

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live
TUESDAY, September 8, 2020
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Dan Nash, Alan Patterson Sr., Jeremy Katz, Paul McDonough (Alt)

MEMBERS ABSENT: Vice Chair Jennifer Mercer, Dave Newlove, (Alt)

STAFF PRESENT: Tim Corwin – Senior Planner and Zoning Administrator

1. CALL TO ORDER

The meeting was called to order at 7:00 PM by Chair Koppenheffer.

A Roll Call of Board Members who participated remotely are listed above.

There are currently five regular members and two alternate members on the Board. Voting privileges will be given to one or more alternates for Hearings and Motions to complete the five voting members when a regular member is absent or recused.

A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements

Mr. Corwin delivered the Right to Know procedures to the Members and the public.

Mr. McDonough was given voting privileges for this Meeting in the absence of Vice Chair Mercer.

2. APPROVAL OF MINUTES

A. August 17, 2020

Mr. Patterson MOVED to approve the August 17, 2020 Minutes as presented in the September 8, 2020 agenda packet, with amendments.

Seconded by Mr. Nash.

Page 10, Line 4: Add ‘Mr. Patterson stated that he understood the discussion to be different at the previous meeting and suggested reviewing the Minutes before voting.’

Roll Call Vote

Mr. McDonough, Mr. Katz, Mr. Patterson, Mr. Nash, Chair Koppenheffer, all voting Yea.

None voted Nay.

**The Vote on the Motion was unanimously approved (5-0).*

3. PUBLIC HEARING – Continued from August 3, 2020.

- A. Cote Swenson & Samantha Medina, 397 Dartmouth College Highway (Tax Map 111, Lot 9), zoned RL-2:** A Special Exception was granted in 2009 pursuant to Article VII, Sections 702.1 and 702.5 of the Zoning Ordinance to operate a contractor’s yard (#ZB2009-01). Applicants request an amendment to the Special Exception approval to eliminate or

modify the conditions of approval. **#ZB2020-21-SE – NOTE: this application has been deemed incomplete and will not be heard.**

- B. Cote Swenson & Samantha Medina, 397 Dartmouth College Highway (Tax Map 111, Lot 9), zoned RL-2:** Applicants request a Variance from Sections 313.2 and 702.5.D of the City of Lebanon Zoning Ordinance to allow the expansion of a non-conforming “produce stand” use. In the alternative, applicants request a Special Exception pursuant to Section 313.2 to expand an existing produce stand. **#ZB2020-22-SE – NOTE: this application has been deemed incomplete and will not be heard.**

4. PUBLIC HEARINGS – Continued from August 17, 2020

- A. William M. & Lori Grizzaffi, 351 Meriden Road (Tax Map 167, Lot 16), zoned RL-1:** Request for a Variance from Article III, Section 312.2 of the Zoning Ordinance to allow a towing business and vehicular impound yard. **#ZB2020-22-VAR**

Nick Burke, attorney, appeared on behalf of the applicants. The applicants have operated a towing operation including a garage and a vehicle storage space since the purchase of the property in 2003. Prior to their ownership there were several uses, including a moving and storage business by the owner who sold the applicants the property. There has not been a variance for the previous operations at this property, in this zoning district. A commercial garage was constructed around 1986. The applicants were informed they need to have a variance to continue to operate their business. It has been a long process. They filed an application and participated in a number of hearings to request a variance. On 4/1 2019, a variance was granted to continue the use of the garage and the impound lot on the property. A number of conditions were imposed. Due to the timeline with the Planning Board decision in the late Fall, the applicants had a limited amount of time to complete two conditions, the landscaping and the fence. The work was not completed within the required 180 days. A new application was submitted instead of appealing the decision to rescind the variance. They are asking to approve the continued operation on the property. One condition that was not completed is the tree planting for a landscaping buffer between the property and abutters. Some trees have been planted at this time. Another was the requirement to install an 8-foot stockade fence. Unfortunately, they installed a 6-foot fence. Since then additional fencing has been added to increase the height to the required minimum 8-foot. It is a new application and it is the same as the original application. They are requesting to approve this application with the same conditions originally required on the previously approved application. Abutters have submitted an objection to the request and have noted what conditions were not met on the original approval.

