

**GRAND JUNCTION BOARD OF APPEALS
MINUTES
November 10, 2010
11: 58 AM to 1:02 PM**

The regularly scheduled Board of Appeals meeting was called to order at 11:58 AM by Chairman Reggie Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Board of Appeals, were Reggie Wall (Chairman), Lyn Benoit, Greg Williams, Travis Cox and Mark Williams.

In attendance, representing the Public Works and Planning Department, were Greg Moberg (Planning Services Supervisor), and Lori Bowers (Senior Planner).

Jamie Beard (Assistant City Attorney) was also present.

The minutes were recorded and transcribed by Leslie Ankrum.

6 citizens, including the applicants, were present.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the January 20, 2010 hearing.

MOTION: (Board Member Cox) "I move that we accept the minutes for the January 20, 2010 Board of Appeals meeting."

The motion was seconded by Board Member Benoit. A vote was called and the motion passed by a vote of 5-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-2010-172 VARIANCE – Vigil Carport Variance

Request for a variance to allow a covered carport in the front yard and side yard setbacks in an R-8 (Residential 8 du/ac) zone district.

PETITIONER: Jack and Kathleen Vigil

LOCATION: 1847 Palisade Street

CITY STAFF: Lori Bowers, Senior Planner

STAFF PRESENTATION

Lori Bowers, Public Works & Planning Department, presented a PowerPoint presentation regarding the request to consider a variance from Section 21.03.030(d) of the Grand Junction Municipal Code.

Ms. Bowers stated a complaint was received on August 10, 2010 by Code Enforcement Officer Dan Shepard regarding a carport that had been placed in the front yard setback at 1847 Palisade Street. Office Shepard inspected the property on August 20, 2010 and issued a voluntary compliance request. The owners/applicants met with Planning Staff on Wednesday, September 8, 2010 to discuss what options might be open to them to bring their property into compliance with Section 21.03.030(d) regarding Setbacks and Section 21.02.070(b) which required that an applicant obtain a Planning Clearance prior to erecting a structure. Had a Planning Clearance been obtained prior to the applicant's placing the structure on site, they would have been informed that such a structure was not allowed in the front yard setback.

Ms. Bowers stated that the minimum front yard setback for a garage, carport or other vehicle storage space (principal and accessory) should be 20 feet, measured from the structures entrance to the property line. The carport was currently setback zero (0) feet from the front property line. The side setback in an R-8 zoning district was five (5) feet for a principal structure and three (3) feet for an accessory structure; the carport would be considered an accessory structure. The existing side yard setback was one (1) foot from the side property line.

Section 21.03.030(d) of the Grand Junction Municipal Code required that "Setbacks shall be unobstructed from the ground to the sky except as specified in this section. Structures shall meet the front yard setback from all abutting streets unless otherwise provided in this code." The Code did allow, "open carports, up to one-half of the required side or rear yard setback for principal structures, but not closer than three feet to the property line." Therefore the subject carport did not meet the required front yard setback or the required side yard setback.

Ms. Bowers referred to the aerial photo of the site location map and pointed out the various streets that surrounded the property in question and the alley that ran behind the applicants' property. The Comprehensive Plan showed the property as Residential Medium and the existing zoning was R-8.

Ms. Bowers stated there were seven criteria that must be met when they reviewed a request from the bulk standards.

(1) **Hardship Unique to Property, Not Self-Inflicted.** There were exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which did not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property.

Applicants' Response: The house was 24 feet from the front property line, and there was only 14.5 feet on the south side of the house to the side property line (north side was less). The carport had already been purchased and was 19 x 19 feet. To comply with the setback, the entrance to the carport would be almost directly next to the front of the house.

Furthermore, the only entrance to the home was on the south side where the carport would be. If the carport were that close to the house, the current porch would have to be removed and the house would undergo several structure changes. Such a change would be impractical and cause them undue financial hardship. There would also be additional hardship in the reconstruction of the existing carport if made to fit.

There was an unmaintained alley that was inaccessible for use as the main parking area at this property. It was for City easement and was not the property owners' responsibility to maintain (except for weed removal, etc.) For them to attempt to make it accessible would also create additional financial hardship, along with others. The alley was highly underdeveloped and it would require extensive excavating and preparation.

