

Mesa Council Chambers Lower Level – 57 E 1st St

Date: November 3, 2021 Time: 5:30 p.m.

MEMBERS PRESENT:

Chair Alexis Wagner
Vice Chair Nicole Lynam
Boardmember Ethel Hoffman
*Boardmember Chris Jones
Boardmember Heath Reed
Boardmember Troy Glover

MEMBERS ABSENT:

Boardmember Adam Gunderson

(*Boardmembers and staff participated in the meeting through the use of audio conference equipment)

STAFF PRESENT:

*Margaret Robertson
Rachel Prelog
Michelle Dahlke
Alexis Jacobs
Charlotte Bridges
Chloe Durfee-Sherman
Joshua Grandlienard
Robert Mansolilo

OTHERS PRESENT:

1 Call meeting to order.

Chair Wagner declared a quorum present, and the Public Hearing was called to order at 5:30 p.m.

2 Take action on all Consent Agenda items.

A motion to approve the Consent Agenda was made by Boardmember Hoffman as read by Vice Chair Lynam and seconded by Boardmember Jones.

Items on the Consent Agenda

3 Approval of the following minutes from previous meeting:

***3-a Minutes from October 13, 2021 Study Session and Public Hearing.**

Vote: 6-0 (Boardmember Gunderson- absent)
Upon tabulation of vote, it showed:
AYES – Wagner-Lynam-Jones-Reed-Glover-Hoffman
NAYS – None

ABSENT – Gunderson

ABSTAINED – None

4 Take action on the following cases:

***4-b Case No.: BOA21-00758 (Approved with Conditions)**

Location: District 6. 9730 E. Elliot Road

Subject: Requesting a Special Use Permit (SUP) for a reduced rear setback and to allow a wireless communication facility to exceed the maximum height limit in an Agricultural District with a Planned Area Development Overlay (AG-PAD).

Decision: Approved with Conditions

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

A motion to approve case BOA21-00758 was made by Boardmember Hoffman as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Jones to approve the following conditions:

1. Compliance with all final documents submitted with this application.
2. The wireless communication facility shall utilize a monoelm design with a maximum height of eighty feet (70') to the top of the monoelm.
3. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux elm leaves.
4. Faux elm 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 pole of the monoelm shall be covered in an artificial bark.
6. The lease area containing the ground-mounted equipment shall be screened by a minimum eight-foot-tall (8') CMU wall, painted to be compatible with the natural desert surroundings.
7. 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.
8. Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance Section 11-35-5(I).
9. The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.
10. 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.
11. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
12. Future co-location of additional carriers shall require individual zoning approval.
13. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the monoelm or facility as approved in case BOA21-00758 and the Mesa Zoning Ordinance as amended.

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

- A. The proposed wireless communication facility will be located in the AG zoning district.
- B. The land is owned by the City of Mesa.
- C. The proposed tower design is a monoelm, which is considered a stealth design.
- D. The proposed facility will be over 1,000 feet from the nearest residential use and 600 feet from the Elliot Road right-of-way line, meeting the separation requirements per MZO Section 11-35-5(E).
- E. The proposed facility meets the allowed setback for the AG zoning district with the granting of a SUP.
- F. The applicant has worked with staff on the monoelm design to best blend in with the site and context of the surrounding area.
- G. The proposed wireless communication facility meets all other applicable requirements of MZO 11-35-5, (Location, Design and Operation Requirements); and 11-35-6, (Review and Approval Procedures).
- H. The location, size, design and operating characteristics of the proposed project are consistent with the purposes of the AG district and conform with the General Plan.
- I. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City.
- J. There are adequate public services, public facilities and public infrastructure available to serve the proposed project.

Consent Agenda Approved

Vote: 6-0 (Boardmember Gunderson - absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Jones-Reed-Glover-Hoffman

NAYS – None

ABSENT – Gunderson

ABSTAINED – None

***4-c Case No.: BOA21-00827 (Approved with Conditions)**

Location: District 1. 2401 and 2403 E. Brown Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for the expansion of a private school in the Single Residence 9 (RS-9) District.

Decision: Approved with Conditions

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

A motion to approve case BOA21-00827 was made by Boardmember Hoffman as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Jones to approve the following conditions:

- 1. Compliance with the final site plan and building elevations submitted.
- 2. In compliance with Table 11-33-3(A)(4) of the MZO, revise the landscape plan to provide the minimum number of required shrubs within the required landscape areas adjacent to Gaylord and Brown Road.

3. Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.
4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

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

- A. The site is zoned RS-9, and the private school was established in 1984.
- B. In 2004, the Board of Adjustment approved a SCIP, which allowed a 432 square foot building addition to the subject site.
- C. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- D. Full compliance with current MZO would require significant alterations to the site including demolition of building area, removal of parking spaces and alterations to the on-site circulation.
- E. Streetscape improvements to the existing site include planting of shrubs adjacent to the public rights-of-way.
- F. The modifications requested along with the proposed improvements are consistent with the degree of change requested to improve the site and to bring the site into a closer degree of conformance with current MZO standards.
- G. The proposed improvements will not create any new non-conformities.
- H. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Consent Agenda Approved

Vote: 6-0 (Boardmember Gunderson - absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Jones-Reed-Glover-Hoffman

NAYS – None

ABSENT – Gunderson

ABSTAINED – None

***4-d Case No.: BOA21-00876 (Approved with Conditions)**

Location: District 4. 918 E. 11th Avenue

Subject: Requesting a Special Use Permit (SUP) to allow for an expansion of an existing legal nonconforming structure within the Single Residence-6 District (RS-6).

Decision: Approved with Conditions

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

A motion to approve case BOA21-00876 was made by Boardmember Hoffman as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Jones to approve the following conditions:

1. Issuance of a building permit for the expansion of the legal nonconforming residence.
2. Compliance with all City Development Codes and regulations.

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

- A. The original home was built in the 1970s in compliance with all Building and Zoning Codes.
- B. The existing home does not meet the required aggregate side yard setbacks for the RS-6 District and is considered legal non-conforming.
- C. The applicants would like to build a 770 square foot addition onto the north side of their home.
- D. A Special Use Permit is required to expand a legal nonconforming structure in a non-conforming yard.
- E. The proposed addition will not further increase the non-conformities on the site.