Staff indicated this application should be considered a new application, and considerations during the previous application, should not be part of this application. If the determination is to deny this application, it would be prudent to be specific as to why a denial was determined.

The Board expressed comments pertinent to this hearing. This is a new hearing and decisions will be made based on information provided for this hearing. The abutters would like the previously submitted information resubmitted for this application. For efficiency, it would be helpful to refer to the previous application to verify information and credibility. It is thought to be important to review testimony for discrepancies from the previous hearing. All documents that are relevant to this application have to be provided for this hearing by both the applicants and any opposers of the

application by September 14, 2020. City Staff will not be responsible for finding previous documents.

The Board asked for clarification about the setback line on the revised site plan that was presented for this hearing. The site plan was modified by the attorney for the materials submitted to the Planning Board. The applicants will ask Pathways to update the site plan and document the plantings and other conditions before it is submitted to the Planning Board again. They also discussed the property lines and where those boundaries are marked on the property.

The Board discussed the site walk that took place earlier in the day. The abutter said he did not have an objection to the use but objected to the view from their property. There is no year-round vegetation near the stockade fence. The Board raised the issue of how the visual barrier that is put up will be maintained to obscure the view from the abutter's property. Regarding the egress to the property, there is no reason why there would need to be a visual presence of the towing business on the egress to the property. The applicants do not have a need to make their presence known. A second location in West Lebanon is still maintained in West Lebanon where vehicles are stored. The parking of employees on the property was discussed. Employees park on the southern side of the commercial building and spaces next to the west side near the vegetation. The Board discussed if there would be implications for the operations if parking was restricted. Vegetative buffer belongs between the property line and the setback line. That entire 25-foot strip is available for obscuring. Fences can go directly on the property line. The Main concern is maintaining the vegetation so there is a visual screen. It is important for the property line to be surveyed and marked so it is easier for identification and enforcement in the future.

Attorney Burke was asked to clarify the hardship to grant a variance. He said the applicants purchased a property with a commercial structure and have operated a business at that location since 2003. The previous owners, back to the 1980s, also operated businesses and used the commercial building for those purposes. The hardship is that they have relied on this property for their income and always used the property in this way. The building is not amenable to other uses. If the business cannot continue, the commercial building would not be useful.

It was discussed that a title search was an important step in purchasing a piece of property and reviewing the zoning restrictions on a piece of property before it is purchased was important. Just because a property with a building was purchased, it is not believed that it entitles the owner to operate a business.

Because this is a new case and a new application, what was previously done is not necessarily pertinent to the new application. The applicant believes if the previous application was approved, the new decision should be consistent with the past decision, unless some of the facts and conditions of the property have changed. However, the Board does not necessarily agree with that opinion. The decision would be based on the materials provided with the new application.

They discussed the site plan. It was noted at the site walk today, that the fence that was installed is not in the same location that is indicated on the site plan. It appears the new fence is not in the same location as it was previously located. The fence is at the edge of the paved area. The title box on the site plan submitted today stated current conditions and is dated 10/1/2018. Attorney Burke said he revised the site plan to show the location of the fence posts of the existing stockade fence. Therefore,

the smaller ‘os’ represent the stockade fence and the large ‘Os’ represent the plantings that were to be planted. The Board requested the original site plan provided by Pathways from the original application. Because this is a new application, Mr. Burke said with respect to the fence, if the use meets the criteria for a variance, and if the Board makes that same finding, it can impose any conditions that are necessary for this application.

One of the weaknesses of the plan that was previously submitted is that the existing conditions and the proposed conditions are not clearly separated. It must be clarified if the fence will be moved to the edge of the paving or maintained in its current location. The applicants would like to keep the fence in its current location. The Board believes recent survey work was done by the abutter and the applicant. The original plan in this application is from 2018. Mr. Grizzaffi has asked Pathways to revise the site plan and clearly define the marked boundary.

They discussed how the property is being taxed, residential or commercial. The assessor shows the commercial building, the residence and the land. When the City collects the tax, is it taxed differently if it is being used as a commercial space or part of the residential space. Attorney Burke believes the assessor has taxed the building differently but cannot confirm that is true.

