

BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS

TUESDAY, SEPTEMBER 13, 2016

City Commission Room

151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, September 13, 2016. Chairman Charles Lillie convened the meeting at 7:32 p.m.

Present: Chairman Charles Lillie; Board Members Kevin Hart, Randolph Judd, Peter Lyon, Erik Morganroth; Alternate Board Members Jason Canvasser, Cynthia Grove

Absent: Board Members Jeffery Jones, John Miller

Administration: Bruce Johnson, Building Official
Carole Salutes, Recording Secretary
Scott Worthington, Assistant Building Official

The chairman welcomed everyone and explained the BZA procedure to the audience. Additionally, he noted that the members of the Zoning Board are appointed by the City Commission and are volunteers. They sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. There are no land use variances called for this evening. Also, appeals are heard by the board as far as interpretations or rulings. Four affirmative votes are required to reverse an interpretation or ruling. There are no interpretations on this evening's agenda.

T# 09-66-16

APPROVAL OF THE MINUTES OF THE BZA MEETING OF AUGUST 9, 2016

Motion by Mr. Morganroth

Seconded by Mr. Lyon to approve the Minutes of the BZA meeting of August 9, 2016 as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: Morganroth, Lyon, Canvasser, Grove, Hart, Judd, Lillie

Nays: None

Absent: Jones, Miller

Mr. Canvasser clarified what he meant to say in the last paragraph of his motion:

Page 10 - He does not think the "petitioner," rather than the "board" has many mitigating circumstances or a substantial showing . . ."

T# 09-67-16

**410 E. SOUTHLAWN
(Appeal 16-19)**

The owners of the property known as 410 E. Southlawn request the following variances to build a new house.

A. Chapter 126, Article 4, Section 4.74 C. of the Zoning Ordinance requires a minimum of 14.0 ft. between principal structures. The proposed house will be 11.33 ft. from the adjacent principal structure, which will cause a variance of 2.67 ft. on the east side of the property line.

B. Chapter 126, Article 4, Section 4.61 2. Requires the accessory structure to be a minimum of 15.0 ft. off the side street setback. The proposed accessory structure is 9.92 ft. from the side street setback which will cause a variance of 5.08 ft.

This property is zoned R-3.

Two letters have been received in opposition to the variances.

Mr. Worthington explained that the power lines and irregular shaped lot are causing difficulty with setbacks for the proposed new house. DTE plans on moving the power lines but the applicant needs 7 ft. minimum between the power lines and the edge of the structure. Mr. Worthington established the new garage will go into the same space as the existing garage but the size will be somewhat smaller. The footprint of the new house will be a little larger than the existing.

A survey showing the new pole locations and anchor were presented by the applicant.

Mr. Rick Merlini, Live Well Custom Homes, the property owner, said the calculations from the survey drawn in by DTE show 7 ft. 10 in. from the electrical lines to the house. The challenge is that this is a corner lot; secondly, it is not rectangular in shape; and the third thing is they are dealing with power lines. He has tried to minimize the variance request as much as he can.

In response to Chairman Lillie, he explained the existing garage is non-conforming as far as the side yard. The new garage will be shrunk down and only the SW corner will need the variance.

The chairman took comments from the public at 7:40 p.m.

Mr. Mike Peg, 432 E. Southlawn, said he supports the new construction but opposes the reduction in the side setback spacing between the two homes. In the past Mr. Merlini has demonstrated that he is capable of building a house that is narrow enough to fit within the side setback requirement. At the previous meeting, Mr. Merlini indicated he could take the house down a foot.

Mr. Merlini explained why he cannot reduce the size of the house. The lot narrows in width to the rear and if he took off a foot from the house he would still need a variance.

Motion by Mr. Judd

Seconded by Mr. Lyon in the matter of Appeal 16-19, 410 E. Southlawn, the petitioner is seeking two variances, one for 2.67 ft. pursuant to Article 4, section 4.74 c. which deals with the minimum distance between principal structures. The second being a variance of 5.08 ft. dealing with accessory structures a minimum of 15 ft. off the side street setback, Article 4, section 4.61 2.

Mr. Judd would move to approve the variances as requested. Even a casual observer of this piece of property will note that it is an extremely odd lot. It has been described in two meetings that certainly there is nothing symmetrical about it. It is wider in the front and smaller in the rear; it bows in; it probably references directly to the survey that would best demonstrate what he is trying to describe.

