

November 19, 2009

**Butte-Silver Bow
Zoning Board of Adjustment**

Members Present: Todd Collins, John Habeger, Dave Wing, Charlene Andersen, Tom Daniel and Franki Weitzel

Absent: Robbie Taylor

Staff: Jon Sesso, Planning Director
Stephen D. Hess, Assistant Planning Director
Lori Casey, Senior Planner
Carol Laird, Secretary

M I N U T E S

- I. The meeting was called to order at 5:38 P.M.
- II. The Minutes of the meeting of October 15, 2009, were approved and passed.
- III. Hearing of Cases, Appeals and Reports:

The legal ad was published in the Montana Standard on November 12, 2009.

Mr. Collins stated the procedures that pertained to the meeting and said the following cases listed on the attached Agenda would be heard that evening.

Use Variance Application #12967 – Claude Oulman of 701 West Broadway was present at this meeting.

Mrs. Casey summarized the staff analysis, which is attached and made a part of these Minutes, during the viewing of the presentation.

Mr. Habeger said Mrs. Casey had said something about parking and he asked if that wasn't an issue in this instance. Mrs. Casey said the staff didn't consider it to be a significant impact because you would have just as many cars potentially, if it was leased as an apartment unit.

Mr. Collins asked if Mr. Oulman had anything to add and he replied that he thanked them for the presentation. He said there was a small correction – the building was a three-plex and not a duplex. He said he didn't think that was significant but it was referred to several times as a duplex.

Mr. Oulman further said that he would request that – the hours of operation were down there as Monday through Friday and a beauty salon usually does business on a Saturday. Mr. Sesso said the condition actually said every day. Mr. Oulman said his daughter thought it said Monday through Friday. He said he doubted pretty much that his daughter would want to work on Sunday but would work on Saturday. He then asked for the Board's approval. Mr. Sesso asked Mr. Oulman if they planned to be open on Sunday and he said no. Mr. Sesso said they could make that Saturday – Monday through Saturday. Mr. Oulman said that would be fine and he couldn't imagine that it would be a problem. Mr. Sesso said to change condition four to Monday through Saturday.

No one spoke in favor of or against the application.

Mr. Collins then closed the public hearing.

The Board members then discussed the hours of operation from Monday through Sunday and didn't see a problem with it, so they left condition four as is.

Mr. Daniel moved to approve Use Variance Application #12967 with Mr. Wing seconding the motion with the following conditions:

1. The property described by this use variance application is approved for a two-chair beauty salon. At no time will another business be allowed to be located on-site without further review and approval from the Zoning Board of Adjustment. The two-chair beauty salon is limited to the first floor.
2. The applicant will be required to bring the building up to commercial Building Code standards and State of Montana requirements in regards to beauty salons. Prior to receiving a business license, the applicant must receive approval from the Building Department and the State of Montana.
3. Prior to receiving a sign permit, the applicant shall submit to the Planning Office for review and approval, a detailed sign plan and drawings that are reasonable for the proposed use. At a minimum all proposed signs shall be non-illuminated.

4. The applicant will be limited to the following hours of operation; 8:00 a.m. to 7:00 p.m., Monday-Sunday.
5. Any garbage container(s) must be screened from view and covered.

At this point the Board voted on the application.

Use Variance Application #12967 – Conditionally Approved

Charlene Andersen	For	Dave Wing	For
John Habeger	For	Tom Daniel	For
Franki Weitzel	For	Todd Collins	For

Charlene Andersen, Dave Wing, John Habeger, Tom Daniel and Franki Weitzel voted “For” the motion to approve the application.

Todd Collins voted “For” the motion to approve the application – “Looks like a good business for the area”.

Revocation Hearing for Use Variance Application #12889 – Duane Gray of 1955 Florida was present at this meeting.

Mr. Hess summarized the staff report, which is attached and made a part of these Minutes, during the viewing of the presentation.

Mr. Hess added that at this point in time, normally they provide people with sometimes up to six months or a year to get all of their stuff done. He said there was a lot of work to be done on this building and he thought the big concern with the Planning Department, the neighbors and the Board was that he would go in there and operate before that building was brought up to Code and especially, without electricity, the problems the neighbors brought up would continue. Mr. Hess said they put the thirty day limit on getting the electrical in there.