Mr. Grizzaffi was on the call and was asked to answer questions about the review of the property and the building at the time of purchase. Mr. Grizzaffi was unable to answer because he could not be heard at the time. Attorney Burke answered on his behalf, saying Mr. Grizzaffi believed a business could be operated as he purchased it from his friends, and they had been operating a business from that location. They discussed if the Zoning rules in this district allow multiple uses on the same property as approving the variance would be multiple uses. It is allowed, but according to another ordinance, Section 205, only one principle building is allowed on the property within the residential district. The large building, if used for something other than a residence, means there are two principle structures on the property. The Zoning Board would have to make that determination. The applicant has thought all along that the building was for a commercial use.

It appears there has been a time delay in meeting conditions, which caused the rescinding of the previous approval. The applicants will get the survey and updated site plan in a timely way to get approval from the Planning Board. The previous decision was not approved until the end of October, 2019 and other circumstances within the family that kept the applicants from completing the conditions in a timely manner.

Because of the ordinance pertaining to one primary structure, it was suggested that an amended narrative to the application should be submitted, addressing a second variance regarding the secondary structure. Staff stated that the Board could change the nature of an application by adding on a section of the zoning ordinance necessary to process the application. It would not require a re-notification. Because this is a contested application, it seems prudent and cautious to allow anyone with an interest in this hearing to come before the Board. It is possible to re-notice the hearing in time for the 9/21/2020 meeting if new amendment application materials are submitted by Monday, 9/14/20. This amended application would be heard for the first time on 9/21/2020 and would require a second hearing at the October 5, 2020 meeting.

Because there have been two principle structures on this property since 1986, it is a variance for two principle uses on this property. It has become imperative that the Board ask for an amended request

for a variance. This would protect the applicant from receiving a variance that could not be used or getting in a position that would require further hearings.

Mr. Koppenheffer stated the five conditions for getting a variance have to be satisfied two times and the hardship for one variance may not be the same hardship for the second variance. The applicant may need to portray two separate hardships.

Members of the Public were not asked to speak at this time. The Public Hearing remains open. Further testimony will be held off until the amended application is received.

Chair Koppenheffer MOVED to continue this hearing to the next scheduled hearing, September 21, 2020, in order to give the applicants time to amend their application and that in view of such an amendment that the final deliberation and decision ought to be moved to the first October meeting. Seconded by Mr. Nash.

The hearing will be re-noticed contingent on receiving an amended application. The new materials will be submitted to Staff by Monday, 9/14/2020.

Roll Call Vote

Mr. McDonough, Mr. Katz, Mr. Patterson, Mr. Nash, and Chair Koppenheffer all voting Yea. None voted Nay.

****The Vote on the Motion was unanimously approved (5-0).***

- B. Convenient MD LLC (applicant) and CT Brown & Family LLC, 1 Interchange Drive (Tax Map 114, Lot 9), zoned GC:** Applicant requests a Variance from Section 608.4.A.1 of the Zoning Ordinance to install building signage totaling +/-480 sq. ft. The total proposed sign area for the property exceeds the maximum sign area allowed under Section 608.4.A.1.
#ZB2020-23-VAR

Morgan Hollis, attorney for the applicant, appeared on behalf of the application. They amended the original application down to 350 square feet of signage on August 17, with allocations of 160 square feet on the North facing side, 125 square feet on the West facing side and 75 feet on the South facing side. The Board had considerable deliberation, one point being if can the Board adjust the square footage different from the amended application. Also, is the adjustment a condition of approval at the discretion of the Board or is an amendment necessary. He recalled there was somewhat of a consensus of Board members for around 300 square feet of signage. The applicants reevaluated and authorized a letter asking for 300 square feet: 150 square feet on the North side and 75 feet on each of the other sides. The attorney believes the size determination is a condition of approval. The Board can grant a variance and determine what conditions would allow the Board to make the decision. They believe it is within the Board discretion to change the sizes of each sign for each side. The applicants believe the 150 feet of signage on the North side are essential. They believe most of their clients would come from the Interstate. The other sides have some flexibility but would really like 125 feet on the West facing and 25 feet South facing.

Chair Koppenheffer clarified, as he understands the attorney's presentation, Mr. Hollis is of the opinion and has so advised his client that it is within the Board's discretion to make the sizes of the signs on the North, West and South faces conditions of their approval. Attorney Hollis replied that is correct.

Staff has not heard from the public regarding this application.

