

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, May 15th, 2013*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman
Charles P. Heady, Jr. (absent)
James Seirmarco
John Mattis
Adrian C. Hunte (absent)
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

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ADOPTION OF MEETING MINUTES FOR APRIL 17, 2013

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated the minutes from April are adopted.

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ADJOURNED PUBLIC HEARING TO JUNE:

- A. CASE No. 18-09 Post Road Holding Corp.** for an Area Variance for the dwelling count for a proposed mixed use building on the properties located at **0, 2083 and 2085 Albany Post Road, Montrose.**

Mr. David Douglas stated that's been adjourned in light of the Planning Board is also handling this case. Mr. Klarl you want to...

Mr. John Klarl stated just for the record Post Road Holding Corp. has now resurrected their application with the Planning Board. The next step is the Planning Board site visit for June 2nd but they're back on the Planning Board agenda and they're proceeding.

Mr. James Seirmarco stated Mr. Chairman I'll make a motion that we postpone this to, probably the July meeting makes sense.

Mr. David Douglas stated wait, I thought we had talked about the fact that the Planning Board was going to have a site visit in June – let me ask, we've got it on for June – I think we should leave it on for June.

Mr. John Klarl responded no, because the last time out we told the public, whoever came that it would be on the agenda.

Mr. James Seirmarco stated okay, June is fine.

Seconded.

Mr. David Douglas stated I think that's where it already is so we don't need to vote.

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CLOSED AND RESERVED:

- A. CASE No. 2012-28** **Department of Technical Services, Code Enforcement**
for an Interpretation of whether the pre-existing, non-conforming use of a building or land is reduced by a portion of the building or land being unoccupied for more than a year.

Mr. David Douglas stated I think that DOTS is going to consent to this being adjourned for another month.

Mr. Ken Hoch stated DOTS does consent.

Mr. John Mattis stated motion to adjourn until next month.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2012-28** will be on for next month.

- B. CASE No. 2013-12** **Michael Piccirillo, architect, on behalf of Lordae Realty for 2121 Crompond Road LLC** for an Area Variance for the size of business wall signs and an interpretation that the building identification lettering is not a sign to be included in the sign area calculation on property located at **2141 Crompond Road, Cortlandt Manor.**

Mr. David Douglas stated that matter has been closed and we're ready – the matter has been closed. I'm willing to hear what you have to say but I just want – as you know the matter's been closed and is ready for a decision.

Mr. Michael Piccirillo stated with some consulting with our client over the past day and a half or so – if you remember the first time we applied to the Board for signs my client wanted a building sign “Crompond Plaza” and the decision of the Board was that this was considered a sign and thus, under the regulations of the sign square footage requirements the discussion was to have the address number there instead. In working with Ken and my office to come up with something that would be approvable but my client feels that they would really like to have that “Crompond Plaza” sign up there. Obviously, we’re looking to re-design the signs to comply with the **112** square foot number which means that we’d like to somehow adjourn it for this evening so we could...

Mr. David Douglas stated I think it’s too late. The case has already been closed. Let me ask Mr. Klarl, am I right that this Board, procedurally he can withdraw the case and then bring another case but I don’t think...

Mr. John Klarl stated or ask the Board to unanimously open it.

Mr. John Mattis stated before we’d vote to re-open I have a question. Does that mean if they put the sign that says whatever the number is “Crompond Road” the other signs would be smaller. Because we would still have to fit within that **100%**.

Mr. Michael Piccirillo responded we would conform to **112** square feet, I believe that’s the number the **112** square feet...

Mr. John Mattis stated which is the maximum we’re allowed.

Mr. Michael Piccirillo responded correct, so we would have to – that’s why I need time and obviously would like it to be re-opened so that I can have time to modify our design and then resubmit it for approval.

Mr. David Douglas asked you wouldn’t be seeking the interpretation part anymore?

Mr. Michael Piccirillo responded correct.

Mr. David Douglas asked you would be reconfiguring the proposal so that everything is within the **112**?

Mr. Michael Piccirillo responded effectively, I’m not asking for anything more than what we’ve already asked for except now I have to conform our design to fit with that **112** square feet.

Mr. David Douglas asked what do people think? We would have to re-open it.

