fence potentially creates a dangerous situation along Todd Road with regards to the visibility of the west bound traffic. The Exception will allow the applicant to remove this potentially hazardous fence and construct a new fence in a more adequate location. The proposed Exception is not anticipated to have an adverse effect on the public's health, safety, or general welfare and will in fact alleviate an existing public safety issue.

**THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:** 1501 Harford Road is a corner lot with two twenty-five (25) foot front yard setbacks. The strict application of the regulations would greatly reduce the useable space within the southern front yard and the current back yard. The property currently has a



reduced southern front yard setback for the existing house and garage and the proposed fence will connect to the southwest corner of the existing house. When all circumstances are considered the strict application of these regulations is unreasonable or unnecessary.

Hardy moved that the Board grant an EXCEPTION to allow a reduction of the minimum twenty-five (25) foot front yard setback to (0) feet for a proposed fence located at 1501 Hartford Road, located in the R-1, Single-Family Residential District with the following conditions:

1. The Exception shall be for a proposed fence, which shall be maintained in good condition.
2. The fence shall be constructed as shown on the site plan.

Emig seconded the motion, which passed 5-0.

**A PUBLIC HEARING to consider an EXCEPTION to allow a reduction of the minimum sign setback of ten (10) feet to zero (0) feet along the east property line for a proposed pole sign in the LM-SC, Light Manufacturing-Service Commercial District. The property is located at 1421 Fair Lane.**

Bunger provided the staff report recommending denial of the Exception request.

Emig asked what the maximum height for a pole sign would be in the subject site's zoning district. Bunger responded that the height of a pole sign in the LM-SC, Light Manufacturing – Service Commercial District, can not be taller than the tallest peak of the primary structure, which is eighteen feet.

Emig asked the maximum square footage of the sign in that district. Bunger responded that it is 100 square feet. The proposed sign is 36 square feet in area.

Emig asked if any other signs are proposed or could be placed on the proposed sign pole. Bunger responded that the same question was asked of the sign contractor. The contractor stated that the design of the pole sign would not structurally allow for additional signage. No other signs are proposed.

Wigfall asked if there are other options on the property to place the proposed sign. Bunger stated that no other options were presented, but space and area is available on the property.

Hamilton opened the public hearing.

Blaine Thomas, 1515 Fair Lane, stated his opposition to the Exception request based on the need to follow the zoning regulations.

Joe Knopp, applicant's representative, provided information about the proposal. He stated that placing the proposed sign outside of the 10 foot sign setback would require the applicants to remove two parking spaces. The Exception request would not directly impact adjacent property owners to the east because that property is preserved as drainage easements. By placing the proposed pole sign on the eastern property line, the applicants can maintain the existing parking spaces.

With no other comments from the public, Hamilton closed the public hearing.

For the record, Hamilton stated that one letter was provided in opposition to the project stating that the zoning ordinance should be enforced.

Wigfall stated that her concern was that the proposed sign's location encroached on a natural area reserved for open space, drainage and aesthetics.

Hardy stated his agreement with the staff report based on the fact that the request does not meet the standards of approval, specifically 14-605 (D).

Emig also stated that he could not support the Exception request based on the findings.

Hamilton agreed with the applicant and the representatives that the site is located in a unique setting, but the uniqueness does not trump the zoning regulations. Hamilton stated that she could not support the Exception request.

The Board made the following findings of fact for the Exceptions:

**COMPLIANCE WITH ALL APPLICABLE REGULATIONS:** The property currently complies with all applicable requirements of these regulations, other than the one for which an Exception is being requested.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:** 1421 Fair Lane, Lots 187 – 190, Ward 6, is zoned LM-SC, Light Manufacturing – Service Commercial District. Properties to the north are a mix of I-2, Light Industrial District, R-2/TNO, Two-Family Residential District with a Traditional Neighborhood Overlay, and C-5, Highway Service Commercial District. To the east are properties zoned I-3 and R-2. Stormwater detention basins that are owned and maintained by the City of Manhattan are located directly to the east of the subject site. To the south of the site, properties are zoned I-3 and the County’s G-1, General Agricultural District. Properties to the west of the subject site are zoned I-3 and LM-SC, Light Manufacturing – Service Commercial District.