No members of the Public spoke, therefore the Public Hearing was closed.

The Board discussed the appropriateness of the signs, the applicant's flexibility and willingness to do what it takes to establish themselves in the Lebanon area. The need to be easily identifiable is reasonable testimony.

Mr. Nash MOVED On August 3, 2020, August 17, 2020, and September 8, 2020, at duly-noticed meetings of the Lebanon Zoning Board of Adjustment, there appeared Morgan Hollis, Esq. on behalf of CONVENIENT MD LLC (applicant) and CT BROWN & FAMILY LLC regarding 1 INTERCHANGE DRIVE (Tax Map 114, Lot 9), zoned GC. Applicant requests a Variance from Section 608.4.A.1 of the Zoning Ordinance to install building signage totaling +/-480 sq. ft. The total proposed sign area for the property exceeds the maximum sign area allowed under Section 608.4.A.1. #ZB2020-23-VAR

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The subject property is improved with a single-story commercial building partly occupied by Citizens Bank and AT&T. The remainder of the building is currently vacant and was most recently occupied by D'Angelo's and Radio Shack. The building is bounded on all 4 sides by public streets (Route 12 A, Interchange Dr, Airport Rd, and Dwinell Dr).
2. Convenient MD – an urgent care & walk-in clinic – proposes to occupy the space formerly leased by D'Angelos while AT&T and Citizens Bank will more or less remain in their current locations. In connection with Convenient MD's occupancy, the applicant proposes to add a turret to the northwestern corner of the building.
3. The total sign area for the existing tenants – Citizen's Bank and AT&T – is approximately 193 sq. ft. (67 sq. ft. of building sign area for AT&T and 126 sq. ft. of building sign area for Citizens Bank). Pursuant to Section 608 of the Zoning Ordinance, the building (as proposed to be renovated with the addition of the turret) is permitted to have 141 sq. ft. of sign area. The existing building sign area exceeds what is permitted by +/-52 sq. ft. (193 sq. ft. – 141 sq. ft.). Consequently, there is no building sign area available for a third tenant.
4. The applicant initially proposed to install three (3) 160 sq. ft. wall signs for a total of 480 sq. ft. of sign area advertising Convenient MD. Following the August 3, 2020 hearing, the applicant revised their proposal to request a wall sign of 150 sq. ft. to be located on the northerly side of the building, a wall sign of 125 sq. ft. on the westerly side of the building, and a wall sign of 75 sq. ft. on the southerly side of the building, for a total of 360 sq. ft. of sign area. Following the August 17, 2020 hearing, the applicants revised their proposal to request a wall sign of 150 sq. ft. on the northerly side of the building, 75 sq. ft. on the westerly side of the building, and 75 sq. ft. on the southerly side of the building, for a total of 300 sq. ft. of sign area. At the September 8th hearing, the applicant again revised their proposal to request a wall sign of 150 sq. ft. on the Northerly side of the building, 125 sq. ft. on the westerly side of the building, and 25 sq. ft. on the southerly side of the building, for a total of 300 sq. ft. of sign area.

5. Per Section 608.4.A.1.a of the Zoning Ordinance, the total permitted sign area for the building according to the applicant is +/-141 sq. ft. To allow building sign area of +/-553 sq. ft., a Variance from Section 608.4.A.1.a is required.
6. To obtain the requested Variance, the applicant must demonstrate compliance with each of the five variance criteria as set forth in §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b).
7. The applicant submitted testimony addressing the Section 801.2 Variance criteria in an application received by the Planning & Development Department on July 15, 2020.
8. No one from the public participated in the public hearing.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Variance criteria set forth in Section 801.2 of the Zoning Ordinance:

1. The variance **will not** be contrary to the public interest. (Section 801.2.A.1)
2. The spirit of the ordinance **is** observed. (Section 801.2.A.2)
3. Substantial justice **is** done. (Section 801.2.A.3)
4. The values of surrounding properties **are not** diminished. (Section 801.2.A.4)
5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
 - i. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (Section 801.2.A.5.a.i)
 - ii. The proposed use **is** a reasonable one. (Section 801.2.A.5.a.ii)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **8th day of September, 2020**, hereby **GRANTS** the request of Convenient MD to install the following signs at 1 Interchange Drive (Tax 114, Lot 9):

- a wall sign of 150 sq. ft. on the northerly side of the building,
 - a wall sign of 125 sq. ft. on the westerly side of the building, and
 - a wall sign of 25 sq. ft. on the southerly side of the building;
- as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit.
2. This approval shall expire if the signs authorized by this variance are ever removed or refaced.