It had never been maintained by the City and was dirt and some rocks. When it rained or snowed, the alley became useless for driving through with a regular car.

Ms. Bowers' Response: The Applicants had brought attention to an unmaintained dirt alley adjacent to the subject parcel. The Applicants' lot had direct access to the alley on the west side. The property had been fenced along the alley way and the fence had a large access gate. The Applicants claimed that when it rained or snowed the alley became slick and was inaccessible with a regular vehicle. A site inspection revealed that other properties adjacent to the alley used the alley to access their properties.

The southernmost end of the alley was partially vacated in 1994. The Applicants stated that to improve the alley access would only create an additional financial hardship for them. The City did implement alley improvement districts but had suspended all alley improvement projects for the time being due to economic conditions.

While the Applicants stated that the "only" entrance to the home was on the south side of the residence, a site inspection showed that a carport could be installed on the west side of the property, out of the front yard setback, without removal of the porch or structural changes to the house.

The applicants could use the alley as the access to the back yard, whether the alley were improved or unimproved, as their neighbors did. The carport could be placed in the rear half of the lot, still allowing access to the entrance of the house without moving or removing the front porch and without creating hazards or safety problems. Such placement could meet the setback requirements of the Code.

Allowing a variance for sheltered parking in the front (and side yard) setbacks would set a precedent that had never been allowed. The size of the carport and its current location were entirely self-inflicted and the property contained no inherent hardship. Parking was allowed within the setback, so the Applicants could still park there if they desired, just without covering.

(2) **Special Privilege.** The variance should not confer on the applicant any special privilege that was denied to other lands or structures in the same zoning district.

Applicants' Response: This variance would not create any special privilege for them. They did not live in a subdivision or were governed by a homeowner's association. Palisade Street was a montage of various house dwellings. Besides theirs and other ranch style homes, there were two-story homes, an apartment building, a business and homes with basements. Some had attached carports or garages; others just had driveways or detached garages. There was no set look or style.

Ms. Bowers' Response: The Code required front yard setbacks to be unobstructed from the ground to the sky. This requirement was both a design and a safety standard. Allowing a covered structure in the setback would create a special privilege for the Applicants. Parking was allowed within the setback. Covered parking was not a Code requirement and therefore a special privilege would be provided to them. Therefore it was her opinion that this criterion had not been met by the Applicant.

(3) **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.

Applicants' Response: The Zoning and Development Code on setbacks stated that a front setback of 20 feet was required. This Variance was requested because compliance to the current citation would create several hardships.

Ms. Bowers' Response: It was her opinion that this criterion was not met by the applicant. She could find no other instances in which a property in a residentially zoned district had been allowed to encroach into the front yard setback with covered parking.

(4) **Reasonable Use.** The applicant and the owner of the property could not derive a reasonable use of the property without the requested variance.

Applicants' Response: It wouldn't be practical or reasonable to have the parking in the back, when the entrance was in the front half of the house. It could create safety problems and other hazards. Keeping the sheltered parking in the front made the most sense and was the least expensive and altering variance.

Ms. Bowers' Response: The driveway had been used as an uncovered driveway for 18 years. The driveway met the requirements of the Code. A covered driveway in the front and side yard setbacks did not meet the Code. An uncovered driveway was a reasonable use of the property. Therefore it was her opinion that this criterion had not been met by the applicant.

(5) **Minimum Necessary.** The variance was the minimum necessary to make possible the reasonable use of land or structures.

Applicants' Response: We were asking for 20 feet.

Ms. Bowers' Response: A reasonable use of the driveway already existed. There was nothing in the Code that required or guaranteed a right to covered parking. There was adequate room in the back yard if the alley and the alley access were improved for the 19 x 19 foot manufactured carport. Therefore it was her opinion that this criterion was not met by the applicant.

(6) **Conformance with the Purposes of this Code.** The granting of a variance should not conflict with the purposes and intents expressed or implied in this Code.

Applicants' Response: Pertaining to the Zoning and Development Code, their driveway was within code. Some qualifications that they would have met for a special setback variance were that the variance was for more than 5 feet, which they were asking for 20 feet; it was for single-family residential use; there was no danger to pedestrians or vehicle circulation; and there was no other vehicle access from a side street or alley to the carport. This was mentioned for corner lots, but should be considered for others too.