Mr. John Klarl stated by unanimous vote.

Mr. John Mattis stated let’s make a motion and see if it carries. I make a motion that we re-open case **#2013-12**.

Seconded, with all in favor saying "aye."

Mr. David Douglas stated so now it is re-opened.

Mr. Michael Piccirillo stated so now the other part of that question I suppose is that since we're agreeing to stay within that **100%** Variance which is **112** square feet I'm assuming then, my assumption is we still have to resubmit drawings showing that conformance.

Mr. Wai Man Chin responded basically you would want to adjourn this case now until next month so you could get some more information to Mr. Hoch so we can review it.

Mr. Michael Piccirillo stated that was the question, if I needed to do that or if it's something that can be done conditionally saying as long as I fit within the **112** square feet.

Mr. David Douglas stated no, I think we want to see the revised drawings.

Mr. Michael Piccirillo stated I'd like to ask it to be adjourned until next month.

Mr. Wai Man Chin stated I make a motion on **case #2013-12** to adjourn to the June meeting.

Mr. John Mattis stated since it's re-opened we first have to ask if there's anybody in the audience.

Mr. Wai Man Chin asked anybody in the audience? I make a motion **case 2013-12** to adjourn to the June meeting.

Mr. John Klarl stated for the applicant to produce new drawings.

Mr. Wai Man Chin responded yes.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your case is adjourned.

Mr. Michael Piccirillo stated thank you.

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ADJOURNED PUBLIC HEARING:

- A. CASE No. 2013-07 Bruce Folgum on behalf of Fulgum's Restaurant and Bar Corp.** for an Area Variance for the front yard setback for a deck and awning on property located at **2151 Albany Post Rd., Montrose.**

Mr. David Douglas stated I understand that Mr. Fulgum had called late this afternoon saying that he wasn't able to make it to our meeting today but he'd like for us to proceed. I'm perfectly okay with that. I think we were just waiting for the Planning Board to make its decision. So, I don't think there are any issues that we need to discuss.

Mr. John Klarl stated I think Mr. Kehoe gave us a copy of the Planning Board minutes in which there was a motion to approve the Fulgum application subject to CAAC and Zoning Board of Appeals approval and then Mr. Kehoe stated that the Architectural Review Council already approved it so there was a subsequent motion just to make it subject to our approval.

Mr. John Mattis stated I believe we were already in agreement. It was a matter of procedure at this point.

Mr. Raymond Reber stated being that we adjourned the public hearing. I guess we can vote to approve the...

Mr. David Douglas stated we can close the public hearing and then vote.

Mr. Raymond Reber stated on **case 2013-07** any comments from the audience, if not, I move that we close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the public hearing is closed.

Mr. Raymond Reber stated on **case 2013-07** Bruce Fulgum, Fulgum's Restaurant and Bar I make a motion that we grant an Area Variance for an accessory structure for the front yard setback from an allowed **30** feet down to **4** feet to put a deck within the patio, over the patio area in the front of the building. This is a type II SEQRA, no further compliance is required.

Seconded with all in favor saying "aye."

Mr. John Klarl stated Mr. Chairman, we'll send a copy of the minutes to the Planning Board so that they...

Mr. David Douglas stated that Variance is granted and we'll send the Planning Board the minutes so that they know that we've done that.

B. CASE No. 2013-11 John Lentini, architect, on behalf of Eliese Hunter for an Area Variance for the rear and front yard setbacks on property located at 2 Logwynn Lane, Cortlandt Manor.

Mr. Lentini stated good evening Mr. Chairman and members of the Board. First I'd like to introduce you to Rochelle Winston and Tammy Godbee. Rochelle, Tammy and their brother Tyrone have power of attorney on the matters of this house. The Board asked me the last time