He feels that the required strict compliance with the setbacks in this case would unnecessarily prevent the owner from using the property for a permitted purpose and it would be unnecessarily burdensome.

Mr. Judd feels the granting of this variance would do substantial justice to the applicant as well as other property owners.

Every so often he waits for an appeal to come along where they really do have unique circumstances with the property. This is certainly one.

Fourth is the self-created issue. In this case he feels that there may be self-creation here, but the one standard he always looks for is whether or not there is a good faith attempt at mitigation. He thinks in this case that certainly has happened. The fact that this is a corner lot certainly exacerbates the problem. It has been pointed out by a neighbor that the petitioner has shown an ability to shrink houses in the past. The petitioner has argued, Mr. Judd feels quite

convincingly, that in this case it is impossible. So for that reason he would move to approve both variances and tie the motion to the plans submitted.

Mr. Lyon voiced his support for the motion. They are reducing the garage non-compliance by a foot on the west side. Secondly the driveways along the street are all on one side except for this last one and it cannot meet the minimum distance between buildings. Further, narrowing the house in the rear requires some unique non-rectangular construction and that becomes unduly burdensome.

Mr. Morganroth said he would support the motion and tie it to the plot plan from DTE.

Mr. Hart expressed his support for the motion because he thinks this is a very challenging site and none of the dimensions he sees are exorbitant. The home is encumbered by the irregular shape of the lot.

Chairman Lillie indicated he also would support the motion. He thinks this is a very unusual lot as far as shape and the problem with the power lines.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Judd, Lyon, Canvasser, Grove, Hart, Lillie, Morganroth

Nays: None

Absent: Jones, Miller

T# 09-68-16

**604 HANNA
(Appeal 16-26)**

The owners of the property known as 604 Hanna request the following variance to construct a new house.

A. **Chapter 126, Article 4, Section 4.74** of the Zoning Ordinance requires a minimum of 14 ft. between principal structures. The proposed house will be 11.34 ft. from the adjacent principal structure, which will cause a variance request of 2.66 ft.

This property is zoned R-2.

Two pieces of correspondence have been received that objected to the variance.

Mr. Worthington noted the proposed home will be located on a corner lot and the street side setback is required to be a minimum of 10.0 ft. The lot to the west is located just 0.1 ft. over the minimum 5.0 ft. setback.

Chairman Lillie noted this may also be one of Mr. Lyon's 9-5, 9-5, 5-9 issues with driveway placement.

In response to Mr. Lyon, Mr. Worthington advised the house is 28.3 ft. wide at the back and 26.95 ft. wide at the front.

Mr. Jason Krieger, Krieger Klatt Architects, spoke on behalf of the property owner, Mr. Saab Grewal. They are seeking a 2.66 ft. setback from the west side yard between homes. Their hardships are:

- The location of the neighbor to the west is closer than the required 5.0 side yard setback and they need 14 ft. from the neighbor;
- The width of the lot;
- Being on a corner they are required to maintain a 10.0 setback from Watkins.

They made every effort to bring the house in and position it as far to the east as they could to stay as far away from the neighbor to the west as they could by providing a 6.20 ft. setback on the west. They are reducing the existing footprint of the home and after several reiterations have brought it in as much as they could to keep it typical for new construction in this area.

In response to Mr. Lyon, Mr. Krieger explained that by moving the front of the west side over to minimize the variance it would get into the upstairs bedrooms which are already minimum dimensions.

Chairman Lillie asked for discussion from members of the audience at 8:02 p.m.

Ms. Janet Burger, 620 Hanna, said ordinances are in place to establish uniformity within the neighborhood. Everybody else on Hanna was able to comply with the Ordinance requirements. Therefore she feels the hardship is self-created and the applicant should be able to comply with the Ordinance.

Mr. Mark Alhermizi, who owns the property at 607 Frank, spoke in complete support of the variance request. He thought residents in the neighborhood should appreciate new construction.

Motion by Mr. Lyon

Seconded by Mr. Morganroth in regard to 604 Hanna, Appeal 16-26, the appellant seeks a variance of 2.66 ft. under Chapter 126, Article 4, section 4.74 of the Zoning Ordinance for the minimum distance between principal structures. He would move to approve as advertised. He thinks that strict compliance would be unduly burdensome because of unique circumstances, the 9-5, 9-5, 5-9 issue. In this case it ends with a 10 because of the side yard setback required for Watkins St.