Ms. Bowers' Response: The intention of setbacks was to create continuity and a uniform look in residential subdivisions, whether they were in a Planned Development or in a straight zone. The purpose of the front yard setback in particular was pedestrian and vehicle safety, to ensure there was adequate site distance for the driver backing out of a driveway and for oncoming traffic or pedestrians.

(7) **Conformance with the Comprehensive Plan.** The granting of a variance should not conflict with the goals and principles in the City's Comprehensive Plan.

Applicants' Response: Their variance request would not conflict with the City's Comprehensive Plan. It would actually support the goals and principles of the Housing variety by allowing something different. Once again, Orchard Mesa Heights was not a subdivision. It was a neighborhood of diversity. They hoped they were granted the Variance so that they could continue to utilize the appropriate parking area. The carport was an improvement to both the property and the neighborhood. They would hate to have to remove it.

Ms. Bowers' Response: Setbacks were designed not only for conformance and continuity in appearance; they were also for the safety of the community. With a structure placed in the front-yard setback, the sight distance might be encumbered to adjacent property owners backing out of their driveways or pedestrians walking down the street. The Applicants provided a signed statement from both property owners on either side of the subject parcel stating that they had no objection to the carport and did not feel that it obstructed their

view or provided any hindrance or hazard to their immediate properties. Copies of their statements had been attached.

Ms. Bowers showed some pictures that were provided by the applicants. The first picture was the house with the carport. The next pictures were of the carport looking north to south and south to north.

Ms. Bowers entered into the record that two adjacent property owners had submitted letters stating they had no problem with the carport being placed where it was and two additional letters not supporting the variance request.

Ms. Bowers concluded her presentation with the recommendation that the Zoning Board of Appeals deny the requested variance to Section 21.03.030(d) of the Grand Junction Municipal Code with the findings and conclusions as she stated during her presentation.

QUESTIONS

Board Member Mark Williams requested Ms. Bowers go through the photographs submitted by the applicants once again and to clarify that the aerial photo did not reflect the carport.

Ms. Bowers stated it did not.

Board Member Mark Williams looked at the photos that showed the carport from the street and the photos that showed the carport looking north to south and south to north. He asked who procured the letter of August 30, 2010.

Ms. Bowers stated it was supplied to her by the applicants.

Board Member Mark Williams asked how the letters dated November 1st and November 5th were procured and asked how the homeowners were notified there was a problem.

Ms. Bowers stated that once the public hearing had been scheduled, the surrounding property owners within a 500 foot radius were notified by mail that a public hearing had been scheduled. All of the letters were received after they had been notified. The two letters dated November 1st and November 5th were sent to the City of Grand Junction via mail service. There were also two additional citizens that came to the front counter of the Planning Department and inquired about the variance. They weren't in favor or opposed to the carport. They were more curious as to what the action was about.

Board Member Mark Williams asked if the notice sent to the neighbors invited them to respond to the variance.

Ms. Bowers gave Board Member Mark Williams a copy of the notice that was sent out to the neighbors.

Board Member Mark Williams stated that the notice said that if the neighbors would like to mail any comments regarding the variance they could send those comments to the City of Grand Junction. He asked if that was what precipitated the preparation of sending of the letters.

Ms. Bowers stated that was correct.

Board Member Mark Williams asked if there was any other contact with those homeowners.

Ms. Bowers stated not to her knowledge. The letter dated August 30, 2010 was provided when the applicants made their submittal. The other two letters were mailed to the City of Grand Junction. She also confirmed that the notice she gave to Board Member Mark Williams was the same notice that was mailed to the surrounding neighbors.

Board Member Cox asked if a building permit or planning clearance had been obtained.

Ms. Bowers stated neither had been obtained.

Board Member Mark Williams asked if the carport was on a foundation.

Ms. Bowers stated she did not believe so.

PETITIONER'S PRESENTATION

Kathleen and Jack Vigil of 1847 Palisade Street presented a sheet of signatures from surrounding neighbors supporting their variance request to Chairman Wall. Mr. Vigil stated that when the house was built, he erected a fence around the property with a gate in the back for access to their property in the event the alley had been maintained. Later the neighbors behind them erected a fence and they could no longer enter the back of their property. Ms. Vigil stated that some of their neighbors did use the alley but not with passenger cars and their portion of the alley had never been maintained. Their back yard was not set up for a driveway, having no gravel or excavation work, which would be a hardship for them. Mr. Vigil stated their property was higher than the alley and dirt would have to be brought in to access their back yard with a vehicle. They had placed woodchips in the alley outside their property to help soak up the puddles of water and mud after a rain or snow storm.