Consent Agenda Approved

Vote: 6-0 (Boardmember Gunderson - absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Jones-Reed-Glover-Hoffman

NAYS – None

ABSENT – Gunderson

ABSTAINED – None

Items not on the Consent Agenda

5 Take action on the following case:

- 4-a Case No.: BOA21-00919 (Approved with Conditions)**
Location: District 3. 2830 South Carriage Lane
Subject: Requesting a Special Use Permit (SUP) to allow a Small Animal Day Care and Kennel facility with accessory outdoor activities
Decision: Approved with Conditions
Summary: Staff member Charlotte Bridges presented case BOA21-00919 to the Board

Staff Planner Charlotte Bridges: Chair, Boardmembers, this is Board of Adjustment case BOA21-00919. The location of this site is south of Guadalupe Road on the west side of Carriage Lane, and it's bordered by the 101 Price Freeway on the west. Access to the site is from Carriage Lane.

The General Plan designation for this property is Neighborhood Village. And the purpose of the Neighborhood Village is to provide variety of shopping and service needs to serve the nearby population.

The Zoning on this property is LC and this request is for a small animal daycare facility with a kennel and that is in the LC District that's required to be enclosed in a sound attenuated facility and it also requires approval of a Special Use Permit. In addition, they're requesting an accessory outdoor activity area for animals and that requires the approval of a Special Use Permit as well. There are no additional Mesa Zoning Ordinance development standards for that outdoor activity use. So, the Special Use Permit, once again, this is a request for a Special Use Permit and it's to allow a small animal daycare kennel with an accessory outdoor activity area.

This is a picture of the existing site looking south towards the site from the parking area. And then this is a picture looking west at the side of the property from the adjacent property to the east. That's the veterinarian clinic that's on the east side of the property. You can see where the outdoor activity area for the dogs that used to be a playground for the private school that was once there. The SUP request for the small animal daycare and kennel facility is in a building that's approximately 3,249

square feet. It is a block constructed building with a drop ceiling and there is an operation plan included in your packet that addresses reducing noise and odors on the property. One thing to note that the sound study indicates that the construction of the building is sufficient for sound attenuation measures.

The SUP request for the outdoor area is approximately 3,200 square feet, there is an existing masonry wall and landscaping along the south property line. On the east property line, there's an existing chain link fence. Staff is actually recommending that that fence be brought into compliance with current Code. To provide a masonry wall not only screen the project from the adjacent property to the south, but also act as a noise abatement treatment for the property. In addition, staff is recommending replacing the required landscapes trees on the east side of the property in the dog play outdoor activity area. And then on the east side of the property was the outdoor activity area for the animals. And then the west side is adjacent to the existing freeway sound wall. In addition, staff is recommending some additional provisions for noise abatement. In the event that circumstances at this facility change and noise becomes an issue. And that includes adding additional drywall to the interior and also installing an acoustical ceiling to help noise abatement within the buildings around the perimeter of the property. The applicant had indicated in their sound study that they would be willing to provide sound isolation material on the exterior of the walls, in case noise becomes an issue. So we've also included that recommendation in the conditions of approval. And once again, that's in the event that we have some unforeseen noise issues coming from this property.

As far as the Special Use Permit criteria, and conformance with the General Plan and other applicable plans, staff finds this project meets that criteria, especially when we've added the conditions of approval. The location, size and operating characteristics are consistent with the district it is located in and conforms to the General Plan and other applicable City plans and policies. Once again, we're referring back to the project narrative and justification statement that was provided by the applicant, where there's a heavy focus on training the animals not to bark, relying on the that first and then noise, continue noise attenuation with the existing building. And then the perimeter walls also providing additional noise attenuation. The other end of that is the operation plan as far as the dog waste. They've indicated in their project narrative that they will be collecting that and putting it in a sealed bag that then goes into a trash into the trash that's picked up. Based on that information, it meets the criteria of that second item and number three, the proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area. And once again, we're using the justifications from the project narrative as well as staff conditions to indicate that the project meets that criteria as well. And the existing site is served by existing utilities, so it meets the last criteria as well. As far as findings, once again, in summary, this request complies with the 2040 Mesa General Plan. It meets the criteria of Section 11-70-5 of the Mesa Zoning Ordinance for a Special Use Permit with the inclusions of those additional conditions of approval. And staff is recommending approval of this project with conditions. I'd be happy to answer any questions you may have.

Applicant Rod Jarvis: Madam Chair, members of Board, for your record, the name is Rod Jarvis. The address is 3101 North Central Avenue. Although I think I listed my home address, which is a Mesa address 1443 North Citrus Groves Circle Mesa and with me is Mr. Nathan Broughton, who was one of the two proposed owners of this project. His wife, Jessica Braaten, is not with us. But Mr. Braaten is here to answer questions. Should operational questions be asked that I can't answer.

I do have a presentation. Before we get into that. Let me tell you what this proposal is not. This proposal is not a dog park. This proposal is not a typical dog kennel or doggy daycare. This proposal is not even a typical dog training facility. Rather, this proposal is a top of the line combination kennel,

daycare, training facility. And the obvious question that begs is why? Why is this top of the line? Why is this not the typical one? That's because of the proprietor, Mr. Nathan Braaten and the pride or his commitment. All dogs will be trained on this facility. Even if they're just daycare dogs, they're all going to receive obedience training. There is going to be 24-hour supervision on site. There will be no noise that's going to be experienced by the area there will be no smells experienced by the area. The reason for that, again, is the proprietor, Mr. Nathan Braaten, I want to talk about him for a moment, because it's very key to understanding what we're proposing here.