Mr. Hess said he talked with Mr. Gray just before the meeting and his feeling was that he didn’t think they wanted to treat Mr. Gray unfairly and not provide him with the same time frame that they provided to most people, which was six months to a year to get the water and sewer in but at the same time, they wanted to make sure that he wasn’t operating his business out of there and causing problems for the neighborhood. He didn’t know what to make of the neighbors not being there that evening because they did advertise it and they did put signs down there. He said he didn’t know if that meant they were happy with what was going on or if they gave up on us or what, he wasn’t really sure. Mr. Hess said it was going to be a little bit more difficult for the Board to make a decision as to

what to do that night without input from the neighbors but he guessed – he would like to hear what Mr. Gray had to say in regards to a time line. He said the water probably wouldn't get in this winter and for sure sewer wasn't going to get in. He said Mr. Gray could probably get the electrical done fairly quickly, if he had the means to do that, so he guessed he would like to hear if he had an extended time line. Mr. Hess said he understood the idea behind the thirty days but at the same time, if he wasn't in there working, then the thirty days – he felt they could maybe give a little bit on that but he thought the Board needed some assurance that he wasn't going to be in there doing work and using generators through the course of the winter.

Mr. Hess said if Mr. Gray wanted to use the building as it is, he would say they would have to recommend revocation but if he was willing to wait and do what a lot of people do and not use the building until it was brought up to Code, then maybe they could provide him with some more time to finish what was a considerable and pretty expensive amount of work. He again said he thought they needed to hear from Mr. Gray as to what he thought was a fair time line. Mr. Hess said that would be the staff's recommendation. He said if Mr. Gray wanted to use the building, it was not going to happen with the condition of the building and if he wasn't agreeable to that, they should move forward with revocation and if he agreed to not use the building and finish the improvements by spring or early summer, then they should provide him with another chance.

Mr. Collins said if Mr. Gray decided that he wanted to continue this and was given an electrical permit and he had a licensed electrical contractor finish the project, was the Electrical Inspector going to approve what had been done without the qualified person doing the work? Mr. Hess said no, he thought they would be checking to make sure it was done correctly. Mrs. Laird said what usually happened when they hired an electrical contractor to come in was he would go through and check it all out and make sure it was up to Code and he would change anything that wasn't before Pat (Best), the Electrical Inspector, would be out there inspecting it. Mr. Hess said in this case, the service was there and the electrician would check to make sure everything was copasetic with it and if there was anything wrong with it, he would have to change it. Mr. Hess said he didn't think the electrician would sign off or work on anything that wasn't up to Code, so to answer the question, they would not sign off on it unless the electrician was comfortable with it and believed it was up to Code.

Mr. Collins asked if Mr. Gray had anything to add and Mr. Gray replied that he appreciated their audience that day. He said it was a blessing to be able to have this chance to bring things out in the open.

Mr. Gray said since the first meeting and all of the attention this building had drawn, it really had brought things to light for him and he had been pretty compassionate towards the neighbors and their feelings that they had brought forth at that time. He said he had made quite a bit of changes to accommodate the neighbors and so far things had been going pretty well.

Mr. Habeger then asked Mr. Gray to list some of the things that had happened since the variance meeting. Mr. Gray said one of the issues was the concern about vagrants being on the property and a camper. He said he talked with the Butte-Silver Bow Law Enforcement Agency and it was removed and he said he had been quite a bit more alert to vagrancy and was pretty happy that they still hadn't had any vandalism and no tools had been stolen or anything.

Mr. Gray said the other issue was the generator/welder and he totally removed that from the site, so that had not been used in the last two months. He had concerns about whether that was an actual issue or not but just to make sure, it hasn't been on the site at all. He said when he or his crew goes there, they just grab their things and go to their job sites and when they were there during the day, they were actually working on the building and doing their thing. He said they maintain a respectful business.

Mr. Gray said the other issue was the hedge on the north side and that was just a matter of it taking a couple of seasons for the hedge work coming to maturity.

Mr. Habeger then asked about the roof. Mr. Collins asked if he had done anything with the roof. Mr. Gray said that as far as getting it structurally sound, he had that part done and he had it sealed in and was just kind of waiting on the finish work – inside with the electrical and stuff. He said not having electricity in the shop had been a hindrance but he had been biting the bullet so far and taking the sacrifice and doing the work they could with hand tools and such.