Mr. Lyon believes that granting the variance does substantial justice to both the homeowner and the surrounding neighborhood. He notes as you go through the neighborhood the placement of driveways is a little bit random, but at least on the next few houses over they are on the west side and that drives houses to one side or the other. So, you are always going to end up with a couple that are stuck too close together.

He notes that Birmingham is unique with the minimum distance between structures, or almost unique. Most cities do not look for the minimum of 5 ft. on one side and 9 ft. the other, as in this case.

He does not believe this is self-created because the placement of the house to the west is there and the corner lot is part of the original plot. He notes the lot has not been reduced in size as indicated from the original plat.

He would tie the motion to the plans as presented.

Mr. Morganroth expressed his support for the motion because he believes the architect has identified the minimum sizes for this home. The need for the width and the step back makes sense based on hallway and bedroom sizes that seem to be at the minimum that is reasonable.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Lyon, Morganroth, Canvasser, Grove, Hart, Judd, Lillie

Nays: None

Absent: Jones, Miller

T# 09-68-16

**1444 CHESTERFIELD
(Appeal 16-27)**

The owner of the property known as 1444 Chesterfield requests the following variance to construct a covered porch.

A. **Chapter 126, Article 4, Section 4.30 C.1** of the Zoning Ordinance allows the front porch and steps to project into the front yard setback a maximum of 10.0 ft. The proposed porch and steps project into the required front yard setback 31.7 ft., therefore, a variance of 21.7 ft. is requested.

This property is zoned R-1.

Mr. Hart recused himself because he is involved with the project.

Mr. Worthington advised the existing home was built in its current location in 1910. The existing front porch and home encroach into the current front yard setback. The applicant proposes to construct a new covered porch in the same footprint of the existing.

Ms. Patricia Keller from Kevin Hart Associates spoke to represent Amanda and Jason Schairer, the homeowners. The home was one of the first farm houses in the area. As houses have built up over many decades the average fronts have moved and the hardship is they have put this house into non-conformity. The porch will be on the existing footing. New stairs will be added along with columns and a porch covering that will provide safety and shelter.

No one from the audience wanted to comment on this appeal at 8:15 p.m.

Motion by Mr. Judd

Seconded by Mr. Lyon on Appeal 16-27, 1444 Chesterfield, this is an old farmhouse that seeks to replace a front porch that maintains the same dimensions. The appeal is pursuant to Chapter 126, Article 4, section 4.30 C.1 of the Zoning Ordinance. A front yard setback variance of 21.7 ft. is requested.

Mr. Judd feels that for a house of this age and location and history to require strict compliance would be unnecessarily burdensome and prevent the permitted purpose. He thinks it would do substantial justice to the property owner and to the surrounding owners. The plight is certainly due to unique circumstances, considering the age of the house and whether or not the board will cut them a break.

Is it self-created? Yes, Mr. Judd supposes it is, but should they be required to change the dimensions and change the character it would be self-created, but he thinks they have shown adequate mitigation in this situation. He also thinks it goes to substantial justice. He would tie the motion to the plans and move to approve.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Judd, Lyon, Canvasser, Grove, Lillie, Morganroth

Nays: None

Recused: Hart

Absent: Jones, Miller

T# 09-69-16

**1822 W. MELTON
(Appeal 16-28)**

The owner of the property known as 1822 W. Melton requests the following variances to construct a rear addition.

A. **Chapter 126, Article 2, Section 2.08** of the Zoning Ordinance requires a minimum rear setback of 30.0 ft. The proposed addition would have a rear setback of 22.2 ft.; therefore, a variance of 7.8 ft. is requested.

B. **Chapter 126, Article 2, Section 2.08** of the Zoning Ordinance requires a minimum total combined front and rear setback of 55.0 ft. The proposed combined front and rear setback is 47.4 ft.; therefore, a variance of 7.6 ft. is requested.

This property is zoned R-2.

Mr. Worthington advised the house was built in 1950 and is on a corner lot with two front yard setbacks.