Mr. Braaten had the unfortunate experience of having brain surgery in his 20s. And he spent over a year in the ICU at Barrows. And while he was there, he had occasion to firsthand observe the training and the use of care dogs, assistance dogs. And he became fascinated by that he ended up getting certification from the Triple Crown Dog Training Academy and from Bergen University, which is known as the gold standard and degree in dog training. And so, he has racked up years of experience and training assistance, service animal service dogs. And he's done such a good job at it. Word got around, people started asking him to train their non service dogs. And he has done that for a good long time. He's had a facility for a long time. Next door neighbor had never received one complaint. He absolutely refuses to use some of the techniques and methods that the more standardized national chains use, for example, he will not use the shock collars. He will not do anything that causes pain to the animals that would cause him to lose his very high-ranking certifications, doesn't believe in that he doesn't need it. He understands how to train animals. Did we have an aerial view in the staff's presentation there we go. That'll do. Okay. You see on that aerial view the location of this site, we are immediately adjacent on the east side of the Loop 101 Pima Freeway. We have been made aware midday today of one objector, the Gorman's. They live in the house, that is also immediately adjacent to the 101, to our immediate south that sort of pie shaped cul de sac lot. It's unfortunate that that they reached out to the City for the first time midday today. I will rehearse for you all these facts on September 3, 2021. We send out notifications for a virtual neighborhood meeting by mail using the Maricopa County assessor's records. On September 15, Mr. Braaten is here with me, knocked on the door of all three homes to the south. No one answered. He left a detailed flyer about himself and the operation as well as his contact information. No one contacted him. On September 16, we had the virtual neighborhood meeting, no one attended, we waited a good long time. As Charlotte will attest on October 5, 2021. Mr. Braaten again reached out to the three neighbors to the south, we were very concerned, we wanted to make sure that they had a chance to talk with us. No one answered the door, he left flyers again on the fifth of October, and also on the fifth of October, he reached out to the commercial businesses, no concerns were raised. The reason I rehearse that for you is twofold. One, I want you to know that we were serious about informing the neighbors about this proposal, we have a great story to tell we had nothing to hide, we wanted to talk with them. Number one, number two, the important thing to understand is that this facility actually will be a tremendously good neighbor. That was just the first step in being a good neighbor. We're going to act that way going forward. But because of the lateness of the response that we got today, there were a whole lot of people who were in support that we told no, look, we're on consent agenda. We don't need you to travel. And the word got out too late. And so, you weren't able, you got a few letters that were more letters that would have come in. It was It misrepresents the level of support is what I'm telling you.

So, staff has already talked about the zoning about how we comply with the standards that are set forth for an SUP. So I'm just going to highlight a couple of things that you may have seen in the staff report that are exceedingly important for understanding why we're going to be a good neighbor. I've already talked to you about the training, that the dogs are going to get this training works. And the neighbors are not going to hear dogs barking. But let's talk about how the dogs will even go outside because I'm assuming everybody can understand that dogs inside a sound attenuated building aren't

going to be heard from outside the building. But dogs will go outside they need to go outside for a little exercise, a little dog relief, if you will, that's going to be necessary. They're going to go out in small groups, and they'll be out typically for about 20 minutes. They will be supervised whenever they're outside there, they will never be outside past 7pm. Any dog waste that occurs will be immediately picked up, put in a sealed bag, that seal bag will be put in a sealed container. And that container will be picked up weekly. So, we're controlling the noise. We're controlling the smells. What was there before, was a Montessori school, Montessori schools are great. I had my oldest child went to a Montessori school. But whether kid goes through a Montessori school or any other type of school, most kids can go outside and play or make a lot of noise. I can guarantee you that, that needs the sound level from that playground that our neighbors live next door to much higher than anything the dogs we're going to create. The dogs are going to be obedience trained, which includes silence. They are not going to be making those remain small groups, they're going to be supervised. No such direct control was ever exercised on Montessori children I can be quite sure of that. Furthermore, of course, we're next pointed out we're next to the 101 Freeway. And the sound study that was done that was turned into the City makes that point also that the ambient sound level from the 101 masks pretty much everything in the neighborhood. So, there is a waste management plan. There is a noise attenuation plan. There is someone on site supervising 24 hours and there will always be someone out with the dogs when they're outside. We've got a nice little site plan that shows all the landscaping and so on. But you've seen that from staff as well. So, I don't think we need anything more than that. For my presentation. You've seen those exhibits from staff, I'd be delighted to answer any questions. And again, Mr. Braaten is here and if there's operational questions that he can answer, he be delighted to do that.

Chair Wagner read in questions from Eric Moser: What steps are put into place to keep the smell at minimum, What about flies? His next question is will the owners be absent? Or will there be someone present 24 hours a day?

Applicant Rod Jarvis: As indicated, the minute the doggy poops is so small group supervisor will be there and the waste is picked up, it's put in a plastic bag and sealed at seal bag is put in a sealed container. And that container is emptied once a week. I have a dog, used to have two, we had to put one down sadly, but I don't go out there and follow my dog around and clean up after him immediately. This is much better than the typical backyard dog gets. The supervisors there cleans it up immediately puts it away. Well, because the dog waste is picked up immediately the flies don't really how much of a chance. I'm sorry to say we are not going to be contributing to fly nutrition, because the dog waste will be removed immediately. sealed bag sealed container right away, and 24 hours a day.

Chair Wagner read in questions from Eric Moser: Thank you. And then the final question says, Will there be a noise study conducted other locations are very loud?

Applicant Rod Jarvis: Well, we've already done a sound study on the surrounding area. If there's any complaint that is received, the City staff has indicated, we're going to be required to put in more noise attenuation. As part of that, I would think it would make sense for us to do a sound study at that time to prove what the real situation is. That would be done on our dime, not on the City's dime. So that we could show either nothing is needed, or whatever we've done has done the job.

Susan Austin-Fleck: Thank you. My name is Susan Austin Fleck and I have been a client of Nathan and Jessica's for over three years. I did over a year of research on doggy daycares for my Bernese mountain dog who I wanted to have trained as a both a service dog and a therapy dog for my husband

who has Parkinson's and then for the volunteer activity that we do. And in investigating these other facilities before I found Nathan and Jessica, I did find things that in my opinion were mirroring not to consider concentration camps for animals. They were just disgusting, animals lying in their own feces and so forth. It was a rainy day and I happen to stop into Nathan's current facility. And I was incredibly impressed because I just walked in, I didn't have an appointment. They weren't expecting me, which I purposefully did because I wanted to see, number one, were they willing without an appointment to show me through their business ability so that I could see it in real time and see how the facility is truly kept. And Nathan immediately, with glee, absolutely was so proud of the facility and said, yes, please let me show you around, and walking around the facility.