Mr. Gray said he was pretty much at the point where he pretty much wanted electrical service lickety-split because of the burden it had been putting on him. Mr. Habeger asked him what his plan was to have the electrical service for the future. Mr. Gray replied that he planned to install a contractor's service, so that way he could proceed with construction on the building and that was when they got into a dilemma with zoning. He said to him it was kind of like putting a cart in front of the horse kind of thing, which was kind of a little bit beyond his realm, so there had been no communication of what the expectation was or anything firmly conveyed to the electrical contractor but mostly his vision was the contractor's utility

and to continue with the building and then when – he had been kicking around the sewer system as to whether he wanted to install a bathroom inside of the building and sacrifice the square floor space or do an addition and then wire and plumb after the addition was built, which was kind of what he was leaning towards instead of giving up floor space.

Mr. Gray said he thought everything was actually going pretty good.

Mr. Wing said to return to the roof, since Mr. Gray didn't directly answer that question. He drove by and it looked like he had done some work on the roof and he didn't know if that was correct or not and asked if Mr. Gray had done work on the roof. Mr. Gray said that he hadn't in the last two months and it had kind of been on hold. He said at this point they were just doing it – leveling, he guessed they would call it, they got a jack and braced the truss and then it would be ready for either some steel or whatever they decided on that. They would like steel – an industrial shingle you wouldn't have as much repair costs.

Mr. Sesso asked Mr. Gray if he understood all of the conditions of approval that were made by the Board when he got his opportunity in September and Mr. Gray said yes. Mr. Sesso then asked him if he understood that condition number five required a sanitary sewer hook-up and a bathroom be installed – did he understand that that was not an option. Mr. Gray said yes. Mr. Sesso said Mr. Gray seemed to indicate in his testimony that he was contemplating not putting one in to save floor space. Mr. Gray said no, to correct that, his dilemma was to have an indoor bathroom where the shop space was or to add an addition.

Mr. Sesso said when Mr. Gray had spoken of the work that had been occurring, this was all in regards to preparing the building to do business. He asked Mr. Gray if he was presently operating the business or doing any customer work at this time. Mr. Gray said no. Mr. Collins said a follow-up to Mr. Sesso's question – did he keep his tools in there? Mr. Gray said yes, they kept a host of carpentry tools. Mr. Collins asked if he went there every day to get his tools and took them back and if he had some little thing that he had to do, then he would do it, was that correct? Mr. Gray said correct. Mr. Collins said what he thought Mr. Sesso was trying to get at was he was in violation of the whole application process and the decision the Board afforded him and in the beginning Mr. Gray was going to take care of these things and the Board trusted him with that and to tell the truth, none of it had been done except maybe the little bit of electrical that got done and he had a hard time sitting there listening to it because nothing had been done. He said the Board got this time and time again and it kind of made him angry. He said they were a volunteer group there and they put in their time to help people like Mr. Gray who wanted to do business and do different things and they afforded him all the

opportunities that they could and it was like he didn't understand what they were trying to get at. He thought that kind of what Mr. Sesso was trying to bring across – that Mr. Gray was really in violation and that was why they were there because it was like he came to the meeting and said yes, he would do it and then he kind of brushed everything off and it was like passive resistance and then if the Board said okay go ahead Mr. Gray, you have another month and then another month goes by and he wouldn't do anything either, so he was very concerned and he wanted Mr. Gray to know that.

Mr. Sesso said he would assume that a feasible next question might be, although it might be contrary to the position the Board might take, was that he didn't hear from Mr. Hess or Mr. Gray about the schedule. He said it was one thing to grant an extension but it was fruitless unless there was a firm commitment. He said he was a little bit at a loss because he didn't hear the testimony in September and he didn't know the level of commitment that was made but it did appear that there was an operational issue that if for certain intents and purposes, the applicant was trying to operate out of his building and that was a clear violation. He said all conditions had to be met before any occupation or particularly, paying customers were attended to. Mr. Sesso said Mr. Gray testified that they were not and that all business there was associated with doing the building but it wasn't convincing to him that here we were sixty days later and there was still some contemplation on where the bathroom was going to go. He said we were just about out of weather relative to the installation of a bathroom, particularly, if it was going to be an addition, which meant – he didn't see a reasonable time frame within which the applicant was prepared to commit but he guessed it was appropriate to ask that question for the Board's deliberation before they took action on the revocation and with that, he would ask the applicant, what his plan was. He said Mr. Gray had come to the Board to appeal for more time and he asked what that meant to Mr. Gray and asked what Mr. Gray was prepared to commit to at this time relative to completing all of the conditions of approval. Mr. Gray said he would commit to the conditions of the terms of the variance. He said as far as time span, he would like to give something definite but to him this was a pretty monumental task. He didn't think the average person could actually achieve it. He said with his abilities he knew it was within hand – he just knew that progress was being held up right now due to a lack of communication between the Zoning Board and himself. He said he was willing to put forth some extra effort and keep things moving in a positive direction.