whether it was an estate and I thought it might have been something like an estate but in fact, her parents are both cancer patients and are kind of forced to sell the house. They're essentially applying to get out and pay the money that's owed on it. They're here to answer any of your questions about the construction of it. As you know, as you're aware I'm at a disadvantage because the house construction has been built before. However, I revised my application to show that we're going to comply to a greater extent by removing the roof over the terrace and the railing around the terrace which is at grade so that it would open it all up to a more appealing of a rear yard. I also wanted to point out to the Board that where this largest non-compliance is almost underground, the grade rises – it's almost at the level of the basement. Under the old laws more than **50%** of it is underground at that point and it might be viewed as a basement. In any event, I want to appeal to you about the extent of the Variance we're asking for because I believe that the house was permitted to be **10** feet. When the subdivision was done, Waterbury Manor subdivision was done in **1930s, 9 or 35** and at the time their subdivision would have laid out where septic fields go – actually they probably wouldn't because Westchester County started increasing their laws in the **50s** about septic fields. In any event, it's very possible that the house did comply with the setbacks before this work was done. I researched the Town law which the Cortlandt's Town Zoning Code incorporates and Cortlandt's very clearly, under the Town law, says that a corner lot has to have two front yards, a side and a rear. However, **265A** of the Town law says that the Town law is not meant to supersede any subdivision and what was permitted back then. I'm at a loss. I don't know what it is. I've actually requisitioned other Plats that old and found they don't have that much information on it, not like they do today. However, I believe that the house at one time was perceived to be conforming with the **10** foot setback where we show **11** foot which now the Town would consider has to be **20** foot under the subdivision law. We're asking for a **10** foot to a **4** foot setback I believe rather than a **20** foot to **4** foot. Further, we will, if possible, reclassify this section as a shed and then as a shed it will be permitted **4** feet from the lot line, however, it's attached to the building. We would need a decision whether we could reclassify it as a shed attached to the building. In any way, we're trying to avoid having to tear it down and whoever buys the house could come back and make applications to improve it again.

Mr. John Mattis stated to respond to your points, whether or not the subdivision applies or not that's only for something that's built with a Building Permit. This is illegal. This was not built with a Building Permit therefore if we approve it, it goes to a Building Permit today and it has to conform to today's standards. Secondly, I have a question about the Board of Health. You've got two family rooms -- you had a second family room and a fourth bedroom. We went over this, forgive me, it's sewers it's not septic. The main thing we have to look at when we look at any Variance is if this is put in without a Building Permit, if this was not there; is this something we would approve? And, this is a something that clearly in my mind we would never approve. We can't look at hardships. That's not what the Zoning Board is allowed to do.

Mr. John Lentini stated for what it's worth to the Board, I have letters from adjoining property owners if I could submit these.

Mr. John Mattis stated you can submit them, sure.

Mr. John Lentini stated the person behind them, closest to the subject and the person right across

the street that could see the front.

Mr. John Mattis stated we do take into consideration letters but at the same time, most of the people that write these letters are not aware of what the Zoning Codes are. This is not **10** feet to **4** feet. This is **20** feet to **4** feet and that's more than we would ever entertain, much more than we'd ever entertain.

Mr. David Douglas stated just for the record, I was handed two letters: one is a letter from the Nichols' at **2** Logwyn Lane which says they've lived at **63** Waterbury Parkway for over **20** – I'm sorry, it's regarding **2** Logwyn Lane. They've lived at **63** Waterbury Parkway for over **20** years and are familiar with the Hunter's zoning review request. They've seen the house construction and have no objection to filing the house to remain as it is. Then we have an identical letter from Vinny and Ivan Collazo and they're at **3** Logwyn. It's the same letter from both.

Mr. John Lentini responded different years I believe. I had them fill in the years that they were there just to indicate how long – I should have provided that first. Sorry for interrupting.

Mr. John Mattis asked can you explain a little more about what you mean by a shed. You're going to take the family room and the bedroom and make them a shed, is that what you're saying?

Mr. John Lentini responded no, the house itself up to the end of the garage had always existed with an **11** foot setback. I don't believe there's any contention that that was non-conforming. The owner put in kind of a regular extension on the right side, it's an L-shaped extension and the high end of the L is what gets too close to the lot line. Even if it were to follow the house it simply would have gotten closer to the lot line. That whole area, we would change into a shed and then would even consider converting the garage back to what it was to separate it from the house so that it would be a shed and as a shed it would be allowed to be **4** feet from the property line.

Mr. John Mattis stated but this is a room that's insulated, has electricity, has heat, has everything. You can't just create a shed out of a living area.