First of all, it smelled fabulous. Second of all, there was no noise, the dogs were not barking. And as we walked through the facilities and walked past the, the areas. I loved that it was a cage free facility, and the dogs were not barking as we walked through. And anybody that would any of the dogs that started to react as if they were going to bark, Nathan was able to give them, you know, an immediate command and shhh it stopped. So, he absolutely had control over these animals, which was incredibly impressive.

Then when I went to the outside facility, and he showed me how the dogs played in the yard. Again, incredibly impressed. There were several staff members that were out there accompanying their dogs at all times, there was not ever a time that I saw a group of dogs that were not being monitored, and watched after by a staff member. And as they said before, the feces was picked up immediately. There were no flies whatsoever, neither inside or outside. And so, I obviously choose Nathan to, to conduct the training for my animal. I bought her as a puppy and I've had her training with Nathan and Jessica for over three years now. I love the fact that when I walked into the facility as well, and I've been there for dozens and dozens of dozen different training sessions, that when other people walk in similar to myself inquiring about their services, that when they bring their dog in, Nathan will actually walk the dog back through the rest of the dogs to see to check that behavior, that particular dog and check its temperament. And if a dog didn't have the appropriate temperament, you know, if it was aggressive, or barking or things like that, then he would actually reject that dog, and say, unfortunately, we can't help you. And they would have to go to a different facility. So, I love how he was almost interviewing the dog as much as the owner, and to see whether or not that was a good fit for him. And then I also saw him throughout the dozens and dozens of training sessions that I've been through, just handled dogs that I personally would have, would have walked away from, but he has just this amazing ability to be able to just take any animal and get them trained and under control. And not just for himself. But he's teaching the owners how to do that properly as well. So again, so highly impressed with both Nathan and just their training abilities, the cleanliness of the facility by far in over my year of research, of trying to find a facility by far the cleanest facility and best training and kind of treatment to animals, no noise issues, no SQL issues, and really, really focused on training their staff as well. I've actually had the privilege of attending some of their staff meetings and how they keep their staff abreast of what's happening within the facility. was fabulous.

Chair Wagner read in comment from Rory Morris: I have personally known Mr. Braaten for 30 years, back to our days in high school. My family and myself have taken our dogs to his facilities for the past 15 plus years. I have seen his facilities in their entirety and would comment on their cleanliness, upkeep, and safety. The yards where the dogs roam and play are kept free of fecal matter and when under the watch of his staff all dogs are on their best behavior (think dog whisperer). He does a lot in the community, and ever more within the dog community. He provides a great service for dog boarding, in addition to specialized training.

Valerie Kelp: Yes, my name is Valerie Kelp. I am at 2012 Arrowhead in Chandler. I can go ahead and say all the things that you've already heard, but I would like to chime in a little bit more than that. I actually met Nathan and Jessica at a Dobson Ranch event called Bark in the Park. We had just adopted a very, very large puppy and we were lost. We didn't know what we were doing. I happened to meet them in passing, because my dog looked just like theirs. So we struck up a conversation. And they ended up being everything we were looking for. Nathan took my dog in for a 30-minute training session. When we got there, my dog pulled on the leash he was honestly he was terrible. And by the end of that 30 minutes, my dog was walking on a leash like he had done in his entire life. Their facility is clean. I have smelled worse at my veterinarian's office than I have ever smelled in their facility. So smell will never be an issue. Cleanliness. All dogs that go to their facility for training, daycare or kennel services have to provide proof of vaccination. They have flea and tick treatments. These dogs are kept to the standards we should all keep our pets up to, but they do it for us. On top of that, I have never heard of bark in that place. My dog barks at home sometimes, but they're no one barks, Nathan and Jessica, give my pets the treatment that I would give them if I was able to at home. On top of that. I think another person stated that the dogs are screened before they're allowed to attend the facility. I don't think that there's an aggressive dog on the property and if there was, I'm pretty sure that Nathan and Jessica's training techniques could fix it. The other thing is that the location in Dobson Ranch makes for such a community with the neighboring dog parks and things like that. All of us that frequent that area. My husband works at Dobson Ranch. I drive through Dobson Ranch on my way to work. This facility in this location would be perfect for dog owners. There's nothing like this there. This isn't a rescue. It's not a shelter. This is a training facility that also provides daycare for during the day training and cuddling should you need it. I could say so much more but I'll try to keep it short and not be too repetitive, but Nathan and Jessica are the best in the valley. I don't see how anyone could argue it if they've ever been inside of one of their facilities.

Chair Wagner read in comment from Thomas Hughes: Mr. Braaten is the only pet service I have ever or will ever use. His attention to other people's pets is second to none and I have never been to a cleaner and quieter dog boarding/training facility. His business would be a welcome addition to any metro area.

Kathy Wallmueller: I'm hugely in support of this day care. My dogs is a chocolate lab with very high energy. And when she was four months old, I was ready to get rid of her because I couldn't control her and I couldn't imagine how she would be full grown. I had gone to a trainer who did nothing. I had gone to another doggie daycare who just threw my dog in with about 50 other dogs, and she came home worse every day. And I happened to stumble upon Nathan and Jessica's place and wandered in without an appointment with my dog, He said, "could I hold the leash and work with her for a minute?" and in 30 minutes, my dog was wandering around like she was perfectly trained. And I said, "well, you can do that. But she's biting me and all kinds of things." He said, "here do this," and gave me a simple exercise to practice several times a day.

I have the most well-behaved dog. Their day care is her home away from home, she goes three to five times a week, depending on my schedule, gets to run out her energy, and come home better trained, I continue the training on that I can take her anywhere. So, I had put she's very well trained and socialized. They ensure that the dogs are well behaved on the premises and help owners learn how to keep them well behaved out in the community, which is important to make like to take my dog for a walk, and they don't want her being crazy. They don't allow the dogs to bark as has been said, and the facility never smells. As a matter of fact, when I was having troubles with my Astro Turf and getting the smell out, they recommended the product they use and I'm able to now keep my yard to where it doesn't smell. So, they're on top of that my dog is now four and a half years old, and I love

my dog. I never get rid of her. And I have Jessica and Nathan to take for that and their facility. It's been a lifesaver. So, I'm a huge supporter.