Ms. Vigil showed pictures of their fence and gate from the alley pointing out the grading difference from the alley to their property. She stated some of the neighbors didn't have as much of a grading difference and were able to put gravel in the alley behind their properties. Mr. Vigil added that it was very difficult to access their backyard from the alley because the alley had not been maintained and that was why they parked in the front of the property and had for 18 years.

Ms. Vigil referenced the staff report that stated it would create a special privilege for the applicants if they were allowed to keep their covered structure as there were no other instances found in the immediate area. She stated she drove around their neighborhood and took pictures of different carports in front yards. There was a carport on Unawep that she stated was not 20 feet from the property line to the carport, although she had not measured the distance. She went on to show two photos from 27 Road and two photos from Palmer Street that were in question.

Ms. Vigil stated they had used their driveway for 18 years and would continue to park where they always had. If the alley were accessible, they would be willing to consider using it to park their vehicles but currently that would be too much of a hardship. She stated her adjoining neighbors did not have an obstructed view when pulling out and neither did the Vigils. She showed additional pictures pointing out that the continuity of the neighborhood would not be diminished because of their carport as there were many different types of homes in the surrounding area with no uniformity. She stated they hoped they would be granted their variance in order to continue to utilize their covered parking area and felt the carport would be an improvement to the property and the neighborhood.

QUESTIONS

Board Member Benoit asked who installed the carport, the company where the carport had been purchased or them.

Ms. Vigil stated Mor-Storage had installed the carport.

Board Member Benoit asked if Mor-Storage had actually bolted the carport down and inquired as to how long the carport had been there.

Ms. Vigil stated it had been there since July.

Board Member Benoit asked if they knew if Mor-Storage had checked with the City to see if there were any requirements for installing the carport.

Ms. Vigil stated that Mor-Storage did inform them about the setback rule and she stated that Mor-Storage was not liable for acquiring a building permit. Mr. Vigil stated he did not know at the time that he needed to acquire any type of permit to have a carport installed and have it staked to the ground. He stated he did not know that the law had changed and if he had, he would have checked with City Planning before installation and maybe reconsidered his purchase. Ms. Vigil stated they should have checked with City Planning before installation.

Board Member Mark Williams asked if they had built the home.

Mr. Vigil stated they had.

Board Member Mark Williams asked what the distance was from the south property line to the south face of the home.

Ms. Vigil stated it was 14 ½ feet to the house and less than 10 feet to the porch.

Board Member Mark Williams asked if they had ever driven a car within that space.

Mr. Vigil stated he had tried and could not. The distance between the fence and the porch would not allow it.

Board Member Mark Williams asked where the fence was located and the applicants pointed it out according to the picture supplied. He asked if the carport had been staked down or was located on a foundation.

Mr. Vigil stated it was staked down and they were not able to put it on a foundation because the water meter was located in the driveway. If he had to dig up the meter, he did not want to chip away concrete. He pointed to where the meter was located from a drawing in the staff report.

Board Member Mark Williams asked them to look at the letter submitted by Sevaughn Huntington.

After reading the letter, the applicants stated they were planning to fix up the yard in the future but it was currently a financial hardship. Ms. Vigil stated they didn't know they were breaking any rules at the time and they usually followed the rules. Ms. Vigil asked to read the other letter that had been sent to the City from Sandra K. Whitman. After reading that letter, she stated again that Mor-Storage had informed them of the variance but they had not mentioned the need for a building permit and they didn't realize they needed one.

Chairman Wall asked what Mor-Storage had said regarding the variance.

Ms. Vigil stated that they told them there was a City variance of 20 feet but it was up to the property owner to make the final decision. Mr. Vigil stated Mor-Storage talked more about the sale of the carport.

Chairman Wall stated that when they were told about the variance by Mor-Storage they had a choice to make, whether to go ahead with the carport and take a chance or not purchase and install the carport in the setback.