Mr. Daniel asked Mr. Gray what the lack of communication was. Mr. Gray replied for example, on the electrical utility requirement, Mr. Harrington led him to believe that he could get that service going and so he got started on it and then when he went to receive the permit, all of a sudden he

changed his tone to the owner of the property had to come and get the permit. He said okay, fine whatever. Mr. Gray said then Mr. Heppler went to acquire the permit and he got turned away because Mr. Harrington changed his tone again and at that time it was like a licensed contractor and he said okay, great, fine, needed a licensed contractor. Mr. Gray said the first licensed contractor was turned away. He sent another contractor up there and he got turned away, so the whole time Mr. Harrington and the Electrical Inspector had something in their mind of what they wanted but it hadn't been conveyed to him. He said it cost a lot of time and he didn't begrudge anybody of anything but he was just saying they didn't really have established communication.

Mr. Collins then asked Mrs. Laird when the electrical permit was drawn for this project. Mrs. Laird asked if he meant when they came up and talked to us and Mr. Collins asked when the permit was actually issued. Mrs. Laird said an electrical permit had never been issued. She said a roofing permit was issued after the meeting when the Building Inspector was informed that one of the persons in the audience was asking if he had one, so John (Harrington) went down there and Mr. Gray came up and bought the roofing permit at that time. She said when Mr. Gray came up to start with to try and get the electrical permit, Mr. Harrington informed her that he told Duane (Gray) that it had to be a licensed electrical contractor to do the work and to purchase the permit. She said we never heard back until some time during the last week when an actual licensed contractor came up to talk to John (Harrington) about what the situation was. Mr. Collins asked if this was standard procedure and she said correct. Mrs. Laird said anything other than a homeowner residential electrical work has to be done by a licensed electrician and he has to purchase the permit. Mr. Collins said Mr. Harrington conveyed this to Mr. Gray to the best of her knowledge and she said correct and that was what he told her.

Mr. Collins said they had great faith in the people who worked for the County and they do their jobs well and they do them every day and Mr. Gray's excuse for the electrical really didn't hold water with him. Mr. Collins said he guessed they get back -- Mrs. Laird said that Mr. Heppler and Mr. Gray may have been confused by the part where when John (Harrington), was explaining, he always told people that only an owner can do their own work on their own residence and that might be where there was a little bit of mix-up was something she thought of with the owner comment Mr. Gray made. Mr. Collins said but the owner wouldn't be allowed to do that on commercial buildings. Mrs. Laird said that was correct and that may be a little mix-up there and she knew John (Harrington) explained the whole rules for who can and who can't do work for electrical and plumbing, so that could possibly be part of it.

Mr. Hess said he had to disagree with Mr. Gray. He said they discussed with him quite a while ago that all of the work had to be done by a licensed electrician because it was a commercial building and to say that there was a miscommunication – there may have been coming out of the meeting but he didn't believe there was afterwards. He said he thought John Harrington and himself were pretty clear that this building had to be wired by an electrician. Mr. Gray said towards the end they did establish that yes and they did come to an understanding but it cost quite a bit of time. Mr. Collins said he came to an understanding but the problem was that Mr. Harrington didn't make mistakes like that and when Mr. Gray left that meeting, he assumed Mr. Gray knew what had to be done because he had explained it a million times to a million different people, so the problem was that was totally inadequate and he had missed his time line on the electrical. He said Mr. Gray still didn't have an electrical contractor and he didn't know if he had a time line in his head about when that would happen. Mr. Collins then asked Mr. Gray if he did and he replied that he had two electrical contractors who were willing to bring that to Code at any time that they could secure an electrical permit.