Mr. Harold Remlinger, Design Team+ Architects represented his clients, JoAnn and Randy Mayermik, the homeowners. He provided background on the house that has not gone through any changes since it was built in 1950 other than the infill of an existing breezeway. The lot is odd shaped and goes from 80 ft. wide along Taunton down to a 29.51 ft. dimension at the rear yard. That is about 11 ft. shy of a minimum lot within the local area. The bedrooms are small, the hallways are tight, and the bathroom is tiny. They are trying to design a home for aging in place so that his clients can remain in the community that they love.

Their goal is to have a two-car attached garage. A detached garage would need a variance, so that option did not work. They are lacking storage space, room to park in the garage, and maneuverability through the main living area. Their hardship is they cannot meet the intent of the Ordinance for the maximum buildable area of 30% based on the setback requirements. They have stepped back the addition 5 ft. from the front of the house to try to meet the intent of the Ordinance for attached garage. That increased the open space between the neighbor to the east which is their side yard setback.

No one from the public wanted to comment on this appeal at 8:28 p.m.

Motion by Mr. Lyon

Seconded by Mr. Morganroth in regards to Appeal 16-28, 1822 W. Melton, the petitioner seeks two variances. Variance A is for a minimum rear setback under Chapter 126, Article 2, section 2.08 of the Zoning Ordinance. A variance of 7.8 ft. is requested. Variance B concerns Chapter 126, Article 2, section 2.08 of the Zoning Ordinance for combined front and rear setbacks of 47.4 ft. versus the required 55 ft. for a variance of 7.6 ft.

Mr. Lyon would move to approve the variances as advertised. He believes that strict compliance would be unduly burdensome due to the unique circumstances of this lot that are not general to the surrounding area. This is a corner lot and it is sort of a triangular shaped lot that really doesn't allow for much in the way of building. The appellant seeks to add a modest addition to reconfigure their house and to add a family room and re-size the attached garage. He believes this is the minimum variance required for the purpose and he believes they have done as much as they can to minimize the variance.

Mr. Lyon believes it does substantial justice to both the appellants and the surrounding neighborhood and he would tie the motion to the plans as presented.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Lyon, Morganroth, Canvasser, Grove, Hart, Judd, Lillie

Nays: None

Absent: Jones, Miller

T# 09-70-16

**790 WALLACE
(Appeal 16-29)**

The owner of the property known as 790 Wallace is requesting the following variance to replace the driveway.

A. **Chapter 126, Article 4, Section 4.31.** of the Zoning Ordinance requires a minimum of 65% of front open space. The existing open space is only 35% and the proposed open space will be 35%; therefore, a variance of 30% (749 sq. ft.) is requested.

This property is zoned R-2.

Mr. Worthington explained the existing driveway exceeds the limit and the new proposed driveway will match coverage but will appear to have more open space.

Mr. Shannon Mohr, Zaremba & Co., Inc., represented Brian and Lindsay Hords. He noted there is an existing circle driveway which is about 65% of the lot coverage. This proposal would remove and replace that circle driveway. Access is needed to the garage and also to the front doors. Their grass paving design went from 65% coverage down to 62%. There is a reduction of 45% of concrete on the site, and in the right-of-way a reduction of 37% concrete.

In response to Chairman Lillie, Mr. Mohr explained the system would be maintained and irrigated similar to a lawn. The primary driving surface will still be concrete.

Mr. Judd thought the large paver area in front seems like a lot of expense for a car that might be parked there. He did not see the necessity. It creates an illusion of people parking on the lawn and that is not condoned in this City. Mr. Mohr said this is a soft way to do the driveway and it is the desire of his client. Mr. Judd said he has not seen an equitable process of mitigation and Mr. Mohr answered they felt that taking out the curb cut is a step in the right direction. They have minimized the surface that actually looks like a driveway. It will seem soft and green. Aggregate underneath will allow water to go through and there is a drain as well.

Mr. Canvasser received confirmation that a complete driveway replacement would still need a variance. Mr. Mohr told him that the large paver system in front has functionality for when cars need to back out and/or park. Chairman Lillie commented that it looks like people are parking on the front lawn. Mr. Mohr noted a garden wall will screen the front lawn. Mr. Lyon noted this is the only circular driveway on the street and asked why the petitioner needs a circle drive across the whole front yard. There is a lot of concrete on this lot. Mr. Mohr replied the circle drive is an existing condition. Mr. Lyon went on to state the issue for him is that Birmingham doesn't allow the continuation of existing non-conformances when it is practical to resolve them and in this case he feels it is.