Jeff Gorman: I'm at 2726 West Onza Circle. Um, I am in opposition of this primarily, you know, my, my, my north wall of my property is actually directly south of this building. When we moved in, about eight years ago, as stated it was a Montessori school. And we really liked the idea of having the Montessori school, it's kind of a renowned thing and is good for the neighborhood. I see, one of the first things that comes to my mind, when I got, we actually did get a letter from Nathan, and just kind of stating what you're gonna do. First thing in my head was, I mean, there's gonna be noise. Otherwise, um, I think the noise was kind of a concern of mine. Also, one of the times, one of the times, kind of living here, when it was an abandoned building, we heard a fire alarm going off in that building. And like, honestly, it kind of went on for, it kind of went on for a couple of days. And then it was just, even though we have block construction, I could hear it through their building, I could hear it into my building or into my house at night. It's just kind of one of those things, I felt like if I there's going to be dogs over there, I'd be really surprised to keep them if they could be able to keep them quiet. On the smell was something that, you know, I kind of thought about, and I like the fact that you pick up the poop right away, but honestly, like, I just think of this relief areas right on the other side of my wall. My next door neighbor, Mike and his wife, they've actually, they expressed concerns to me. They, I don't know if they sent their comment in, and they said they were going to take a look at it. But just having a relief area on the other side of the wall, for me. I mean, years and years of urine is one of those things that I feel like it's still going to kind of start to be smelly, but that's really not the main concern. I have a daughter and I have a dog and my daughter is one years old. We like to play around the backyard when we bought our house. We really enjoy our backyard. There used to be little kids screaming like yelling and having a good time during the day. And they, you know, that place was closed at nights and it was not open on the weekends with this being a 24 hours facility seven days a week, my concern is you know, safety. For you know, if let's say we're playing outside, you know, I would be a little. you know, freaked out, I guess if a dog jumped over the fence and if that sounds a little weird. It's a six-foot fence my next door neighbor on the other side of me to actually had his dog jump the wall many times and was in my backyard. So, I mean, that's a huge concern for me. Dogs are wild animals no matter what, whether they're how much training they're going to get to have them barking, you know, to have that, you know, maybe that risk of potentially coming over the wall, and you know, something happening my daughter, I'd really like to appeal to the Board of Adjustment just for those simple reasons. I also think, I don't know, I mean, I all the other testimonies, testimonials were very compelling, and I'm not saying that Nathan, and Jessica would be bad neighbors. The problem is, is that I want you to all like, think about it yourselves. And when you're making this decision is that, you know, if, if you were living in this house, would you want a dog facility going in your backyard, and that's the main thing, I mean, a noise, their dogs, they're gonna bark, there's gonna be some that are gonna bark, even if they're trained, I think that's great that they're going to do onsite training, but you can't guaranteed that there's not going to be noise. I like the attenuation things that you've been talking about. But I still think what the building that it is right now have had they had they said it would like probably be okay. I'm kind of doubting that, just because there are dogs. But again, I just kind of, I'm not opposed to it, because I enjoy going to my backyard, I'd worry about my daughter and my dog being back there. I'd worry about the smell, I guess in the long term. And I'd worry about, you know, just potential property value going down if like, if I decide to sell my house down the road, and somebody who's thinking about moving in, they're not thinking about it, because now there's a dog facility there. Especially if I've missed anything, I will like to say that, you know, in rebuttal to Nathan's lawyer, you know, we did get the notification, the letter that he that they wrote to say, hey, we're moving in, and, and I thought that was nice. And then two weeks later, we get another notification that was that we had to get from the law firm, because

they were trying to get this Special Use Permit. And those are the only two notifications that we got. We never got a neighborhood meeting information or like notification about that. So I don't know, you know, and we, and we and we still complied with the deadline, you know, to get in today. And, you know, we didn't know we had to respond to him sooner. And then today, when my wife actually called, or I think she called Heather or Charlotte Bridges at the Planning Division staff, Charlotte then notified Nathan's counterparts or whatever. And then they tried to reach out to my wife. And they were kind of frustrating, kind of like a power tripped over a little bit today. I'm saying that we should have contacted him earlier. And to be honest with you, in my mind, I just don't think there's that many things that they can do to really make all those things are my objections. Right. I don't know. It's just hard to if you were in my shoes, you're living in a house for eight years. A Montessori School is one thing, it's, you know, it's good for the neighborhood. I think a dog training facility is great. He sounds like a great trainer. Sounds like there's a lot of people that are happy with him. I'm just not sure maybe that's the place for it. Just because, you know, it's not gonna affect a lot of neighbors, maybe. Because Mike, my neighbor next to me and myself. But at the same time, I mean, I'm just really worried about the noise. I'm worried about the safety for my own dog and my daughter, and I don't think the six-foot wall is going to be enough. And I just I don't know, you know, there's a lot of things that are up in the air. And I don't want to say, "yeah, go for it," and then we'll figure out what happens after that. So, I just like to appeal the Board, if they were in my shoes, would you like a dog training facility, you know, on the other side of your wall, going in a place that you've that hasn't been there. And there's all these things that they can say they're not going to bark, but I mean, they're dogs, and we do appreciate the work they're doing, but we hope they can find another place to do it. So, I thank you for giving me an opportunity to speak. Sorry, I was a little cut out here and there. But uh, I don't know. If you're in my shoes. You know, what would you do? So, I appreciate it. Thank you.

Applicant Rod Jarvis: Thank you, Madam Chair, members of the Board. I'll go through. First of all, thanks to all the supporters. I don't need to reiterate what they've said. I think their testimony stands on its own. I will address what Mr. Gorman's comments. He's concerned about noise. We've answered that issue. He's concerned because what it was abandoned, an alarm went off and he could hear the alarm alarms, security alarm. At least my house security alarm is positioned so that it can be heard outside, as well as inside, there's a reason for that. They're not just trying to scare off the intruder, they're trying to let the neighborhood know that there's an intruder. That is no indication of the idea that you're going to hear dogs from inside the building. He's concerned about the dog waste, we've talked about the removal of the solid waste with regard to the urine, understand that this is natural grass, it is absorbed into the ground. As I said, I have, well up until recently, I had two dogs, one dog now. They have a dog run. There's an awful lot of dog waste, both liquid and solid, that gets deposited by the dog there. There is no smell from urine, on grass, it gets absorbed in the earth, that's not going to be a problem. Safety is concerned about dogs jumping the fences. Again, the dogs are supervised if he really wants it, and if this Board wants it, we could put baseball netting on top of the wall. It would not be very pleasant to look at. It would not be necessary, it would serve no real purpose. We're willing to do that if that's a concern. The property value concern and what would you do if you were him and put yourself in his shoes, they bought a house next to an LI zoned property and next to a freeway. We are not going to impact negatively the property value. We're going to enhance the property value right now. He lives next to a vacant property. And you know what vacant properties attract, you know what those concerns are. And not only we're going to occupy a vacant property, it's going to have employees on site 24 hours. So, in other words, he's going to have a secure next door neighbor. We've already talked about a quiet next door neighbor, a neighbor that's not going to create any smell impacts any negative impacts at all. So, this enhances his value, it doesn't detract from it. With that I will close and be glad to ask any question or answer any questions you may have.