Mr. Collins then said an even bigger issue for him was the sanitary service and the proper water service, which was in the conditions that the Board set forth. He said Mr. Sesso just went through that and he asked Mr. Gray what his time line was on that and what he was looking at. Mr. Collins asked Mr. Gray if he was able financially to have that work done by licensed people. Mr. Collins said he couldn't go out in the street with a shovel and do it himself and it had to be done. He asked if that was something that was going to be financially feasible for him within the next – Mr. Gray said currently, he had been kind of investigating a few routes to take on that. Mr. Gray said as far as his understanding went, he would get that asphalt bond, dig the ditch and route the sewer and fill it back in and asphalt back over the patch hole. Mr. Gray said he had been kind of a little hesitant on putting the finances towards that out of pocket and he hadn't really secured any written instrument to secure his investment and his asset since as they know, he doesn't own the property. He said it would cost a little time – was getting some positive feedback on some investment money and he knew a lot of people who talked the good talk or whatever. He said he had pretty much been pursuing that and so was carrying the full burden. For the sewer he would like to say as soon as they broke ground in March and Mr. Collins asked about the potable water as well. Mr. Gray said he was a little hesitant on that because there was no forced air furnace in the shop and so there was nothing to keep it warm, so it would be senseless at this point to install water.

Mrs. Andersen asked if Mr. Gray had contacted any contractors as far as the cost of having the water and sewer – had he gotten any bids from anyone to see what it might cost him to see if it was feasible for him and

then part two of this, Mr. Gray said he didn't want to invest that money until he owned the building – what was his time line for being able to purchase the building? Mr. Gray said that was kind of one of the areas, the ownership issue. He said like the people who came at the first meeting, Mr. Heppler did considerable mouth work and he had been talking to him quite a bit about his work putting floors and stuff and whatever. He said Mr. Heppler stood pretty heavy on – Mrs. Andersen asked Mr. Gray if he was purchasing the building currently on contract for deed or was he just renting it and Mr. Gray said just renting.

Mr. Hess said to Mr. Gray that the issue here from his perspective and he thought the Board's perspective was by the use variance, Mr. Gray really wasn't supposed to use the building for anything, not even storage of tools or anything until he had the work done. Mr. Hess said his question was if he lived by those rules, he wouldn't be able to use that building until spring or summer and at the same time he would have to invest a lot of money into it.

Mr. Hess said his question was whether there was another location in Butte that he could move into. Mr. Hess said what they were looking for was they thought he should find another location. He said by this use variance, he couldn't use the building until it was done and he would have to invest a whole bunch of money into it. He said there were vacant buildings all over Butte in the correct zones and he asked whether Mr. Gray wouldn't be better off cutting and running and finding a building that he could move into and use right away. Mr. Hess said that was his question. He said they were talking a lot of time and a lot of money and if Mr. Gray lived by the conditions of the use variance, he wasn't supposed to be using it at all and so, he guessed he wasn't sure – he thought Mr. Gray could find a place to move into and start using right away and probably not have to invest any money into it. It might cost more in rent.

Mr. Habeger said to Mr. Gray that was why they were there that night was because without him providing the Board with any firm commitments of capital investment or firm deadlines – to say he had two bids in front of him from a sewer contractor and one he could afford and the other he couldn't but the one he could afford, he could get done at this date. He said that was what the Board needed to hear. He said the Board could grant him an extension that night but they weren't hearing that from him that he was going to get anything done by any length of time and he was leery about investing that into the property at this point, so Mr. Habeger didn't see where any of the Board members could not revoke this variance, so without any firm commitments or papers that said he was going to do this and that he would have it done by this time and that he would guarantee them that by this date, this would be done and that he couldn't get something else done because the ground would be frozen

until this date. Mr. Habeger said then the Board could listen to that. He said with the vagueness and the generalities, he said they just weren't there. Mr. Habeger said he thought Mr. Hess had some good advice and that maybe he should try to find another place. He was just a start up capital person and the Board didn't want to take anything away from that but he hated to see Mr. Gray sink a ton of money into this place and still not have what he was looking for to run his other business with whether it be welding or general contracting and that was kind of what the Board needed to hear from Mr. Gray.

Mr. Wing said he honestly thought the Board would be doing a favor to revoke the use variance. He said he didn't understand the business plan Mr. Gray had there to buy an expensive piece of property from Joel Heppler and then over a period of time try and improve it. He said it didn't make any sense to him, absolutely none at all. He understood it was Mr. Gray's decision but he didn't understand the thinking behind it.