Ms. Vigil stated Mor-Storage said it was up to the property owner in the end and they were not going to tell them they could not put their carport where they had requested but did make them aware of the setback. Mor-Storage stated he had other property owners install items within the setback.

Board Member Mark Williams asked why they could not place the carport in the southwest corner of their property.

Ms. Vigil stated because of the alley access issue.

Board Member Mark Williams asked why they couldn't access the back yard from Palisade Street.

Mr. Vigil stated there was less than 10 feet to drive through and he had already measured the area and it would not work. Ms. Vigil stated she did not want a driveway from the front of her yard to the back.

Mr. Vigil stated Habitat for Humanity built the house and the Vigils had to bring in dirt to bring the level up 12 feet. It had not been their decision as to where the house would be located on the lot or the design of the house. They had to make a quick decision to purchase the house or it would have gone to someone else. There was only around eight feet between the porch and the fence and there was not enough room to get a vehicle through there to the back yard.

Board Member Mark Williams stated cars were less than eight feet wide and they should be able to drive through to the back yard.

Mr. Vigil stated he measured the area and it was so close they would be scraping the rails of the porch to make it fit. Ms. Vigil stated that even if they could drive beside the house to the back yard, the driveway would be around 60 feet in length.

Chairman Wall asked if the carport could only be placed where it currently was or was it that there weren't any other places on the property the Vigils would like it to be placed.

Ms. Vigil stated that was the only place they would like it to be placed.

Chairman Wall stated there was a difference between the only place it could go and personal reasons why they would prefer it in the front. Was the preference that they knew where they wanted it and didn't want to look at any other options or are there other options? He stated what he was concerned about personally was the financial burden to the Vigils.

Ms. Vigil stated that was what she was concerned about also.

Chairman Wall asked if there was any other place on the property that the carport could possibly go.

Ms. Vigil stated that if money were no object, they could build up the alley, make a driveway and place the carport in the backyard, but it was not in their budget to make that work.

Mr. Vigil stated he would not have minded putting it in the back, but the alley was inaccessible because of the fence the neighbor had erected and a car could not use the alley because it was not maintained.

Board Member Benoit stated he had seen motor homes and camp trailers in the back yards of the neighbors from the pictures provided by the applicants. There were trucks and cars also parked up and down the alley access.

Mr. Vigil stated those neighbors had made improvements to their properties. The City was to maintain the alley and they had not.

PUBLIC COMMENT

Lorraine Bailey of 1843 Palisade stated that the motor home and camp trailer that were seen in the photo belonged to her. They brought in dirt and had the property graded to make it level in order to be able to use the property. That expense came out of their pockets. Because the neighbor behind the Vigils had erected a fence, there would be no way for the Vigils to enter their property through their gate in the alley. She stated she had to access her property from the alley by using the neighbors' property behind her to make the turn into her property. She could not use her car in the alley when it rained or in the winter time because it would become stuck. They used it for their truck and campers. The Vigils came and asked her if putting up the carport would bother her since she lived next door. She stated she could back out and had no problem seeing because of their carport. She did have trouble seeing when backing out because of the other neighbor's truck that stuck out. She had to back out into the street to see past her vehicle. This was the neighbor who put the garage in her back yard and filed the complaint regarding the Vigil carport, which stated it made the other yards look awful. At one time, she had a bunch of junk cars parked in front of her house and currently had a few other vehicles parked in front of her house. Ms. Bailey felt that the Vigil carport had been an improvement to the neighborhood. It had made the neighborhood look better. The Vigils were trying to protect their vehicles and they didn't have the money to take out the fence or gravel a long driveway. The reason Ms. Bailey had access to her back fence was that her neighbor had given his approval to use his property to make the turn and she helped to maintain the neighbors' driveway.

Mike Richardson of 1853 Palisade Street stated that when the houses were built 18 years ago there was a four foot drop in the back of Mr. Vigil's property and that he could not get from the alley into his back yard. Dirt had been brought in and spread out to raise the property levels up. He stated that he never used his access from the alley because the property levels were too high compared to the alley access. Mr. Vigil did not have the room to back a trailer next to his house without removing his porch or his fence. The only viable spot for the carport was where it was currently located. If the alley were maintained and raised to the proper level, Mr. Vigil might be able to use the back access. Without the alley being maintained, he wouldn't be able to use the back access.