Chair Wagner: Thank you. I will now close the public portion of this hearing. And we will open up discussion as a Board. So based off of what the City staff has presented, as well as what we have heard today, I feel that this does approve the requirements of an SUP, based off of the findings that have been presented today. Does anyone else in the board have any other comments?

Boardmember Jones: When I look at the property itself, it's clearly conforms with the goals of the Neighborhood Village Center. And they've gone through every step that they are required to do. And I think that it also meets the SUP. And I also am in favor, I feel for the property next door. As far as the sound, you're next to the freeway there. And I feel like this is a good use of the property. I feel like that it will enhance the area. And I think that the property owner, the one that has that is against it. I think you have neighbors now it appears and everything that I've been able to read and everything that we've heard thus far, that they're going to be able to work through any other little things that come up. I like that. My one concern is kind of the safety a little bit just because I've heard of things but I the constant supervision, I think covers that. And so I'm in I'm in support of what the city has proposed, which is approval with conditions. And I would be willing to present that motion as well.

Vice Chair Lynam: I will second that motion Yeah, I think that it meets all the requirements of for the zoning and the use permit. I think that the owners have plans in place to kind of mitigate all of the things that and the concerns and even the conditions allow for additional mitigating actions if they're needed. So, I think that it will be good for that area and I'll second the approval.

Vote: 6-0 (Boardmember Gunderson - absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Jones-Reed-Glover-Hoffman

NAYS – None

ABSENT – Gunderson

ABSTAINED – None

5-a Case No.: BOA21-00686 (Continued to December 1, 2021)

Location: District 5. 3940 N. Power Road

Subject: Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the maximum height limit in the Single Residence-9 District (RS-9).

Decision: Continued to December 1, 2021

Summary: Continued to December 1, 2021

Vote: 5-0 (Boardmember Gunderson - absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Jones-Glover-Hoffman

NAYS – None

ABSENT – Gunderson

ABSTAINED – Reed

5-b Case No.: BOA21-00824 (Approved with Conditions)

Location: District 3. 1205 W. Baseline Road.

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for the redevelopment of a convenience market.

Decision: Approved with Conditions

Summary: Staff member Josh Grandlienard presented case BOA21-00824 to the Board

Staff Planner Josh Grandlienard: This site is located south of West Baseline Road and west of South Alma School. It is currently an existing convenience market. It is located within the Mixed-use Activity of the General Plan which represents the primary retail areas and entertainment centers, but often supporting uses in this case, this would be one of those supporting uses. The current zoning is Limit Commercial. Service station with the associated convenience market is an allowable use within the Limited Commercial zone. The request is specifically for a Substantial Conformance Improvement Permit to allow for the remodel and minor expansion of the existing convenience market.

This is the current site. The photo on the left is the looking south from Baseline and the photo on the right is looking west from South Alma School. Specifically, the SCIP is requesting a reduction in the amount of parking spots between the landscape islands from eight being expanded to 10 and then a reduction in the foundation base widths. This is due to the location of the existing parking, in order to not lose any and lower the parking requirements of this site. They have expanded landscape island on the north side of the parking in this way it also does not interfere with the flow of truck traffic for when they are refilling the tanks. In addition, they're maintaining the existing foundation base along the entry that already exists. This way, they don't have to come into conformance in order to make sure it meets modern Code. So again, this is the reduction of the landscape base at the entry from 15-feet to 6-feet. and this is consistent with what is already out there. Within the landscape plan, they've provided more additional plantings, as well as provided a different path material for the pedestrian entry, which is consistent with our Code.

These are the proposed elevations. They're currently going through a design review process. So that will go through all their expectations and things of that nature. But just wanted to give you an idea of what the changed elevations would look, because that is an expansion of that building, but it would fall within all the required setbacks as previously approved by the Board of Adjustment. So based off that, per Section 11-73-3, significant alterations to the site would need to occur in order to bring the site into full conformance with the MZO. Full compliance would discourage the redevelopment of the site. No new non-conforming conditions are being created. And the proposed request is compatible with and not detrimental to the adjacent properties or neighborhood. In summary complies with the General Plan as well as meeting the criteria of Chapter 73 of the Mesa Zoning Ordinance. So, staff is recommending approval with conditions.

Applicant Jeff Winters: I'm an architect for the project. Work with the Sensei architecture, addresses 1743 McNair Drive, Suite 200, Tempe, Arizona. Not much to say. It's a very snug site. It flows very nicely, but the owner would like to increase the square footage, bring it up to close to market standards. So, we are really the only place that we can go is to the right and to the left north and south. We're going to try to add less than 1,000 square feet and maintain that operation flow on site. We thought the best way to do that would be to increase the landscaping on one side, on the north end, and have 10 parking spaces there. Due to that snug site, some of the current Code requirements, there's a few that we just were not able to meet. And that's kind of what we're here for to ask for that approval.

