

**VILLAGE OF WESLEY CHAPEL
BOARD OF ADJUSTMENT MEETING
PUBLIC HEARING ON APPEAL BOA A-08-02
December 15, 2008
7:00 PM**

MINUTES

The Board of Adjustment of the Village of Wesley Chapel, North Carolina, met at the Wesley Chapel Town Hall, 4107 New Town Road, Waxhaw, NC 28173.

Present: Chairman Butch Byrum, Diana Bowler, Bruce Ewing, Lisa Ghannam, Kim Ormiston

Village Staff present: Cheryl Bennett, Village Clerk; Joshua Langen, Planning/Zoning Administrator, Village Attorney, George Sistrunk

Also present: Mark Burnam, Joseph Dalli, Ralph Nappi, Mark Spelane, Carol Mullis.

The meeting was called to order at 7:00 PM.; a quorum was present.

Chairman Byrum opened the hearing and explained the quasi-judicial procedures; that this was an appeal, and the Board will be making a quasi-judicial decision based on competent evidence. Byrum asked Langen if the appeal was not filed timely, if it was not in the proper form, and if the fee was not paid, and if there were other jurisdictional matters, and Langen replied in the negative to all. Byrum asked Burnam and Langen if they felt there was any conflict of interest on the part of the board members; both replied no. Byrum asked the members if they had any bias or any conflict of interest, and they said no. Ormiston disclosed that Burnam is a neighbor, but she felt she could be fair and impartial. There were no challenges from the board.

Chairman Byrum swore in Joshua Langen, Mark Burnam, Joseph Dalli, Ralph Nappi, and Mark Spelane.

Langen said he received notice of a zoning violation from e-mails and the finance officer that there was a carryout operation in service at Underwood Road and Highway 84, which is zoned B-1. The applicant parked a catering/take out truck at the front of a house there. Langen went out and noted it was in violation of a number of zoning codes, and delivered a violation letter by hand including violations of parking, Article 9. The Zoning Ordinance Section 9.1.5(a) states parking areas including driveways should be paved. The driveway in question is not paved. Article 9.1.9 says restaurants must have one space per employee plus one per three seats. Langen referred to the definitions for a restaurant; the ordinance defines restaurant, fast food restaurant, and drive through. He was asked and noted there is not a definition for a carryout operation. Langen read the definition from the ordinance:

Drive Thru or Drive Up Window Establishment.

A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Langen said he was not sure that applies for a number of reasons. That definition is not provided as a use in the table of uses. Langen read from page 5-11 in the Table of Uses, which shows: "Restaurant, carry-out and delivery; restaurant no drive-in / drive-through excluding fast food; restaurant with drive-in/drive-through; and restaurant, fast food." The first two are allowed as a use by right, in B-1, B-2, and L-1, and the last two are allowed as a conditional use. Langen said there is some ambiguity in classifying this, they do have a picnic chair and table which might classify him as any one of these. Langen said you have to make a decision as to whether he is a carry-out and delivery or restaurant with drive-in/drive-through. Langen said, "It seems to be a carry-out and delivery, in my mind, because I don't think anybody actually eats there, they park their car, get out and get their food, and get back in their car and leave. It's not really a drive-through because when you look at that definition it says you don't have to exit your car...and orders are taken from your car, and that's just not the case here. He seems to be more of a carry-out and delivery operation, so he is allowed as a right."

Langen said the second violation is landscaping; he is required to install landscaping according to Section 4.2 on page 4-2; Langen said he has not measured the lot, but it is a strange shape, and he would need a minimum of 20 shrubs and 4 trees. He hasn't planted any trees. Langen said he hadn't gotten into specifics, but it looks difficult to meet those landscaping requirements.

Langen said the final violation is setback, and he referred to Section 5.5 on pages 5-9 and 5-10. Langen read Section 5.5. Per Section 5.5.3 (d) 2 the front yard setback is 80 feet from existing right of way. Langen said these are the main violations, and he hasn't looked at the site plan. He noted most of these apply to buildings not vehicles, but he did his best to fit this into our zoning book.

