

## **Board of Adjustment**

### *Minutes*

**City Council Chambers**

**April 4, 2018**

**Boardmembers Present:**

Trent Montague, Chair  
Ken Rembold, Vice Chair  
Wade Swanson  
Steve Curran  
Kathy Tolman  
Chris Jones  
Adam Gunderson

**Board Members Absent:**

None

**Staff Present:**

John Wesley  
Kim Steadman  
Charlotte Bridges  
Veronica Gonzalez  
Mike Gildenstern

**Others Present:**

Joe Engbrocks  
Samantha Honroth  
Steve Edwards  
Eric Landgren  
Darlene Pepi  
Margi Wooten  
Susan Livingston  
(others present)

The study session began at 5:00 p.m. and concluded at 5:15 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 6:37 p.m., the following items were considered and recorded.

### **Board of Adjustment Study Session**

**1. Call meeting to order**

Study Session began at 5:00 p.m.

**2. Zoning Administrator's Report**

None.

**3. Review and discuss items listed on the Public Hearing agenda for April 4, 2018.**

The items scheduled for the Board's Public Hearing were discussed.

**4. Adjournment**

Study Session adjourned at 5:15 p.m.

## **Board of Adjustment Public Hearing**

### **Call meeting to order**

Public Hearing began at 5:30 p.m.

1. Take action on all consent agenda items.

### **Items on the Consent Agenda**

2. Consider Minutes from the March 7, 2018 Meeting

**\*2-a** A motion to approve the minutes of the March 7, 2018 Meeting Minutes, was made by Boardmember Swanson and seconded by Boardmember Rembold.

Vote: 7-0 Approved

3. Take action on the following cases:

A motion to approve the cases on the consent agenda was made by Boardmember Gunderson and seconded by Boardmember Jones.

Vote: 7-0 Approved

**\*3-a Case No.: BOA18-00039 APPROVED WITH CONDITIONS**

**Location:** 3840 East Baseline Road (District 2)

**Subject:** *Requesting Special Use Permits (SUP) to allow 1) a wireless communications facility to exceed the maximum height allowed in the LC District, and 2) a wireless communications facility to deviate from design requirements of Chapter 11-35-5 of the Mesa Zoning Ordinance.*

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and not discussed on an individual basis.

**Motion:** A motion to approve case BOA18-00039 as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Gunderson and seconded by Boardmember Rembold to approve with the following conditions:

1. Compliance with; the drawings dated 2/16/18, the Justification/Compatibility Statement dated March 7, 2018, and photo simulations dated 1/16/18, except as modified by the following conditions:
2. The wireless communication facility shall utilize a mono-pine design with a maximum height of seventy-five feet (75') to the top of the branch/needle canopy and sixty-eight feet (68') to the top of the steel tower.
3. The faux pine branches shall start at eleven feet (11') from ground level and will be installed at a branch density of three-and-one-half (3.5) branches per foot.
4. Faux pine branch density shall not be reduced in proximity to antenna arrays and branches shall extend past antennas a minimum of twelve inches (12").
5. The mono-pine shall be designed with faux pine branches that simulate a naturally tapering tree profile, i.e., wider at the base and narrower at the top. Such final design shall be approved by Planning Division staff before building permit review.
6. The pole of the mono-pine shall be covered in an artificial two-toned bark from six feet (6') above ground to a height of twenty-five feet (25') and painted to match the artificial two-toned bark above twenty-five feet (25').
7. The antenna arrays' stand-off shall not exceed twenty-four inches (24") from the pole.
8. The antenna array for each sector shall not exceed an overall width of six feet (6').
9. The mono-pine faux pine needles shall be colored to match the pine needles of live pine trees.
10. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux pine needles and wrapped with faux pine needle socks.
11. Antenna socks with pine needles shall be placed on each antenna.
12. The lease area containing the ground-mounted equipment shall be screened by a minimum eight-foot-tall (8') steel-tube with wooden slat fence and gate, painted to be compatible with the building.
13. Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.

14. Provide and maintain a 4'-wide landscape area strip along the south side of the WCF support equipment fence and shrubs planted at 3' on center.
15. Provide and maintain two (2) natural living pine trees, minimum 24" box, to help camouflage the proposed wireless communication facility.
16. Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance Section 11-35-5.I.
17. The operator of the WCF (and its mono-pine components) shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.
18. No later than 90 days from the date the use is discontinued or from the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or the owner's agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.
19. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
20. The existing monopole shall be removed per Sheet A-2 of the drawings dated 2/16/18.
21. Future co-location of additional carriers shall require individual zoning approval.
22. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the mono-pine or base station as approved in case BOA1B-00039 and the Mesa Zoning Ordinance as amended.