Mr. Collins said the last thing the Board wanted to do was make things hard for Mr. Gray but there had seen absolutely, he couldn't say absolutely, but almost nothing on Mr. Gray's part as far as compliance, so Mr. Collins couldn't with a clear conscience after the initial meeting with the neighbors and their concerns and his own concerns, especially the condition of the building already, he couldn't with a clear conscience let him continue this. He said it was almost crazy to think that you could actually fix that up and make it a viable business and pay rent and keep food on his own table at the same time. It didn't seem like it was feasible to him.

Mr. Gray said the only thing he could commit to was if he could get an electrical permit on a contractor's utility – March 30th on the sewer and full Code electrical utility. Mr. Collins said to Mr. Gray that he needed to understand that it wasn't just the sewer line and that you didn't just bring the pipe in and stub it up into the building. He said you have to have a working ADA approved bathroom. Mr. Collins said that isn't something you just do and it would cost a lot of money and it had to be in the building before he could use the building. He asked if Mr. Gray understood that from now until March 30th, if the Board extended this, legally he couldn't use that building for his business until it had the improvements and he asked Mr. Gray if he understood that and Mr. Gray said he understood that.

Mr. Sesso wanted to point out for the record, so there was no confusion, that it was a requirement of this government to have a bonded contractor open up the street and only bonded contractors could do that and it was a sizeable bond for each of them who have the authority to open up the street and then install a new sewer line. He said he wanted to say that for

Mr. Gray's benefit. He said that was not something he could consider doing on his own because he did not have the wherewithal to bond, so at the very least he needed to, as was pointed out, get a bid from a licensed bonded contractor to open up the street and we hold that contractor responsible for filling in the street and making the connection to the sewer line in a Code approved manner and then repaving. Mr. Sesso said he just wanted to state that for the record even though it was somewhat redundant. He said the large sewer connections were not something Mr. Gray would be able to do on his own at any time in the process and he asked if Mr. Gray understood that and then asked if at least until, based on what he told him – Mr. Gray said right and asked if Mr. Sesso was saying that – Mr. Sesso said Mr. Gray had indicated that he wanted this time frame and wanted to open up the street and the paving and he wasn't clear if Mr. Gray understood that it was a contractor operated item on his behalf and that Mr. Gray would get a bid from a contractor and he agreed to do it and he was the one that came up and attested and bonded for the opening of the street and asked if Mr. Gray understood that process and Mr. Gray said yep and Mr. Sesso said okay.

Mr. Sesso said he would recommend that they would proceed with the revocation and if Mr. Heppler and Mr. Gray upgraded the building and then came back, if they wanted to proceed with their variance, they could reapply at the time when the building was ready for business. He said there did not seem to be any resistance to the notion in that existing building that it would and could support a welding shop with the conditions as approved but the building simply had to be upgraded and rather than coming up with a time that may or may not be satisfactory to Mr. Gray, they should just revoke the thing for now and he could go about his business to try and bring it up to Code and when he did that, he could come back and reapply for the variance. Mr. Wing said he totally concurred with what Mr. Sesso said and that it made total sense to him.

No one spoke in favor of or against the revocation of the application.

Mr. Collins then closed the public hearing.

Mr. Collins said he thought Mr. Sesso brought up a very good point. He saw this going nowhere fast and if it did, the applicant and owner could always come back to the Board. He thought they would be thrilled and sympathetic, if they wanted to reapply. Mr. Habeger added and to show the Board some progress.

Mr. Wing moved to revoke Use Variance Application #12889 and Mr. Habeger seconded the motion. (If they voted for the motion, it would be for revocation of the use variance).

At this point the Board voted on the application.

Revocation Hearing Use Variance Application #12889 – Approved
Revocation

Charlene Andersen	For	Dave Wing	For
John Habeger	For	Tom Daniel	For
Franki Weitzel	For	Todd Collins	For

Charlene Andersen, Dave Wing, John Habeger, Tom Daniel and Franki Weitzel voted “For Revocation” of the application.

Todd Collins voted “For Revocation” of the application – “Lots of noncompliance”.

Mr. Collins said the application had been revoked and he said the Board regrettably revoked this but they saw this absolutely going nowhere, at least he did. He said he would hope that if Mr. Gray was serious about his plans, that he would get with the owner and hire the right contractors to do the job for him and keep the conditions in mind and make the conditions right and come back to the Board and maybe they could actually make this work for him. Mr. Gray said okay and thanked them.

- IV. A motion was made to adjourn. Seconded and passed. The meeting adjourned at 6:50 P.M.

By: _____
Todd Collins, Chairman

Stephen D. Hess, Assistant Planning Director