Ewing asked how big the truck is; Langen said it is a typical truck; Ewing asked if it is smaller than a UPS truck; Langen said yes. Burnam said he had pictures; it is a sixteen foot truck. Byrum asked about the paving, Langen said vehicles pull off 84, and there is a gravel area on the side of the house by Underwood Rd., and he asked for vehicles to pull all the way off to the side gravel in the meantime, we don't want people backing out onto 84 which has happened, and Langen received e-mails about the dangerous situation. There is room for maybe two cars in the driveway and three or four on the side. They can get access to pull out on Underwood. Byrum asked if the driveway is paved; Langen said it is not. Burnam said it is paved; there are three spots on the driveway and two spots on the side. Langen said "I was mistaken."

Ormiston asked what the current setback was; Langen said to the house maybe thirty or forty feet. Ormiston asked whether that was from right of way; Langen said yes.

Ormiston asked about landscaping; where does the buffer need to be. Langen said in the front; Ormiston asked where it says that; Langen said on pages 4-6, Section 4.2.7.

Ewing asked if there were trees or shrubs there now; Langen said there might be a couple but didn't think they met the requirements. Section 4.2.2 on page 4-5 requires screening from adjacent residential property. Ormiston asked if there was a dumpster; Langen said no. Byrum asked about the abutting residential property; was it on the back side. Langen

said also across the street. Byrum said that is adjacent but not abutting. Byrum said looking from the front, on the left is a business, behind is residential property, to the right is a street, across the street is a residence, and where is the vehicle? Langen said in front of the house. Byrum said, so the house provides a barrier to the rear property. Langen said it didn't seem to meet the ordinance and without a proper survey it did not appear that all landscaping requirements were met. Byrum said the intent seems to be to screen the use from adjacent properties; Langen said yes and also as aesthetics. There were no other questions for the Zoning Administrator.

Mr. Burnam was now allowed to ask questions and present his evidence. Mr. Burnam thanked Joshua, he said he worked with Justin Krieg and his original plan was to open the Dog House; to retrofit the house and sell ice cream, hot dogs, and pizza. An e-mail December 11, 2007 approached Justin about it; and Burnam said he came in every day for a month and he had an e-mail from Justin Krieg, the former Zoning Administrator. He said you would qualify as a regular restaurant but if some proposed changes to the ordinance take place we might call you a fast food restaurant; one change was to require 36 seats. The definition was included in the e-mail. Mr. Burnam went to Union County, and found it almost impossible to get sewer. They did a perc test, and the issue of how much water they would use came up; Mr. Burnam said how much water would a family of five use compared to; he said he would probably use one third of the water a normal family would use; he tried to go that route. He talked about a CUP, and Justin attached changes to Article 6, and said zoning changes were going on and he would know more after the first of the year. After eight inches they hit rock, and he thought it would not perc. The County said the septic was okay for a family but not for him; Burnam felt it was a double standard. Meanwhile this was taking six months; and he talked to Justin about a truck. Justin said the only problem would be if someone complained. Justin said you are next to someone who has been there five or six years, and you couldn't leave the truck there overnight. Mr. Burnham said he didn't feel the things Mr. Langen brought up applied to him because he is a truck. He talked to the owner of the house, and they measured - it is a little over fifty feet to the house; it was further but a turning lane was added. It is fifty feet from the house to the edge of the road. There is a paved driveway and stones to the right. He told people to go to the right and pull out after Langen told him about the safety complaints. Mr. Burnam said he made a little sign and told people to pull off to the right. He said he talked to Tracey the Mayor, and she said there were complaints and said you have to be careful. Burnam said he came to the office looking for a sign permit and a privilege license; and the list of privilege license codes; the truck says catering on the side; and he was told beforehand it would be alright, so he made it white with black lettering so it was not gaudy; he said he wouldn't have spent \$25,000 and did a lot of the work himself if he hadn't been told it would be okay. He explained this is his livelihood; his wife was laid off. He said he had a flashing temporary sign out there; originally he planned picnic tables on the side and driveway around the perimeter. Mr. Burnam said these things don't apply to a vehicle; he noted Donatos can't put a sign on the road so they parked a vehicle with large writing near the road to get around this, and that was not his intention. He said Justin said he couldn't leave the vehicle parked there, and Mr. Burnam said he doesn't; he does catering at lunchtime, and goes to his commissary daily. He said he wouldn't have spent \$35,000 on something he knew the town wouldn't let him do. Mr. Burnam said regarding landscaping, if you landscaped around the truck and then moved it everyday, it would look foolish. He said he is there