No one in the audience wished to comment on this appeal at 8:58 p.m.

Motion by Mr. Canvasser

Seconded by Mr. Judd in regard to Appeal 16-29, 790 Wallace, the request is for a variance pursuant to Chapter 126, Article 4, section 4.31 of the Zoning Ordinance which requires a minimum of 65% of front open space. The existing open space is only 35% and the proposed open space will be 35%. Therefore the variance requested is 30% (749 sq. ft.).

Mr. Canvasser would move to deny the request. The reason for so moving is that he believes this is entirely self-created; there is nothing unique about this lot or the circumstances. There can still certainly be a functional driveway without the need for this variance. Should the driveway be torn out because it has completed its useful life, a variance needs to be requested anyway.

Therefore, based on what has been presented, he doesn't think the board has many mitigating circumstances or a substantial showing that a variance is warranted under these circumstances.

Mr. Judd urged the appellant to sharpen his pencil, listen to some of the board members' suggestions and to use good faith mitigation.

Mr. Morganroth said he sees what the applicant is trying to accomplish; however it does not mitigate the non-conforming situation. The grass pavers don't reduce the existing concrete enough to justify a variance.

Chairman Lillie indicated he will support the motion. He does not believe the petitioner has shown practical difficulty. This is self-created and there is nothing unusual about the lot. The other problem is that it will look like people are parking in the front yard.

Motion to deny carried, 7-0.

ROLLCALL VOTE

Yeas: Canvasser, Judd, Grove, Hart, Lillie, Lyon, Morganroth

Nays: None

Absent: Jones, Miller

T# 09-71-16

**1469 PIERCE
(Appeal 16-30)**

The owner of the property known as 1469 Pierce is requesting the following variances to construct a second-floor addition.

A. **Chapter 126, Article 2, Section 2.08** of the Zoning Ordinance requires a minimum setback of 9.0 ft. The proposed second floor addition is 7.8 ft. off the property line; therefore a variance of 1.2 ft. is requested for the south side.

B. **Chapter 126, Article 2, Section 2.08** of the Zoning Ordinance requires the total side yard total to be 20.0 ft. (25% of the 80 ft. lot). The existing and proposed total side yard setback is 12.7 ft.; therefore a variance of 7.3 ft. is requested.

This property is zoned R-2.

Mr. Hart recused himself because he is involved with the property.

Mr. Worthington advised the house was built in 1941 and the addition is within the existing footprint of the house.

Ms. Patricia Keller from Kevin Hart Associates noted that their clients, Rachael and Jeffrey Hoomaian, were in the audience. When they purchased the home it did not conform to the ordinances today and the required setbacks. Therefore, if they want to renovate and add on to the house they would need a variance. The practical difficulty of needing a variance hinders the homeowner in what they can do. They plan to take the roof off and go straight up on the footprint of the main part of the house. This will provide substantial justice to the owners and neighbors and will increase property values. In response to the chairman Ms. Keller explained that if they moved the second story in 1.2 ft. they would still need a variance. Also, staying within the existing plane causes less of a problem structurally and is significantly more economical as far as adding the second floor. Answering Mr. Lyon, Ms. Keller indicated that building a new house would definitely be much more expensive.

No members of the public wanted to comment on this appeal at 9:10 p.m.

Motion by Mr. Morganroth

Seconded by Mr. Lyon with regard to Appeal 16-30, 1469 Pierce, the applicant has requested two variances. Variance A, Chapter 126, Article 2, section 2.08 is a 1.2 ft. variance based on the side setback. Variance B, Chapter 126, Article 2, section 2.08 is requested based on 25% of the 20.0 ft. required total side yard setback for a 7.3 ft. variance.

It appears that this property has some challenges because it is existing non-conforming. The applicant has explored several options in order to mitigate not only cost, but an attempt to possibly mitigate by moving the second floor in. That would be more costly. So it would do substantial justice to the area to improve the house as well as do substantial justice to the applicant to allow for the variances. For that reason, Mr. Morganroth supports and ties his motion to the plans submitted.

Motion carried, 6-0.