Vote: 5-0 (Boardmember Gunderson - absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Jones-Reed-Glover-Hoffman

NAYS – None

ABSENT – Gunderson

ABSTAINED – Lynam

- 5-c Case No.: BOA21-00927 (Denial)**
Location: District 1. 635 E. 8th St.
Subject: Requesting a Variance from the required covered parking to allow the conversion of a carport into livable area in the Single Residence-9 District (RS-9).
Decision: Denial
Summary: Staff member Robert Mansolillo presented case BOA21-00927 to the Board

Staff Planner Robert Mansolillo: This is BOA21-00927. The subject site is at 635 East 8th Street. Located south of East Brown Road and west of North Horne Road. The General Plan is Neighborhood and the goals of that are to provide safe places to live and a variety of great neighborhoods. And the zoning is Single Residence 9 (RS-9). You'll find areas for detached single family residences, with a minimum lot size of 9,000 square feet, and the property is surrounded by that RS-9 zoning. So, the request here is a Variance from the covered parking requirement. In the Mesa Zoning Ordinance, there is a requirement to provide two covered parking spaces for single family detached. And the purpose of that request is to convert the carport into livable area.

So, this is a site photo from the street facing south. And you can see the property there with the carport. This is a site plan where you can see the existing residents covered patio, pool, and in the upper left corner you can see it's labeled remodel into livable, and that's the carport itself. And this is a close up of that of that corner. And the proposal is to convert that carport into a family room and it'll add roughly 314 square feet of living space. And here are some elevations. This is looking from the street, the front elevation to the right, you can see the addition to the carport. And then the bottom one is the right side elevation where the enclosure would be. And so, approval criteria for the special circumstances applying to the site that would be such things as site size, typography, things of that nature. It doesn't meet that criteria, because this is a standard rectangular site. Special circumstances are preexisting. The existing house and carport meet the Zoning Ordinance so this criteria would not apply here. Strict application of the Zoning Ordinance would deprive the property of privileges. That also doesn't apply because strict application of the Zoning Ordinance requires to cover parking spaces. And approval will not grant special privileges. In this case, approval of a variance would grant special privileges because other houses in the area would also have to provide for the covered parking. And finding so, for those reasons based on the criteria outlined in Section 11-80-3, sufficient evidence was not presented to grant a variance and granting of a variance would constitute a special privilege inconsistent with the standards of the RS-9 District. So for that reason, staff is recommending denial. And I'd be happy to answer any questions.

Applicant Mrs. Robinson: Um, so we are trying to grow our family which is why we want to you know, we just need a bit more living space and this is why we want to enclose the carport. Now, we were having issues finding the reason why we need to have covered parking, but we did find out the building codes obviously where it states that you need to have covered parking. However, we did submit many examples in our current neighborhood that show other homes that enjoy having an enclosed carport with no covered parking on their property. I guess that's where I feel like we aren't getting any special privileges because we there are already 10 homes that we listed on our application that have covered parking in the same style that we are asking for. They do park in front of their carport, well, now their house. And there was also earlier this year, it was case number BOA21-00478, that was given a variance to not have the covered parking, the only difference in our case from their case is that their carport was already enclosed. So, we're just asking that we would

be able to have the same variance, we want to make sure that our new living space is inspected and up to code. And that it meets all the requirements, you know, to make it a permitted living space.

Boardmember Jones: I do have a question for the applicant. When did you when did you purchase this home? And it may have been there? I just didn't see it.

Mrs. Robinson: Oh, we purchased back in 2013. And from my understanding that the covered parking requirement was put in place in 2011.

Chair Wagner: I have a question for staff. Just one clarification of the homes that she's talking about that have had their parking covered, covered parking enclosed? Do we know if those were done through the Board of Adjustment?

Staff Planner Robert Mansolillo: Yes, Chair. Thank you for that question. The examples that the applicant provided and there were 10 examples. I researched all of them. And I did not find any variances for that. I did look into building permits and I found three had building permits from 2006. The others I could not find any information for perhaps they were done before that, or didn't get a building permit. I did see that one house did have what looked like a detached garage in the backyard. So that would provide for the covered parking. And the applicant is right. It was around 2011 that the covered parking requirement was put in.

Chair Wagner: I have a question for Rhance, what is the case that was listed earlier?

Applicant Rhance Robinson: BOA21-00478, And basically, they were given a variance not to have covered parking for an existing structure that they were making adjustments to. And then a few things that my wife didn't mention, our alley that we do have that would be where we're being told we should have our addition added to have covered parking, we actually have that gated off from the City. And we also have an electrical pole right behind our house that the City uses all the time and parks there which would block any access from the alley to our property.

Chair Wagner: Thank you. May I get clarification on the proposed design? And how it varies. So, is it just that it's covering the two covered parking spots? So the Code is that they have to have two covered parking spots?

Staff Planner Robert Mansolillo: Chair, that's correct. The proposal is to enclose the carport, and that would take away the covered parking. And that's the requirement, is that a single family detached house has to have two covered parking spaces. In an established neighborhood like this, if the house only had one covered parking space, we would only be requiring one. But it looks like this has two covered parking spaces. So that's what would have to be replaced.

Chair Wagner: And the alleyway that he's talking about what the proposed area fit in the alleyway and meet other requirements.

Staff Planner Robert Mansolillo: Sure, you could put a detached garage in the backyard from the site plan, it looks like there would be room to have a garage back there and have an entrance for parking off the alleyway.

Chair Wagner: And that's what another home in that area did?

Staff Planner Robert Mansolillo: It looks like there is another home in the area that has that, yes.

Chair Wagner: Thank you. And do we know what BOA21-00478 is or is there a way for us to look up? What that case is?

Staff Planner Robert Mansolillo: Chair. I don't have the details of that but I believe it was, they were getting a variance, because they were doing other work to the house. And the plan reviewer saw that there was no covered parking being provided, so they were they were required to go through the variance process. But since it was an existing condition of the house, it was I believe it was approved.

Principal Planner Rachel Prelog: Thank you Chair, well, I can expand on that a little bit. So, in that case, the property owner had come in to do an addition to the home and they found out that the garage or the carport had been converted by the previous owners without a permit. So, at that point, they were trying to legalize the construction and then construct the addition onto the rear of their home. So, in that case, they did meet the criteria for special circumstances and for it being a pre-existing condition that they did not create themselves.

Boardmember Jones: And that was another question that I have. So, for the properties that have been referenced that are not that did not receive a Special Use Permit or variance. Did they? What would be the consequences? The consequences would be just like that example, whereas they need they want to do some remodel or something. City would find that they're not in compliance, and they would have to get a, they'd have to come before the Board of Adjustment. Is that, am I understanding that correct?