from 4-10 pm daily, and the truck is gone the rest of the time. He said he went through the proper channels for public health; he is a legal truck, and has pictures of illegal trucks in Wesley Chapel going to construction sites; but he doesn't call them in, it is not his business. He said the health inspector wanted to take pictures of his truck to show people this is how to set up a truck. He felt the violations don't apply to him. Setbacks apply to a building, not a vehicle. He said in our privilege license fee listings there is a category of 153 which is a catering truck, but then I got a notice from Joshua for violations, and appealed it. He felt the catering truck category applied to him. Mr. Burnam said the driveway is concrete, and said it is one of the safest spots, there is a turning lane going into his place so you are not obstructing traffic, or if you turn right from Underwood, there is no traffic there. The only problem is when someone turns in from both sides, but there is room there for both. He said the longest thing it takes for him to make is maybe ten minutes, and he tells people to call ahead and he'll have it ready, so it keeps it at a minimum. As far as landscaping, he said he doesn't think that applies to him.

Ewing asked if he had a list of the privilege license codes. Burnam said yes. Byrum asked if anyone knew when the property was re-zoned. Langen said he didn't know. Burnam said he was renting the house from the owner. It was asked if someone could live there; and the answer was yes, someone had lived there until three or four years ago. Byrum asked the name of the owner, it is Vera Ammons. Byrum said it has been there forty years, and we don't know when it was zoned B-1, lets assume its been classified that way ten years, what would be the grandfathering aspects. Langen said the house would be grandfathered. Byrum said so your position is the vehicle he is parking there is different than the house. Langen agreed. Burnam said he just bid a proposal for Optimist Park, and he would really like to do their concessions, and if that happens he won't be there. He said he had lots of pictures of the truck if the Board would like to see. Byrum asked if there was a photo to show the Board. Ghannam asked if he left the truck overnight; Burnam said no, he did, but has to go to the commissary to clean it. Burnam said there is a permitted Christmas tree sales ten feet from the road on Newtown Road, and another is twelve feet from the road near his house. Burnam showed the photos on the display on his camera. Byrum asked why the gravel was put in front of the truck; Burnam said it was so people don't have to stand in mud. Bowler asked what happened to the permit from Union County regarding sewer. Burnam said they put him on the back burner, each time it was a different story. Ewing asked if he got a privilege license. Burnam said no, because when he came to the office he and Josh were not sure how to classify him, and he looked on-line and found the classification. They looked at a picture of the parking area and truck. Ormiston asked do you park on the driveway. Burnam said yes. Ormiston asked is the parking on the side paved. Burnam said no. Ghannam said you have no permit from Wesley Chapel? Burnam said no, because when I went in we weren't sure what to do. Ghannam asked when that was. Burnam said around October 20, and they weren't sure what to classify him as. Ewing asked how long he was doing business. Burnam said he got his license October first, and came here the second week of October. He said he had a flashing sign on, and Josh said you couldn't have it up, so he turned it off. He said he had a tent up, but somebody complained, so he took that down. He said he could move the picnic table; he is trying to work with people and just make a living.

Byrum asked him if he had a witness he would like to present.

Joseph Dalli spoke, he said he had a restaurant for fifteen years, moved down here last August, and opened a pizzeria on Idlewild road. He said Burnam goes by the book, and comes daily to clean it and get water; he got a score of 99 on his truck. Dalli said all these items apply to a building not a truck, he felt it was animosity in the neighborhood from the business next door who doesn't want him there, but he opens up when that gentleman leaves, and the neighborhood is happy he's there. Dalli said he comes over and helps him clean up when he closes his restaurant. Burnam asked if Joshua had any questions, Langen said no. Burnam said those rules apply to a building, not a truck. Burnam said the food is quality, his scores are good, but the health department has come three times and he feels people are calling on him.

Ralph Nappi spoke; he said he built more than five hundred structures in the Union/Mecklenburg area, and never heard of setbacks being used for anything other than structures. He has known Mark Burnam twenty years, and when he came here Burnam established himself as a volunteer, he is an excellent coach, and teaching our youth at the middle and high school. Nappi felt Burnam has gone about this in more than the right way. Regarding landscaping, he said there is landscaping on the lot; you wouldn't want to cut down trees to put in more trees; you could put in more shrubs. Nappi said you have to establish what type of business he really is; he came in numerous times to get a license, but you couldn't establish what type of license that was. There were no questions for Dalli.