**Vote:**                Passed: 7-0

**The Board's decision is based upon the following Findings of Fact:**

**FINDINGS:**

- A. The proposed location in the LC District.
- B. The proposed WCF mono-pine design is considered a stealth design.
- C. The proposed WCF is designed principally to resolve a coverage gap, improving network coverage.
- D. The proposed WCF support equipment is screened with an 8'-tall metal tube and wood slat fence and the mini-storage site wall which surrounds the rear of the site to the west.
- E. The stealth design mono-pine is proposed to be setback  $\pm 101'$  from all residential uses and  $\pm 531'$  from the Baseline Road right-of-way.
- F. The existing landscape material and the planting of two live pine trees and additional shrubs help enhance the stealth effect, and mitigate the visual impact of the facility.
- G. The proposed WCF mono-pine is located within  $\pm 300'$  from the nearest residential properties to the northeast, but the location is the best viable candidate because as it is in the search area were additional coverage is needed.
- H. The location which is visible from residences is necessary for the provision of personal wireless services to residents.
- I. The proposed WCF mono-pine meets the applicable requirements of MZO 11-35-5 and MZO 11-35-6.
- J. The proposed WCF mono-pine is an appropriate use in the LC District and is compatible with the Neighborhood Suburban character type of the General Plan.
- K. The improvements will be compatible and not detrimental to the surrounding neighborhood.

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**\*3-b**                    **Case No.: BOA18-00041 CONTINUED TO MAY 2, 2018**

**Location:**            833 West Broadway Road (District 4)

**Subject:**            *Requesting a Substantial Conformance Improvement Permit (SCIP) for deviations to standards for automobile/vehicle sales and leasing in the LI District.*

**Decision:**            Continued to May 2, 2018

**Summary:**            This item was on the consent agenda and not discussed on an individual basis.

**Motion:**            A motion to continue case BOA1B-00041 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Rembold to the May 2, 2018 Meeting.

**Vote:**                Passed: 7-0

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**3-c Case No.: BOA18-00042 APPROVED WITH CONDITIONS**

**Location:** 223 East Brown Road (District 1)

**Subject:** *Requesting a Special Use Permit (SUP) to allow a wireless communications facility to exceed the allowed height in the LC District.*

**Decision:** Approved with Conditions

**Summary:** The applicant Joe Engbrocks, 4636 E. Elwood St., Phoenix, AZ, Centerline Solutions, explained the case, and the recourse for a “Denial” of the case to the Board and the citizens present.

Eric Landgren 1001 N. Pasadena, Unit #122, and Robert Noe 1001 N. Pasadena, were in support of the project, but did not wish to speak.

Darlene Pepi, 1001 N. Pasadena, Unit #172, Vice President of HOA, was in opposition to the project citing loss of property value, cellphone and Internet service interference, and the potential for the tower to collapse onto the residential units in high winds.

Margi Wooten, 1001 N. Pasadena, was opposed to the project, but did not wish to speak.

Susan Livingston, 1001 N. Pasadena, was opposed to the project.

Steve Edwards, 1001 N. Pasadena, #192, an HOA Boardmember at Park Center Casitas, spoke on behalf of the HOA President, Gary Picklick, to request a continuance of the case until after the HOA’s April 19<sup>th</sup> meeting to give the community time to discuss the project and the potential impact on the residences. Mr. Edwards was concerned that the notification was insufficient, and felt that there hasn’t been enough information recieved at this point.

Samantha Honroth, 1001 N. Pasadena, #138, was not opposed to the WCF, but was concerned that it was not going to be sufficiently screened from the adjacent neighborhood and requested that additional pine tree “friends” be planted. She referenced a recent WCF located on the Southwest corner of Brown and Gilbert Roads that didn’t have “friends” planted along with it, and she felt that it was an eyesore.

The applicant, Joe Engbrocks, said that 2 additional pine tree “friends” will be added to the site to help screen the WCF. Mr. Engbrocks went on to say that he had spoken with Linda Erickson of the Ogden Company, and he was told that she represented the community, and has been working with her since. The applicant went on to say that he had provided the notices as required, and only received 2 phone calls from the 195 notices that were mailed, so he would prefer that the case be moved on tonight. Mr. Engbrocks went on to say that he had offered to meet with the community, but Ms. Erickson told him that wouldn’t be necessary. The applicant added that the operator (T-Mobile) will

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only operate within their required bandwidth and the site is alarmed 24-7 when interference detected. Mr. Engbrocks stated that the 70' tower will meet all seismic and wind building code requirements, and it is located 113' away from the nearest residential property line. Mr. Engbrocks closed by saying that the structure is designed to collapse on itself in the event of a failure.