It is anticipated that no adverse effect will be made on adjacent properties. Properties to the east and south are vacant, storm water detention basins. Properties to the west are industrial in nature, with the exception of private residence at the corner of 15<sup>th</sup> Street and Fort Riley Boulevard. The industrial uses to the west have similar signage associated with the businesses as proposed with the Exception request. Properties to the north are buffered by the separation of Fort Riley Boulevard and should not be visually affected because the sign will be perpendicular to the roadway and northern properties.

**EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:** The proposed pole sign may adversely affect the order of pole signs located along Fort Riley Boulevard. The location of the proposed pole sign is in the northwest corner of the property, zero (0) feet from the eastern property line. Industrial and commercial properties to the east and west of the subject site have maintained the ten (10) foot sign setback to provide adequate separation from adjacent properties. Although the property to the east is vacant land dedicated to storm water detention, proper separation should be maintained to ensure safety and uniform order throughout the area. The subject property is adequate in size, .52 acres in area, with no unique characteristics that would require a variation of the order of pole signs in the area.

**THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:** The strict application of these regulations would require the proposed pole sign to be built at least ten (10) feet from the eastern property line, most likely in the location of an existing parking stall. The property’s existing use of automotive service and/or repair

and new and used car vehicle sales and rentals requires the site to have a total of twelve (12) off-street parking stalls. The site has twenty-six stripped parking stalls, some of which are dedicated to the display of vehicles for sale and rent. Requiring one (1) off-street parking stall to be removed to install the pole sign within the zoning regulations is a reasonable requirement for the subject property. When all facts and circumstances are considered, the strict application of these regulations is reasonable.

Emig moved to deny the EXCEPTION request to allow a reduction of the minimum sign setback of ten (10) feet to zero (0) feet along the east property line for a proposed pole sign at 1421 Fair Lane in the LM-SC, Light Manufacturing – Service Commercial District based on the staff report.

Wigfall seconded the motion, which passed 5-0

The Board decided to take a 5 minute rest break

**A PUBLIC HEARING to consider a VARIANCE to allow an increase of the maximum square footage of outdoor display area from five (5) percent to thirty-one (31) percent of the total floor area of the primary enclosed building in the C-2, Neighborhood Shopping District for a proposed restaurant. The property is located at 2809 Claflin Avenue.**

Bunger provided the staff report recommending denial of the Variance request.

Emig asked what the parking requirements are for restaurants in the C-2, Neighborhood Shopping District and what is located on site currently. Bunger stated that the zoning regulations requirement for businesses serving food and beverage provide “at least one (1) parking space for each three (3) customers based upon the maximum design occupancy. In addition, there shall be (1) parking space for each employee as related to the work shift when the maximum number of employees are present.” 31 spaces are currently located on site

The applicant’s architect calculated that the proposed area would require 11 parking spaces and that the existing dining area requires 14 parking stalls, for a total of 25 parking stalls for customers. This figure does not include parking spaces for staff. Riffel stated that the existing dining area will be reduced due to the need to expand the kitchen and prep area.

Hamilton asked how this proposal compares in size to a restaurant like Coco Bolos in Aggieville. Bunger stated that the proposal is slightly smaller, but comparable. However, Coco Bolos is in a different zoning district which allows for outdoor dining areas.

Watson asked how un-buildable the slope is to the west of the building. Bunger stated that the slope was very steep and unbuildable.

Hamilton opened the public hearing.

Gwyn Riffel, applicant, provided additional information on the Variance request. Riffel stated that not being granted this request would create a hardship. A major trend in restaurant design is an indoor/outdoor dining experience. Four prospects interested in the building requested outdoor dining areas.

Watson asked if the building could be expanded. Riffel stated that the building could be expanded by ten (10) feet to the south to install walk-in coolers. It would be difficult to substantially expand the building due to the size of the buildable area and meeting the parking requirements.

Emig asked if the tenant prospects are interested in the drive-thru window. Riffel stated that two of the prospects are interested in the drive-thru window, and the other two are not.

With no other comments from the public, Hamilton closed the public hearing.