Principal Planner Rachel Prelog: Chair Wagner, Boardmember Jones, that is correct. So, depending on the situation, if they received building permits or not, if they received building permits, it would be considered a legal non-conforming situation. If they did not, then once again, they would have to receive a variance for those requirements. Thank you.

Boardmember Hoffman: I do see that, that it's it appears to be a rather spacious yard. And I'm wondering if there was any research done into as opposed to, as opposed to filling in to closing in the carport, to putting an addition on to another portion of the home? Like it looks like there's an existing covered patio there that potentially could be closed in as well. Or some other space. So would you like to comment on that? Sure.

Applicant Rhance Robinson: Sure. So, I mean, we've looked at that. But with the orientation of our house, it makes no sense to add that because that's right where our kitchen is. So, to have a room on, I don't know, it just doesn't make logical sense to put a room on the outside of your kitchen and block off what is normal, like how most houses I've ever seen are laid out. And then we also there is a storage room that has been added years before. On the side of that, that covered patio, and then the space in the backyard. I'm not sure how a two covered parking space would fit in there as well as having all the setbacks that are required. Because from the middle of the alleyway up to our houses, 40-feet. So, if we have a 25-foot setback that gives us 15-feet, and then if it has to be detached then it has to be 6-feet from our house, which gives us a nine-foot-deep garage which no car can park in.

Principal Planner Rachel Prelog: Chair Wagner, Boardmember Hoffman, and for the applicant as well. For clarification on part of that for rear setbacks with alleyways, you actually can use the centerline of the alleyway. Okay, so you've already accounted for that. And that's accounted for in that 40-feet?

Boardmember Hoffman: Yeah, so I guess I wasn't necessarily asking about relocating the carport, more of is there another location that that expansion could be placed on the property to avoid having to utilize that carport space.

Applicant Rhance Robinson: So, the one half of our backyard is taken up by a pool, which would not allow any extra space built into it. Like I said, the other side is our covered patio, which has storage built onto it already. And the only access that we would be able to get to it is our back door which is our only access to our backyard. So, to add that as a living space just doesn't make logical sense. In our opinion. Plus the covered patio the roof would have to be completely torn off and redone because of it would need to be insulated and have wires and plumbing ran through it, which would require a whole lot more work and environmentally. I don't know, I just everything about it just makes more sense for us just to use the carport area.

Mrs. Robinson: I would just like to add that it also may be just like a house flow issue. And I don't believe that our covered patio is as large as the carport area. So like we wouldn't be adding necessarily the same amount of square footage to the house.

Chair Wagner: I'm just trying to look at the site plan and see what other options we have to make this conform to the Zoning Ordinances. Were there any other options discussed? Other than those that we've already talked about?

Staff Planner Robert Mansolillo: Chair, no, there were there were no other options discussed.

Vice Chair Lynam: I wanted to clarify, I know out of those 10. You said some of them had been approved, but they were all approved before that Zoning Code changed, correct? There haven't been any of them that have been enclosed that we know of? After that?

Staff Planner Robert Mansolillo: That's correct.

Applicant Rhance Robinson: And those 10 are just on our streets throughout the neighborhood. There's dozens of other examples that we didn't think we needed to pull at this point. But if needed, we could.

Chair Wagner: Staff when you pulled all of the cases you pulled on from the whole neighborhood? I'm assuming? Or was it just that street? Or are there different zonings within that neighborhood?

Staff Planner Robert Mansolillo: Chair, I pulled the I researched the building permits for the for the examples provided by the applicant. I did do a search just a general search of the neighborhood and I did not see any variances for this I did see some variances for reduced setbacks. Okay, but no variances for enclosing a carport.

Chair Wagner: I was just wondering if it would be possible to make the carport enclosed and then add the covered parking right in front of that. So that we would just have to do a variance for the setback. Because there's an already existing concrete driveway right there, if they put the closed, like enclose it, how they're talking about and then put the covered parking right in front of it. If that's an option.

Staff Planner Robert Mansolillo: Chair, I don't believe that would be an option because it would not comply with the criteria of this being a pre-existing condition. That's, that's already there. It would be something that the applicant wouldn't be constructing, and then coming to the Board for a variance for.

Principal Planner Rachel Prelog: Chair Wagner, and just to add on to that. There are some other requirements as far as primary structure and design and placement of the garage is that it wouldn't mean if we built it forward of the living space by that much that's only allowed to protrude out three feet. So it would require other variances.

Chair Wagner: Yeah, I'm just trying to think of options. Alright, well, based off of what we have seen and the...

Boardmember Jones: We probably need to close it and discuss it as a board if we no longer have questions for the applicant.

Boardmember Glover: I'm just of the opinion that in its present form as proposed. It doesn't meet the criteria for approval.

Chair Wagner: I agree with you. Based off of what we've seen, this is a condition that they're creating themselves.

Boardmember Hoffman: I would agree with that. I think there are other options that they don't want to pursue because of expense or other things, that that's not a reason to permit change. So, I would support staff's recommendation.

Boardmember Jones: I feel for the applicant. The hard part about this when and where I struggle is, is that the I've got to get my day tried the zoning, they had all the City had already had the zoning prior to them purchasing the home. So theoretically, they would have known this prior to that to where there was no pre-existing kind of standards here, regardless of whether a neighbors didn't follow the permits or did something on their own without getting the appropriate permits and approvals. And so, I agree with the group. I agree with this City that this should be denied and feel for the applicant. But I think that there are some other options as well. And, and with that, I would like to present a motion to be consistent with the City and deny this particular case.

Vice Chair Lynam: I will second that motion. I agree with Boardmember Jones that I really feel for the applicant but I don't think that they meet the requirements that we are set to hold them to for approval on this unfortunately.

Vote: 5-0 (Boardmember Gunderson - absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Jones -Glover-Hoffman

NAYS – None

ABSENT – Gunderson

ABSTAINED – Reed

6 **Items from citizens present:** None

7 **Adjournment.**

Boardmember Hoffman moved to adjourn the Public Hearing and was seconded by Boardmember Glover. Without objection, the Public Hearing was adjourned at 6:58 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Rachel Prelog". The signature is written in a cursive, flowing style.

Rachel Prelog,
On behalf of Zoning Administrator (Dr. Nana Appiah)