ROLLCALL VOTE

Yeas: Morganroth, Lyon, Canvasser, Grove, Judd, Lillie

Nays: None

Recused: Hart

Absent: Jones, Miller

**345 HAWTHORNE
(Appeal 16-31)**

The owner of the property known as 345 Hawthorne is requesting the following variances to construct a swimming pool in the required side yard setback

A. **Chapter 126, Article 2, Section 2.04** of the Zoning Ordinance requires a total side yard setback of 27.56 ft. (25% of the 110.26 ft. lot). The proposed pool location reduces the total side yard setback to 14.91 ft.; therefore a variance of 12.65 ft. is requested.

B. **Chapter 126, Article 4, Section 4.03 D** of the Zoning Ordinance requires a swimming pool to be a minimum of 10.0 ft. from the principal structure. The proposed pool is 6.25 ft. from the principal structure; therefore a variance of 3.75 ft. is requested.

This property is zoned R-1.

Mr. Hart recused himself because he is involved with the property.

To e-mails in opposition to the variances have been received.

Mr. Worthington noted the applicant is proposing to install a pool in the side yard due to utility issues and a large tree in the rear yard.

Mr. John Beninati, Beninati Pool & Spa, spoke on behalf of Mr. Tony Cupisz and his family. He explained the lot layout and its unique elevation and access issues. It is not possible to get machinery into the rear area because of utilities and large trees on that side that belong to Linden Park. The trees could be harmed by heavy machinery needed for construction. Therefore, they looked at the side yard which is the only place left to install a pool. The pool is about 17 ft. wide plus a negative edge catch basin.

Mr. Lyon noticed there are 2 ft. of infinity pool requirements as opposed to pool requirements and asked if that could be reduced. Mr. Beninati replied they could gutter the pool and that would bring it in. It was his suggestion to make it a negative edge because of the structural cost of doing all the wall work to hold it in if it were not. Responding to a further question from Mr. Lyon, Mr. Beninati said the pool would be screened from the park because it is heavily wooded there. A fence will be installed.

In response to further questions from board members, Mr. Beninati affirmed that if the catch basin was eliminated it would not affect the need for a variance for the distance between the home and the pool.

There was no public comment from the audience on this appeal at 9:35 p.m.

Motion by Mr. Lyon

Seconded by Mr. Morganroth in regard to Appeal 16-31, 345 Hawthorne. The appellant seeks two variances. Under Variance A, Chapter 126, Article 2, section 2.04 of the Zoning Ordinance a total side yard setback of 27.56 ft. is required. The proposed pool reduces that to 14.91 ft. with a variance of 12.65 ft. requested. Variance B is under Chapter 126, Article 4, section 4.03 D of the Zoning Ordinance and requires the swimming pool to be a minimum of 10.0 ft. from the principal structure. The proposed pool is 6.25 ft. with a variance requested of 3.75 ft.

Mr. Lyon moved to approve the variances as requested. He believes that strict compliance with the Zoning Ordinance would be unduly burdensome due to the unique nature of this property which is topographically not flat, and it abuts a public park. The contractor has pointed out the disadvantages of putting a pool in the back where a pool normally goes due to existing trees that would more than likely be harmed and the existing utilities that somewhat limit the ability to put the pool there.

He believes that putting the pool in the side yard is mitigated by the fact that it is a highly wooded area, you really can't see it, it will be screened with a required fence, and the part that will be visible if you look difficultly will be in essence a waterfall which most people would find pleasing.

The second variance concerns the minimum distance between the pool and the principal structure. It is his understanding that requirement has been there for safety. The concern is that people will jump off the roof and into the pool. With this house he does not believe that would be a problem. All the electrical protection will be put in place to protect the pool occupants. So he thinks the safety aspects of that requirement can be fairly well offset. The motion is to approve and is tied to the plans as presented.

Motion carried, 6-0.

ROLLCALL VOTE

Yeas: Lyon, Morganroth, Canvasser, Grove, Judd, Lillie

Nays: None

Recused: Hart

Absent: Jones, Miller

T# 09-73-16

CORRESPONDENCE (none)

T# 09-74-16

GENERAL BUSINESS

Mr. Johnson announced the next meeting will be on Thursday, October 13, not Tuesday October 11 because the 11th is a religious holiday.

T# 09-75-16

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA (no one spoke)

T# 09-76-16

ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 9:43 p.m.

Bruce R. Johnson, Building Official