Watson stated that she felt that the unique characteristics of the property have limited the size of the building, which creates a hardship to the applicant.

Hardy reminded the Board that all standards of the Variance must be met in order to grant approval. Hardy gave his opinion that standards 3 and 5 need more discussion before a Variance can be granted.

The Board made the following findings of fact for the VARIANCE:

**CONDITIONS UNIQUE TO THE PROPERTY:** 2809 Claflin Avenue is an unplatted tract

of land located to the south of Claflin Avenue and north of the Westloop Shopping Center. The subject site is an irregular shaped piece of land with a steep, wooded ravine along the western property line. The steep slopes of the ravine create approximately 15,000 square feet of unusable area or 37% of the property. The size and shape of the property has dictated the size of the existing building (1,638 square feet of area of floor area) when parking and other accessories structures are taken into consideration for the building's use as a restaurant.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:** No adverse affects on adjacent properties are anticipated. The property is zoned C-2, Neighborhood Shopping District. The properties to the north of the subject site are zoned R-3, Multiple-Family Residential District and the Williamsburg Residential Planned Unit Development (PUD) District. Both districts are high density residential areas with multi-family or two-family dwelling units. Directly north of the subject site is a church. Properties to the east, south and west are zoned C-2 and comprise of a variety or shopping, restaurants and office uses.

The intent of the C-2 District is to allow a broad range of retail shopping and services to serve one or more residential area. The restaurant and the proposed outdoor dining area meet the overall intent of the C-2 District regulations. The subject site is separated from residential uses to the north by Claflin Avenue, a four-lane arterial, as well as a large lot where a church is located.

**UNNECESSARY HARDSHIP FROM STRICT APPLICATION OF REGULATIONS:** The strict application of limiting the outdoor dining area to five (5%) percent of the total square footage of the primary building does inflict a hardship on the property owner. The unique characteristics of the subject site have limited the size of the existing building. Furthermore, today's restaurant designs are incorporating a combination of indoor/outdoor dining areas. Without granting the Variance, the applicant finds himself in a hardship to attract a suitable tenant to the building that will add to the character of the neighborhood.

**EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:** No negative effects on public health, safety or morals are anticipated. The proposed outdoor dining area does not encroach on utility easements on site or traffic vision along Claflin Avenue. If approved, the outdoor area's lighting plan would need to be designed so that no light would be cast onto Claflin Avenue or adjacent properties.

**RELATIONSHIP TO INTENT OF REGULATIONS:** The intent of the regulations to limit the outdoor area for dining or display to an equivalent of five (5) percent of the total floor area of the primary enclosed building is to ensure that all business and services are conducted primarily in the enclosed structure. This is intended to limit clutter and maintain an orderly appearance of businesses in the C-2, Neighborhood Shopping District. Because of the nature of the request and the design of the outdoor dining area, the food service should be restricted to within the fenced in area and consist of tables and chairs. Conflicts with traffic along Claflin Avenue and residential uses in the surrounding areas will be minimized because of the grading and landscaping, which limits the visibility onto the property and proposed dining area. The Variance request for an expanded outdoor dining area meets the intent of the regulation in that it limits the outdoor area to a confined space within the fenced in area and is adequately separated from the surrounding properties and vehicular traffic.

Emig moved to grant a VARIANCE to allow an increase of the maximum square footage of outdoor display area from five (5) percent to thirty-one (31) percent of the total floor area of the primary enclosed building in the C-2, Neighborhood Shopping District for a proposed restaurant based upon the finding of the Board with the following conditions of approval.

1. The building floor plan shall be constructed as proposed and a building permit shall be obtained prior to any construction.
2. A detailed lighting plan shall be provided to ensure that lighting from the outdoor dining area does not interfere with traffic or adjoining properties.
3. The site shall be developed as proposed and shall be maintained in good condition.
4. The outdoor seating occupancy shall be limited to thirty-four (34) people, based on the International Building Code occupancy calculations.

Hardy seconded the motion, which passed 5-0.

Kate Watson regretfully submitted her letter of resignation from the Board of Zoning Appeals since she and her family will be moving out of town.

**ADJOURNED**