Seconded by Mr. Patterson.

The Board discussed the conditions for approval and the need to remove the sign if the Urgent Care business is no longer at that location. The original second condition of the Decision read:

2. This variance shall expire should the Urgent Care/Walk-in Clinic use cease.

Mr. Katz MOVED to amend Condition 2 of the Decision to read:

2. This approval shall expire if the signs authorized by this variance are ever removed or refaced.

Seconded by Chair Koppenheffer.

Roll Call Vote on amendment.

Mr. McDonough, Mr. Katz, Mr. Patterson, Mr. Nash, and Chair Koppenheffer all voting Yea on the amendment.

None voted Nay.

**The Vote on the Motion was unanimously approved (5-0).*

Roll Call Vote on original Motion as amended.

Mr. McDonough, Mr. Katz, Mr. Patterson, Mr. Nash, and Chair Koppenheffer all voting Yea on the original Motion.

None voted Nay.

**The Vote on the Motion was unanimously approved (5-0).*

5. Public Hearings – New

- A. Ann-Eleanor White, 57 Mascoma Street (Tax Map 91, Lot 108), zoned R-3:** Applicant requests a Special Exception pursuant to Article VII, Section 703.1 of the Zoning Ordinance to reconstruct and expand an existing detached garage that is non-conforming to the 15 ft. minimum side yard required from the lot line shared with 7 Cameron Avenue (Tax Map 91, Lot 107). **#ZB2020-26-SE**

Dana Stockman and Ms. White appeared on behalf of the application. The present garage is falling down, and it is too small for her vehicle and other storage needs, such as lawn care equipment. When the City rebuilt the road, part of her property was taken. She would like to enlarge the garage by extending it back further and move it back to allow room to park a car. After it is reconstructed, it would not be closer to the property line.

Chair Koppenheffer asked for comments from the Public.

Casey and Bryan Aldrich, neighbors at 7 Cameron Avenue, abutters appeared. They do not have any objection to the garage project but have some concerns where the property line actually lies. When the CSO project came through, the property pins were removed, and they would like to find out where the property line truly lies. This project would require removing trees and greenery and they want to ensure that any trees that are removed are not on their property. They do not want a large Oak Tree removed and they are concerned that no damage is done to the root systems for all the existing trees along the edge of

the property. They were told that the City can be asked to return and clearly mark the pin. They would like this determined before the applicant moves forward with this project.

No one else from the Public asked to speak this evening.

***Mr. Patterson MOVED to continue this hearing until 9/21/2020.
Seconded by Mr. Nash.***

Roll Call Vote

Mr. McDonough, Mr. Katz, Mr. Patterson, Mr. Nash, and Chair Koppenheffer all voting Yea.

None voted Nay.

****The Vote on the Motion was unanimously approved (5-0).***

- B. Visions for Creative Housing Solutions, 12 Green Street (Tax Map 92, Lot 131), zoned R-2:**
Request for a Special Exception pursuant to Article III, Section 309.2 of the Zoning Ordinance to permit a group residence. #ZB2020-28-SE

Sylvia Dow appeared on behalf of the application. Two years ago, they came before the Board and were granted the special exception. They were delayed in purchasing the building in order to allow the inhabitants time to find new housing. They are ready to begin construction and are back to request another approval. All the building permits are filed.

The Board members confirmed that there has been a valid delay, however, the Board does not have the ability to extend an approval. A new application submission was required.

Staff asked if anyone from the Public would like to speak.

Elizabeth Larson spoke of the previous community support and the support from the neighbors. She believes everyone is interested in this housing for 10 residents in downtown Lebanon.

Lisa Green appeared and said she is completely supportive of this even though she does not live near it.

Liz. Nickerson, a consultant with Creative Housing Solutions, said all of the funding for the project is now in place. Due to the unfortunate events of 2020 the project was delayed but they are ready to go.

Cheryl and Dennis Jones, community members, appeared in support of the project.