The applicant confirmed for Boardmember Jones that there are existing pine trees on every side of the property, and specified the location of where the WCF and "friends" would be planted on site. Boardmember Jones recommended that the 2 additional plantings be moved to the south to provide better screening, and confirmed with the applicant that they will be maintained per the conditions of the approval.

Boardmember Gunderson confirmed with the applicant that additional trees will be added, and proposed to change Condition 15 specifying that 4 trees (36" box) will be planted instead of 2 trees on site.

Boardmember Jones was concerned that 4 trees may not be enough to sufficiently screen the WCF, but Chair Montague mentioned that, in his memory, he had never seen more than 3 "friends" required for WCF projects.

Boardmember Rembold proposed conditioning that the "friends" be planted "two" on the west side and "two" on the south side of the site.

Boardmember Tolman proposed that the applicant work with Staff to determine the best option for screening for the neighbors.

Staffmember Steadman confirmed for Boardmember Curran that the applicant met notification requirements, and Staff had posted the site to notice the Meeting.

Steve Edwards, 1001 N. Pasadena, #192, was concerned that he had not seen the additional information regarding the monopine WCF and "friends" until now, and requested a continuance to get a consultation with the applicant to better understand the project.

Boardmember Swanson confirmed with Mr. Edwards that Eric Picklick is the volunteer HOA Board President for the community, Reney Edwards is Mr. Edwards wife, and Linda Erickson is the community manager that works for Ogden. Boardmember Swanson confirmed that the applicant had made contact with Ms. Erickson, had sent her materials that could be made available to the community, and confirmed that Mr. Edwards did not attend the last community meeting on March 15<sup>th</sup>. Boardmember Swanson gathered that the applicant was working with what sounds like, the community manager, was told that no additional information was needed, and when he offered to come out and speak at the community, he was told that that wouldn't be necessary.

Mr. Edwards stated the last HOA Board meeting was on March 15<sup>th</sup> before all the information had been gathered about the project, and he would like to have the case continued so the community could discuss the project at their next Board meeting.

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Boardmember Swanson questioned Mr. Edwards, as a former HOA President, who is familiar with the HOA by-laws granting the Board the ability to call a special meeting, why a special meeting wasn't called.

Mr. Edwards stated that he had one concern about the project as an individual, but because he was speaking on behalf of the Board, and wanted to get relevant case information out to homeowners, he requested that the meeting be continued.

Boardmember Swanson stated that he was unclear on what additional information was needed from the applicant. He added that any additional information that a resident may require could be obtained at the current Board of Adjustment Meeting, and from what he could see, people in the community didn't find it necessary to show up.

Mr. Edwards was concerned that the case presentation was at 5, and that the notice said that the Meeting started at 5:30, and requested that Staff redo the presentation for anyone who may have missed it earlier.

Staffmember Steadman went through the presentation again for the benefit of those who may have missed it in the Study Session.

The applicant, Joe Engbrocks wanted to confirm that he had an email from Linda Erickson that the materials he provided would be distributed on March 15<sup>th</sup>. Ms. Erickson stated that she would distribute to the Board of Directors, and on to the residents from there. The applicant stated that every material packet included a photo simulation and site plan, and that an additional request showing a photo simulation from Mr. Edwards backyard was received last night, and were produced for presentation today. Mr. Engbrocks stated that all the stipulations have been accepted, which go above and beyond for stealthing requirements, and he has agreed to work with neighbors for planting of trees, and asked for the case to be moved on tonight.

Boardmember Tolman stated that she tends to be sympathetic with neighbors regarding concerns about the attractiveness of necessary WCFs, but didn't believe that any time would change the results. She closed by saying that the neighbors had plenty of time to familiarize themselves with what was going on, and that the applicant went above requirements on the project.

**Motion:** A motion to approve case BOA18-00042 with the acceptance of Findings of Fact and revised Conditions of Approval was made by Boardmember Gunderson and seconded by Boardmember Tolman to approve with the following conditions:

1. Compliance with; the drawings dated 2-12-18, Justification Statement, and Photo Simulations, except as modified by the following conditions:
2. The wireless communication facility shall utilize a mono-pine design with a maximum height of seventy feet (70') to the top of the branch/needle canopy and sixty-five feet (65') to the top of the steel tower.
3. The faux pine branches shall start at eleven feet (11') from ground level and will be installed at a branch density of three-and-one-half (3.5) branches per foot.