Mr. John Lentini responded we could reconfigure it so that it satisfies Code Enforcement to that extent.

Mr. John Mattis stated I would think that that would require an interpretation by this Board whether or not something that is functionally part of the house can be converted into a shed. I would have my doubts whether I'd go along with that quite frankly.

Mr. Raymond Reber stated we have a survey by Bunny, whom I'm familiar with, out of Katonah. The original survey was done July **27th**, **1964** and apparently it was updated June **8th**, **1972** and it shows the original house. It shows **11 ½** foot setback on the corner where the garage section is and it is, as it's already been stated, we have no problem with that even though the current standard is **20** feet, at that time, and that was approved, a CO was issued. I don't even really have a problem with the conversion of the garage into living space at this point. I could

accept that, but the problem with the other parts that were added, I'm having two problems: 1) that encroaches the current setbacks and even to some extent encroached on the original setbacks and the fact that it was built without any approvals or permits. Today, if someone came to us and asked permission to put say, like it says on the back, you want a rearrange that one area and convert to have a roof over a patio to be legalized, we would never approve that to start with. So, if somebody came to us and said we're going to put in a patio and put a roof over it that's a regular roof, we would turn it down because we know what happens. The minute we turn our back, they put the walls up and it becomes a room again right back to where you have it here. So, no, we wouldn't approve it and likewise I concur with Mr. Mattis that if somebody came to us today and asked: could they put this extension on the side, we probably would say "no, you can't do it on this lot." So, it's hard for us, even though we're sympathetic with the owners, to say "okay, we'll look the other way" because: a) it was done illegally and b) even legally, we would never approve it for anybody that came to us. So, it's hard for me to say it's got to stay. I don't think we can concur with that.

Mr. John Lentini stated well the roof we've taken off. Now the issue...

Mr. Raymond Reber stated it's got to come down as far as I'm concerned.

Mr. David Douglas asked I've got a question you had sent an e-mail to Mr. Hoch on the 7th saying you had a revised plan and two images and that you were going to bring a full plan the night of the hearing...

Mr. John Lentini stated Mr. Hoch advised me that he made copies and that is my revised plan.

Mr. David Douglas asked that is the full plan, what we now have?

Mr. John Lentini responded the shaded part is all that is encroaching on the 20 foot rear yard. I indicate that that rectangle behind the shaded part is the roof that's being removed. There's a picture that sent along with this if you could put that up please Mr. Hoch. That roof with the yellow rail on the yellow post, all of that would be coming down. The yellow structure you see at the very end is what you're looking at right now.

Mr. David Douglas asked anybody else have any comments?

Mr. Ken Hoch stated Mr. Chairman, just to clarify, John you're talking about converting that L-shaped addition to a shed. In order for that to meet the 4-foot setback the shed has to be a detached structure. It can't be attached to the building.

Mr. John Mattis stated so it's a moot point.

Mr. John Lentini stated that would be then a revision to our request if they could consider but I think I already got the answer to that.

Mr. James Seirmarco stated I tend to echo both John and Ray regarding the scenario. It's just something we would never approve today, just never.

Mr. John Mattis stated under law, that's how we have to look at it because any self-created hardship we have to ignore because people would be building everything and coming to us and say it's a hardship, it's a hardship, it's a hardship to take it out once we have it. The law rightfully says you have to look at it as if it's not there and would you approve it if it's not there.

Mr. John Lentini asked let me ask you a question; if this were to be removed we still have the basic house at **11** feet. Would I need a Variance for that or would that be considered prior non-conforming?

Mr. Raymond Reber responded I have no problem with the original. I mean if we have to grant it I'd grant it but I don't see it as an issue because that's the way it was originally approved...

Mr. John Mattis stated when it was originally approved it met the setback at that time and if it met the setback at that time then that's okay. It's only the part that's been added.

Mr. John Lentini asked can I just consult with my client for a minute?

Mr. John Mattis responded sure.

Mr. John Lentini stated we'll leave it up to you to vote.

Mr. David Douglas asked do you want us to vote or do you want us to adjourn it for a month so you could confer further with your clients and see if there are any other...