***Mr. Patterson MOVED to continue this hearing until 9/21/2020.
Seconded by Mr. Nash.***

Roll Call Vote

Mr. McDonough, Mr. Katz, Mr. Patterson, Mr. Nash, and Chair Koppenheffer all voting Yea.

None voted Nay.

****The Vote on the Motion was unanimously approved (5-0).***

- C. Robert G. Oakes & John T. Oakes, 92 Riverside Drive (Tax Map 111, Lot 16), zoned RL-1:**
Applicants obtained a Variance from Article III, Section 312.2 of the Zoning Ordinance to construct commercial self-storage units, which is not a permitted use in the RL-1 District (#ZB2020-08-VAR). Applicants now request an amendment to the Variance approval in order to allow larger buildings and changes to the proposed site layout. #ZB2020-27-VAR

This application has been withdrawn.

D. David Wong (property owner), Janet Wong (applicant), 23 Eldridge Street (Tax Map 77, Lot 190), zoned R-3: Request for a Variance from Article III, Section 309.2 of the Zoning Ordinance to convert an existing two-family dwelling to a 4-unit multi-family dwelling which is not a permitted use in the R-3 District, and from Section 310.3 to allow density to exceed the maximum permitted in the R-3 District. **#ZB2020-29-VAR**

Mr. Katz recused himself from this hearing.

The Chair informed the applicants that they would need three votes and there are only 4 Board members available to hear their application. Any vote on your application would not take place until another meeting. Staff said an application that is submitted to appeal shall be heard, provided there is a quorum. Therefore, the hearing shall proceed at this meeting.

Janet Wong and Mike Baloge appeared on behalf of the application, asking for a variance. Due to technical difficulties, it was hard to hear the applicants.

Staff informed the Members that the applicant is saying they would qualify for a multifamily dwelling conversion, per section 6.01, but that is not a permitted use. Staff said it is clear that the applicant is suggesting that they would qualify for a multi-family housing except for the size of the property. It is not optimistic this can be allowed, as it is not a permitted use in the district.

There is a serious code enforcement issue, and it is important for the applicant to be heard at the next meeting. This cannot continue to be delayed.

**Mr. McDonough MOVED to continue this application to September 21, 2020.
Seconded by Mr. Patterson.**

It is essential that the applicant fixes their technical difficulties in time for the 9/21/20 hearing. The City has been trying to get the applicant to file an application for several years, but there is a pending court action pertaining to this property. It is essential to expeditiously come to a conclusion on the variance as quickly as possible. Staff will put this in writing to the applicant.

Roll Call Vote

Mr. McDonough, Mr. Patterson, Mr. Nash, and Chair Koppenheffer all voting Yea.

None voted Nay.

***The Vote on the Motion was unanimously approved (4-0).**

Mr. Katz returned to the meeting.

6. REQUEST FOR REHEARING

A. ADAM & SHEENA YOUNGMAN, 8 ORA AVE (Tax Map 90, Lot 4), zoned R-3: Motion to rehear a request for a Variance from Article III, Section 310.3 of the Zoning Ordinance to construct a 12' X 20' shed to be located +/-8 ft. from the side lot line, where a minimum side yard of 15 ft. is required), denied by the Zoning Board on July 20, 2020. **#ZB2020-15A-VAR**

The Board discussed that they do not see there is new evidence and the points could have been addressed during the original hearing. The bullet points have already been discussed. They see no reason to overturn the decision.

***Mr. Katz MOVED to deny a rehearing.
Seconded by Mr. Nash.***

Roll Call Vote

***Mr. McDonough, Mr. Katz, Mr. Patterson, Mr. Nash, and Chair Koppenheffer all voting Yea.
None voted Nay.***

****The Vote on the Motion was unanimously approved (5-0).***

7. STAFF COMMENTS

None

8. ADJOURNMENT

***Mr. Patterson MOVED to adjourn the meeting at 10:02 PM.
Seconded by Mr. Katz.***

Roll Call Vote

***Mr. McDonough, Mr. Katz, Mr. Patterson, Mr. Nash, and Chair Koppenheffer all voting Yea.
None voted Nay.***

****The Vote on the Motion was unanimously approved (5-0).***

Respectfully Submitted,
Linda Billings
Recording Secretary