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4. Faux pine branch density shall not be reduced in proximity to antenna arrays and branches shall extend past antennas a minimum of twelve inches (12").
5. The mono-pine shall be designed with faux pine branches that simulate a naturally tapering tree profile, i.e., wider at the base and narrower at the top. Such final design shall be approved by Planning Division staff before building permit review.
6. The pole of the mono-pine shall be covered in an artificial two-toned bark from six feet (6') above ground to a height of twenty-five feet (25') and painted to match the artificial two-toned bark above twenty-five feet (25').
7. The antenna arrays' stand-off shall not exceed twenty inches (20") from the pole.
8. The antenna array for each sector shall not exceed an overall width of eight feet (8').
9. The mono-pine faux pine needles shall be colored to match the pine needles of live pine trees.
10. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux pine needles and wrapped with faux pine needle socks.
11. Antenna socks with pine needles shall be placed on each antenna.
12. The lease area containing the ground-mounted equipment shall be screened by a minimum eight-foot (8') tall split-face CMU wall finished and painted to match the existing restaurant building, with a solid metal gate painted to be compatible with the building.
13. Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.
14. Provide and maintain a 4'-wide landscape area around the masonry wall enclosure of the facility, with decomposed granite, and shrubs planted at 6' on center.
15. Provide and maintain four (4) natural living pine trees, minimum 36" box, and eighteen feet (18') tall to help camouflage the proposed wireless communication facility.
16. Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance Section 11-35-5.I.
17. The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility (including its mono-pine components) within 30-days of receiving written notice of the problem.
18. No later than 90 days from the date the use is discontinued or from the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or the owner's agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.
19. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
20. Future co-location of additional carriers shall require individual zoning approval.
21. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the mono-pine or base station as approved in case BOA18-00042 and the Mesa Zoning Ordinance as amended.

**Vote:**                Passed: 7-0

**The Board's decision is based upon the following Findings of Fact:**

**FINDINGS:**

- A. The proposed location is a commercially-zoned site in an existing commercial center.
- B. The proposed WCF mono-pine design is considered a stealth design.
- C. The proposed WCF is designed principally to address a significant gap in coverage.
- D. The mono-pine design (as conditioned) and the proposed planting of four pine trees adjacent to the mono-pine will assist in the stealth effect of the WCF and help it blend with the existing surroundings.
- E. The proposed WCF installation will include a minimum 8'-tall split-face CMU enclosure and solid metal gates (as conditioned) and additional landscaping (as conditioned) for screening of equipment.
- F. The stealth mono-pine is proposed to be setback more than the minimum (proposed height, plus one foot) from all residential uses and from the Brown Road, and Pasadena rights-of-way.
- G. The proposed mono-palm is located  $\pm 113$  feet from the nearest properties in residential use, south of the proposed WCF.
- H. The proposed WCF mono-pine meets the applicable requirements of MZO 11-35-5 and MZO 11-35-6.
- I. The proposed WCF mono-pine is an appropriate use in the LC District and is compatible with the Mixed Use Activity District character type of the General Plan.
- J. The improvements will be compatible with and not detrimental to the surrounding neighborhood.
- K. The location which is visible from residences is necessary for the provision of personal wireless services to residents.

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**\*3-d**                      **Case No.: BOA18-00116 WITHDRAWN**

**Location:**            223 North Val Vista Drive (District 2)

**Subject:**             *Requesting a variance to allow fences for two screened yards located at the perimeter of the property to exceed the maximum allowed height in the RM-4 District.*

**Decision:**            Withdrawn

**Summary:**            The item was on the consent agenda and not discussed on an individual basis.

**Motion:**              A motion to withdraw case BOA18-00116 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Rembold to approve

**Vote:**                 Passed: 7-0

**\*3-e Case No.: BOA18-00123 APPROVED WITH CONDITIONS**

**Location:** 2936 North Power Road (District 5)

**Subject:** *Requesting two Special Use Permits (SUP) to allow 1) a wireless communications facility to be located in the RS-9 District, and 2) a wireless communications facility to exceed the maximum height allowed in the RS-9 District.*

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and not discussed on an individual basis.