Mr. John Lentini stated I just asked them about that and I think I have to consider that we have to take it down but we'll need a permit to take it down which will take some time. But, perhaps, if you don't mind we could adjourn it because in the meantime I would be able to file for a permit to take it down.

Mr. James Seirmarco stated and get a final drawing of what's going to remain.

Mr. David Douglas stated that seems like the cleanest way to do it.

Mr. John Lentini stated even if I were to shave it back, don't take the front down, just take the rear part of it down but maintain the setback of the original house, take the rear top leg off. I'm not sure if it helps or not.

Mr. David Douglas stated I don't know if that's going to help but that's part of the reason to adjourn it. If you want to come back to us with some other proposal that's...

Mr. John Lentini stated I'm whittling here but I'll come back with...

Mr. David Douglas stated I don't know if that'll do the trick but – maybe it will, maybe it won't but we'll consider it.

Mr. John Lentini stated I'd like to request an adjournment then. Thank you very much.

Mr. John Mattis stated before we adjourn, is there anyone in the audience who would like to speak. I move that we adjourn **case #2013-11** to the June meeting.

Seconded with all in favor saying "aye."

Mr. John Klarl stated it's June **19th**.

Mr. David Douglas stated the case is adjourned until June 19th. Mr. Lentini, if you have any revised plans to get to us get them to us by – do you have a date you want them by Ken?

Mr. Ken Hoch responded yes.

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NEW PUBLIC HEARINGS:

A. CASE No. 2013-13 Jennifer Hubbard for an Area Variance for an accessory structure, a garage, in the front yard on property located at **286 Watch Hill Rd., Cortlandt Manor.**

Ms. Jennifer Hubbard stated I am the property owner and landlord of this two-family house at **286 Watch Hill Road**. I come here to ask for a Variance for an accessory garage structure in the front of the house. I've given all the aerials and plans of that location. We have each side of my one-family, two-family house has a garage for one car, it's just enough to fit the car. As a landlord and homeowner I'd like to do some of the property maintenance myself. I have the pickup truck, plow, snow blower, that sort of thing and be able to keep that in a garage that actually could fit into. I feel that the structure I'm proposing makes a minimal impact considering what it is and there is a slope to the property. I've shown some photos that there's a slope up there. We can't add the garage to the side of the house. Each side of the house is only **11** feet from the property line. There's no vehicular access to the back yard and plus the back yard that we have septic and of course – what do you call that? Expansion for septic so the back yard is pretty much off limits to vehicular traffic.

Mr. John Klarl asked the expansion fields?

Ms. Jennifer Hubbard responded yes. I don't know what other highlights I have. I don't know how this falls into the Zoning exactly because the survey map shows that the first **200** feet and that says, I think on that map it has to be verified, falls under some kind of Zoning for CC as some sort of Commercial so I don't know if that allows me some sort of advantage or what but that's the Variance pretty much that I'm asking for. I don't know if everybody's familiar with everything I've submitted. I don't want to repeat what's on here.

Mr. Raymond Reber stated I have looked at this property. As you've indicated there's a bit of a uniqueness here in that even though theoretically this meets the **R40** classification in terms of having almost an acre of land, the lot is extremely narrow leaving you, like you say, a minimum of about **11** feet on each side. Normally, we just put stuff in the back put a driveway in and what have you to get to it. Your position is that's not possible. The alternative of putting it in the front to us is something we just don't do. There's no logical reason for us to give you permission to put a structure as large as you're asking for; you want an **18' x 24'** garage, particularly since you do have a two-family residence you do have two garages currently. It's an unfortunate situation in terms of the tightness and the lack of flexibility but that's not our problem. We still have to comply with the fact that the Code doesn't allow structures in the front yard. This is obviously going to be in the front yard and it is a structure of significant size. I don't see any justification to grant this. If you want to have a snow blower and some of those things you can still put a shed, a small shed in the back yard and put the equipment there. Putting a structure in that would allow a pickup truck and things like makes no sense at all to us. Certainly, it's not something that would cause us to have to go against the Code and say a structure in the front yard. My opinion is, it's not acceptable.

Ms. Jennifer Hubbard asked does Commercial Zoning have any weight in this matter?

Mr. Raymond Reber responded not to the extent this is essentially is the residential part. Once it's used residentially we really have to go by the residential rulings.