Mark Spelane spoke next, he is new to the area from Connecticut, he went through the three violations mentioned, and said there is no way you can associate them with Mr. Burnam. You need to have cold hard facts that warrant them being applied to him to prohibit him from doing business. He said the second thing is we should give individuals the opportunity to fulfill the items, and it doesn't appear that opportunity was given. Spelane said the gentleman next door does not fulfill these items, if he's been grandfathered in, that's fine. There were no questions for Mr. Spelane.

Bowler asked Burnam if he had anything in writing from Justin. Burnam said no, except for the e-mail; originally he was going to use a Lance truck and then he heard about a truck that was half done for \$15-16,000, and he bought that. He said he wouldn't have spent that money if Justin had said you can't do this, it won't fly. He said if I get the WCWAA bid, I will be out of your hair. Byrum asked if the hours are four to ten pm. Burnam said yes, and he doesn't intend to change the hours because he coaches lacrosse in the spring. Byrum asked if the Board agreed to limit his hours to 4-10 pm, would that be okay; Burnam said yes. Byrum asked if he operated on weekends, Burnam said Friday and Saturday I am generally there from 4-11 pm, sometimes I leave at 9 pm.

Langen asked if he would have a chance for a closing statement. Byrum said yes.

Burnam said he started a petition last night, and has one hundred names.

Langen said Mr. Burnam came to him, we assessed the situation, he told him until the hearing was held there would be no enforcement and no penalties against him, so it was basically a stay. He said you could do a formal site plan, which would require a survey, and expense that he didn't feel the applicant needed to be burdened with. Ghannam

asked about the code 153 on the privilege license. Langen said normally you don't issue a privilege license if you are in violation, and didn't want to issue it pending the outcome of this hearing. Ghannam asked before the letter, he was in here three days prior, was there discussion he was in violation. Burnam said the first time Josh came out, he had a complaint and asked me to turn off the flashing sign. Burnam didn't know Justin was gone then. Ormiston said you turned off the sign, and tried to apply for a sign permit? Burnam, said yes, and a privilege license. He said he came in and he and Langen were trying to figure out how to classify him, and the violation letter came a few days later. Langen said yes, the first violation was the sign, and a complaint from the finance officer. Burnam came to his office with several questions, and they discussed the situation, and Langen had to look into it further. After reading the Ordinance, Langen issued the letter and Burnam called him within an hour. He told him of the appeal option that would stay any action, and that was what Burnam wanted to do.

Ghannam asked what Justin's last notes on the file were. Langen said he couldn't find any e-mails on the computer, he called Justin twice. Justin said he told the applicant an option would be to use a mobile catering truck. Justin said there was nothing in writing. Byrum said the only complaint I've seen so far is the finance officer, but are there others. Langen said there was an e-mail complaint from the neighboring gas station who said he thought he was operating illegally. Langen read another anonymous e-mail complaint regarding someone backing out and almost hitting the writer, and thought it was dangerous.

Dalli said I own Dalli Pizzeria, and it cost \$15,000 to bring it up to code; if I made a call regarding a gas station, would it be shut down; he has no hoods over his stoves and there's a safety issue there. Byrum said we haven't had a complaint on him.

Ewing asked about the process for permits. Langen said you apply for a zoning permit, then he would apply for a foundation permit if a foundation was being poured, and then a zoning compliance permit; Union County will not issue a C.O. without our certificate. Ewing asked where the privilege license comes in. Langen said it is separate from zoning, and you would not generally issue a privilege license if he is in zoning violation. He is not being cited for operating without a privilege license. Byrum asked if there was any other evidence. There was not.

For closing arguments, Burnam agreed for Langen to speak first.

Langen said first he was in no way infringing on the applicant's rights, he felt he was helping the applicant by not imposing financial burdens on him; he has not been penalized or fined. Second regarding specifics, landscaping, it may be needed, he did a windshield survey, a survey should be submitted, but he didn't think it was the biggest issue. Next parking; it is difficult to meet the definitions, he has three employees, and each would need a parking space, although he might say they are on the truck. The truck should be on pavement. There may be a driveway, but the truck is not on pavement. Also, the ordinance says one space for every three seats, but he doesn't really provide seats, not counting the picnic table; however these carryout customers do have to wait; he doesn't need a loading zone because he is less than 10,000 square feet; but there is a need for parking. If you were to park the truck on the driveway, Langen said he didn't know if

that would satisfy the employee parking or not. Even if he provides one space it has to be striped, there are turning radii; Langen was not convinced these could be met. Third, regarding setbacks, Langen said when you look at B-1 and it says all other uses, then it needs to be eighty feet. This use doesn't require a building; it could be a playground for children, a golf range, and all other uses would be eighty feet. In closing, Langen said, there are other administrative remedies, and he was not sure he had made them clear to the applicant; another option is to apply for a variance, or apply for a text amendment change to the ordinance, it would be nice if we had catering truck in the ordinance.