Cheryl Richardson of 1853 Palisade Street stated she did not have a problem seeing around the carport while backing out of her driveway. She stated she did have a problem seeing around the cars parked in the street on other properties.

Mr. Richardson stated there was 14 ½ feet from the edge of the street to the fences that people used for parking in front of their properties. He stated he did not use that area because he had a large enough yard to park his vehicles.

Ms. Richardson stated that the fence that would have to be removed in order for the Vigils to drive down the side of their house to have access to their back yard was paid for by the Vigils and the Richardsons. They had split the cost of the fence when the Richardson's moved in.

Myron Thompson of 1830 Palisade Street asked how anything could be built without obtaining a permit. He stated even if a fence were being erected, it required a permit. When he installed a carport in the back of his property, he presented a plan to the Planning Department and then he had to obtain a building permit before he began the project.

Board Member Cox stated that an individual could build anything they wanted, it just wouldn't be allowed. He stated he could start building a three story building on his lot but it would not be allowed.

REBUTTAL

Lori Bowers, Senior Planner, stated that the Vigils showed some examples of covered structures that appeared to be in the front yard setback. Some were questionable, but one or two may have applied. This had been a complaint-driven request for variance. The City did not go out and actively look for violations. There had been a complaint filed with the City and this was the follow-up. Had the Vigils obtained a planning clearance before placing a structure in the front yard setback they would have been told at that time that it would not have been allowed. If the variance were granted, she stated that she wasn't sure if the building department would allow an anchored structure. The applicants might have to have a permanent foundation on which to place the carport. She stated she was not sure of that.

QUESTIONS

Board Member Benoit asked what the width was of the alley from property line to property line.

Ms. Bowers stated that the standard alley width was 20 feet but she did not know what the width of this alley was.

Board Member Benoit asked what the elevation was from the alley to the backyard of the site property.

Ms. Bowers stated from a previous site visit, it was around one to two feet.

DISCUSSION

Board Member Cox stated that much of the conversation had been about the accessibility of the alley and where the ideal spot would be for the carport. If there had not been an alley, there would have been no conversation about the alley. All of the facts related as to whether the carport should have remained or not would have been the same. The alley had nothing to do with whether a carport were allowed in the front yard setback or whether the location were ideal

or not. One of the criteria had been reasonable use of the property. It would be reasonable to use a lot and not have a carport. He stated he did not see any of the seven criteria having been met by any of the arguments regardless of what might be ideal.

Board Member Benoit stated that based on the location of the carport and its one foot proximity to the property line, the average sized vehicle would have to back out six to ten feet into the right-of-way before being able to see traffic coming down the street. Aside from the fact that it was knowingly built outside the parameters of the setback and there was a major safety issue, the fact that there was an alley gave the applicants another option to have the carport reconstructed on another location on their property.

Board Member Mark Williams stated they were a volunteer board and they respected private property rights and fellow citizens. He appreciated them coming today and giving the board their story. He stated he would vote that the variance not be allowed because he thought the carport could be placed in another location on the property. He recommended that if the variance failed, the City allow the applicants reasonable time to relocate their carport.

Board Member Greg Williams stated the applicants had gracious neighbors who came down to support them. He stated that he did not see that the seven criteria had been met and he wouldn't vote for the variance.

Chairman Wall stated he concurred with his fellow members. The criteria had not been met and there were other locations the carport could be placed. He stated he worried about the financial burden for the applicants. It appeared there was a choice made in the beginning to continue on with the carport without obtaining a permit.

MOTION: (Board Member Cox) "On item number VAR-2010-172, Vigil Carport Variance, I recommend approval of the requested variance to Section 21.03.030(d) to allow a carport in the front and side yard setbacks at 1847 Palisade Street."

Chairman Wall asked what the time frame would be for the applicants to comply with the outcome of the hearing.

Jamie Beard, Assistant City Attorney, stated there technically was not a time frame. Every day the carport was there and was not supposed to be there it was in violation. However, the City normally worked with applicants to give them a reasonable time period and took in consideration what their situation was. She couldn't guarantee what time period they would get and if it would be ample time in their opinion.

Board Member Benoit seconded the motion. A vote was called and the motion failed by a vote of 0-5.

With no further business to discuss, the meeting was adjourned at 1:02 PM.