**Motion:** A motion to approve case BOA18-00123 as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Gunderson and seconded by Boardmember Rembold to approve with the following conditions:

1. Compliance with; the drawings dated 3/6/18, photo simulations dated 3/6/18 and project narrative dated 2/13/18, except as modified by the following conditions:
2. The wireless communications facility shall be a mono-elm design with a maximum height of eighty feet (80') to the top of the mono-elm, seventy-five feet (75') to the RAD center of the T-Mobile antenna array and sixty-five feet (65') to the RAD center of the Sprint antenna array.
3. Each message on the electronic display message sign shall remain static for a minimum of eight (8) seconds.
  - (a) Provide three (3) branches per linear foot of tree height.
  - (b) Provide curved antenna branches to better conceal antenna panels.
  - (c) Paint all mounting hardware to blend with the color of the leaves and branches.
  - (d) Provide bark color and texture along the entire length of the pole to match the bark of a natural elm tree. This shall include multiple colors to better simulate the bark of a tree.
  - (e) Antenna socks with leaves and branches to match the broadleaf tree foliage.
  - (f) The faux elm branches shall start at 15' from the ground level. (This height may be adjusted to improve the stealth effect. Such final design shall be approved by Planning division staff before building permit review.)
  - (g) The faux elm branch density shall not be reduced in proximity to the antenna arrays.
  - (h) The faux branches shall extend past the antennas a minimum of 12".
4. The antenna array shall conform to the dimensions and configuration established in the details shown on plan sheet A-3 of the drawings dated 3/6/18.
5. The lease area containing the ground-mounted equipment shall be screened by an 8' tall CMU wall with solid metal gate. CMU wall and gate shall be finished and painted to blend with existing screen wall.
6. Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.
7. Provide and maintain shrubs in the landscape area surrounding the enclosure wall as indicated on plan sheet L-1 of the drawings dated 3/6/18.
8. Provide and maintain two (2) natural living trees, minimum 36" box, and eighteen feet (18') tall to help

camouflage the proposed wireless communication facility.

9. Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.I.
10. The operator of the mono-elm shall respond to and complete all identified maintenance and repair of the facility (and its mono-elm components) within 30-days of receiving written notice of the problem.
11. No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or the owner's agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.
12. Compliance with all requirements of the Development Services Department with regard to the issuance of building permits.
13. The existing monopalm shall be removed per plan sheet A-2 of the drawings dated 3/6/18.
14. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the Mono-Elm or base station as approved in case BOA18-00123 and the Mesa Zoning Ordinance as amended.

**Vote:** Passed: 7-0

**The Board's decision is based upon the following Findings of Fact:**

**FINDINGS:**

- A. The proposed mono-elm will replace an existing WCF that is located on church property that is residentially zoned.
- B. A second carrier will be relocated from a facility near the southeast corner of Power and McDowell Roads.
- C. The proposed WCF will consolidate the two carriers into a single location.
- D. The proposed WCF is designed to resolve a coverage gap, improving network coverage.
- E. The faux tree design of this WCF meets MZO §11-35-5.B design preference #6 for stealth design.
- F. The stealth mono-elm design and the additional tree plantings adjacent to the equipment enclosure will ensure it will blend with the existing surroundings.
- G. The proposed WCF will include an 8' CMU wall and additional landscaping to screen the equipment enclosure.
- H. The stealth design mono-elm will be setback more than 80' plus 1' from all residential uses and the Power Road and Sericin rights-of-way.
- I. The proposed WCF mono-elm meets the applicable requirements of MZO 11-35-5 and MZO 11-35-6.
- J. The proposed WCF mono-elm is an appropriate use in the RS-9 District and is compatible with the Mixed Use Activity District character type of the General Plan.
- K. The location, size, design, and operating characteristics of this WCF are consistent with the purposes of the RS-9 district.
- L. The improvements will be compatible and not detrimental to the surrounding neighborhood.
- M. The residential district location is necessary for the provision of personal wireless services to residents.
- N. The proposed WCF mono-elm meets all applicable requirements of 11-35-6.E.

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**Items not on the Consent Agenda**

**4 Take action on the following case:**

**Item 3-c Case No.: BOA18-00042 223 East Brown Road (District 1)**

**5. Other business**

None.

**6 Items from citizens present**

None.

**7. Adjournment**

A motion to adjourn was made by Boardmember Swanson and seconded by Boardmember Tolman.

Vote: 7-0 Approved

**Public Hearing adjourned at 6:27 p.m.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Wesley".

John Wesley,  
Zoning Administrator