Mark Burnam's closing argument was heard next. Mr. Burnam said Josh has helped me out all along, he feels the couple of complaints are the issue. The ordinance doesn't apply to a truck; it is a double edged sword, the other thing the way it is grandfathered the house isn't fifty feet back from the road. He said we are trying to fit a square peg in a round hole and wants to work with the town.

Byrum asked Langen why it has to be parked on paved ground. Langen said the ordinance said it must be on pavement.

Byrum said the evidentiary portion of the hearing is closed; now deliberations begin. A short break was held.

The deliberations began. Bowler asked whether the business is operated in a movable vehicle or a permanent structure, does it make a difference. Byrum said we have our definitions of restaurant; the privilege license has a catering truck. Bowler said being classified as a business, is a structure relevant? Byrum said plumbers etc. operate out of a truck, my opinion is you can have a mobile basis. You don't want to encourage a taco truck on every corner; it would cheat the village out of license fees, and is not necessarily a desired result. The ordinance is skewered toward a building or a structure at this time, although as a Board of Adjustment you have the right to modify or interpret, in other words if its not there or not clear, we have to make up our mind how to apply it. The other thing is we know this is zoned B-1, so we know it's a business property, but we don't know how long, it may have been zoned that way before we had these ordinances.

Bowler said it's zoned for a business, but you can't operate a business there, because the county won't offer sewer, and it won't perc. Byrum said what he understood the evidence to be was you can have a residence but not a business because the sewer requirements are different; so now can I operate a mobile unit in front of the house because the facilities are different with no restrooms. Bowler asked with the commercial structures put up in the Village, have you thought of going to those; Burnam replied he inquired but the rent is \$30-35 per square foot and he has exhausted his money. Bowler asked how long he had his truck; he said since September 20.

Ormiston asked if we should address the violations individually. Ormiston said regarding landscaping, she heard conflicting testimony from Josh that he was in violation, and he was not in violation; and she felt that violation should not stand. Ormiston said regarding violation one of the paved driveways, it says all parking areas including driveways for access to public roads should be paved. Ormiston said he has a driveway to the house which connects to the gravel and a gravel parking area, and if we were to propose that it be paved, would that be something the applicant would be willing to do. Burnam said he talked to the owner, and she didn't say yes or no.

Ewing asked if anyone lives in the house; Burnam said no. Ormiston said the third violation, on setbacks, she had a problem that it is zoned B-1 and with a turning lane added the house is not eighty feet back; she guessed the property is zoned, not the house. Bowler said the house was built in 1950. Ormiston asked the depth of the entire property; Ewing said the entire property is 3.93 acres.

Byrum said the problem with parking is it was zoned B-1 at some point in time, and there were no requirements for setback, and now you apply the setbacks, they would have to tear down the house which seems like an extraordinary remedy to impose on someone. Since we don't know when it was zoned B-1, maybe there could be some modification of the parking requirements, such as limit it to five minutes.

Ormiston said the definitions refer to off-street parking and loading, further in Article 5 it says to refer to Article 9. To her it seemed like they should look at options or alternatives. She asked the applicant if he doesn't get the Optimist Club, do you intend to stay. Burnam said that is the question of the year, there are hardly any other spots, there are no setbacks on the plat map, and he said he didn't know.

Ghannam asked if we could issue a special use permit on a temporary basis. Byrum said we don't have the power to amend the ordinance, we are not in the business of issuing special use permits, and we can't consider a variance at this time. We can modify the Zoning Administrator's ruling and might make complainants happier with some changes.

Attorney George Sistrunk said we can't legislate changes in the zoning ordinance, but you can make reasonable modifications to the zoning administrator's decision.

Byrum said the landscaping is not an issue, nor is the setback a big issue as it is an extraordinary requirement; he was most concerned with parking. Byrum advocated it be drive through and no backing out on the highway, clearly designated and marked as one way. Bowler asked have you ever been to the stop sign on Underwood and tried to get out. She said Wesley Chapel needs what he is providing, but she is not sure of the location; he will prosper and grow, but what will the increased traffic do. If it backs up even two car lengths, it will back up on Underwood. Byrum said we can limit the hours, which should help, to 4-10 pm. Bowler said I've sat there at 6 pm, when there is congestion; and you can't see the traffic coming down Highway 84. She said it is well needed, but thinks parking will be an issue, you can do everything you can to try to regulate it, but people will go what direction they want to do. Ormiston said we should try asking the owner if it can be paved; one way signs will help with the flow. If it grows, we may see parking in the backyard. Byrum said we can put limitations on, and if there are complaints the Zoning Administrator will investigate.

Ewing said it seems that permits are not in order. Ormiston said he just needs a privilege license, right? Langen said he needs a zoning permit and zoning compliance. Bowler asked how this would keep the door open for every other truck coming into Wesley Chapel. Byrum said prudence would suggest dealing with this situation in the context in which it is presented as opposed to approving a variance for a mobile truck, the other trucks will come in.

Ormiston said there are three violations, parking, setback and landscaping, yet he needs a zoning permit, but there is no violation for no zoning permit. Langen said you don't issue violations for not having a zoning permit, well, you would issue a use violation. Ormiston said a zoning permit is for a building structure, is it not? Langen said it is for a use, including a playground or golf course. Ormiston said so that is not our business that he doesn't have a zoning permit. Byrum agreed. Burnam said there are eleven trucks in

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the area, and only two are legal. Ewing said the letter also says the privilege license, sign permit and zoning permit were not applied for.

Byrum said what we will do is a nugatory act, meaning an act that is meaningless. In other words, if we overrule the Zoning Administrator, and say he can operate his business, he cannot operate his business. He can start trying to get zoning permits that will not be issued, and he can start to get other things that he cannot get and will not be issued to him; and if we rule in his favor that he can operate his business he still has to go through the same things and permits he cannot get. No matter which way we vote, it is a meaningless decision. So we need to vote and allow this man to petition for a variance.

Langen said if the Board overrules my decision, and the applicant applies for a zoning permit, and I do not sign it, then he can appeal again. Byrum said if he goes for a variance that would be his best opportunity.

Ormiston made a motion to overrule the Zoning Administrator's decision on these violations. Bowler seconded the motion. The vote was four yes, and one nay (Ewing).

Byrum asked Attorney Sistrunk to draw up a decision letter that no competent evidence was found that landscaping is necessary, the testimony from the Zoning Administrator was that he was not convinced it was needed; also a finding of fact that the setback rule should not apply in this case due to the fact, among other things that it is zoned B-1 and we do not know when the B-1 zoning took place, and we do not know if the current zoning ordinance regulations would have applied to that property at the time it was zoned B-1, that it would be an interpretation of the board that the setback regulation would not apply in this case because there was already an existing structure on the property and is still sitting there today and it appears from the evidence further that that structure has been there approximately fifty-seven years. Also please include a finding of fact that in regards to off-street parking and loading, that competent evidence shows the area is used more for drive-through than for actual parking area, that the driveway is paved, that the applicant has instructed his patrons to use that as one way traffic through there, that the traffic exiting onto Underwood Road avoids traffic on Weddington-Monroe Road, again we don't know when it was zoned B-1 and we don't know what parking limitations were in place at that time. Bowler asked if we want to review this in a year's time. Byrum suggested Sistrunk add or change any findings of fact as needed to support the majority decision. Bowler asked if he will go after the permits in a timely manner. Byrum said he still is not a legal business and didn't remember if the Zoning Administrator made any representation about that. Langen said he can submit any application he wants, and will stay any enforcement pending application. Byrum told the applicant he will receive a written decision in a couple of weeks, but the Zoning Administrator can cite you for not having permits, etc., or you can come back to the board and request a variance.

Bowler made a motion to adjourn; Ewing seconded the motion.

The motion passed unanimously.

The meeting was adjourned at approximately 10:10 pm.

Attached: Decision Letter dated February 23, 2009.

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Respectfully submitted,

Cheryl Bennett, Village Clerk

Henry C. Byrum, Chairman