Ms. Jennifer Hubbard responded okay. I just wanted to introduce him as my fiancée and he lives at the residence too.

Mr. Phil DeShannon stated the reason for the size was we kind of measured out with the offsets of what was there and obviously what you're saying is – but the side that would pretty much be what we could fit in if we were able to. There could be a situation where we encounter rock and obviously you know it would be smaller. We were just kind of going with what would be the biggest possible thing that we could...

Mr. Raymond Reber stated like I say, the Code is pretty specific. It says “no structure” so you're pretty much out of luck. You're supposed to put those things on the side or in the back yard. You don't have any room on the sides so the only other alternative is the back yard. Obviously you can't drive to the back yard so the best you can do is some sort of shed to store your other equipment but you'll never get your pickup back there.

Mr. David Douglas stated one of the concerns that I have has to do with the precedent it would set if we were to grant something like this. I don't think we ever had granted something like this and if we were I think it would open the door for dozens upon dozens of people coming in saying “well, I want to have a garage in the front of my yard” for whatever reason “and this is what you did in this case” and I think that's something we have to take into consideration because the Town has passed a Code that says “no accessory structures” which the garage is one in the front yard and unless there's some very unique circumstance we have to – we're bound by that and I don't really see anything particularly unique about your circumstance.

Ms. Jennifer Hubbard responded okay.

Mr. John Mattis stated I'd like to further that line of thought. We have a letter here from Cathy Tuite and Jeff Manthey, I'm sorry if I mispronounced that and one of the things they said "it will negatively impact the curb appeal." And, this would be extremely visible from the road. The purpose of that Code is not to have structures that are visible. We have granted them in very rare circumstances and mainly on very large properties where there's a long driveway and there's shrubbery and there's trees and nobody even sees it. The neighbors don't see it. You don't see it from the road. The Chairman, when he discussed the precedent that it would set, there's no particular reason why we would give you this and there's something unique that we wouldn't have to give somebody else. Basically, then we're rewriting the Code and we're allowing in an **R40** front yard garages. It's really not appropriate in this case.

Mr. James Seirmarco stated it's an unfortunate that you do have the area. It's a large square footage but it's very, very narrow so not every piece of property, although it's an acre in – has a sufficient area can facilitate a garage.

Mr. John Mattis stated those three properties there that are all two-family are very unique in the fact that they're narrow and they're deep and you rarely find that in an **R40** and that's what really works to your disadvantage. In a standardized **R40** there would be enough space to put in a one-car garage on the side of the house but it just doesn't work here.

Mr. Raymond Reber stated in fact I think Mr. Hoch you can confirm that under the current regulations you cannot build or you cannot have an **R40** lot design that narrow. I think there's now a minimum...

Mr. Ken Hoch stated yes, there's a minimum lot width. Because this was a split zone...

Mr. Raymond Reber stated if anybody today that tries to subdivide into **R40**, they wouldn't even be allowed to do what was done with those three houses. They basically would have been told "no" two houses because you need width. So, the people like you, you could then put a driveway in and get to your back yard.

Mr. John Mattis stated I assume they're not the original owners so you're a victim of the way that property was laid out very narrow when the house was put in.

Mr. Phil DeShannon stated obviously it sounds pretty unanimous. It's just that as far as esthetically, we would definitely take into consideration curb appeal and it would definitely we would blend it in and I don't think it wouldn't have stuck out but it would have been tucked in – but it's in the front yard.

Mr. James Seirmarco stated the issue is being in the front yard. We had other people in your area – the one lady that was up the street from Dixon and she came in and she wanted a garage and we told her the same thing. It's just something we just don't do.

Ms. Jennifer Hubbard stated okay, I thank you for your time and consideration.

Mr. Raymond Reber asked does anyone else want to speak?

Mr. John Klarl asked do you want the Board to make a ruling here or do you want to withdraw it?

Mr. Wai Man Chin stated or do you want to just withdraw the case.

Mr. David Douglas stated basically, it's up to you. I think you can see which way we're going so we're either going to vote and probably, more than probably, deny it or you can withdraw it. It's really up to you.

Mr. John Klarl stated or you can adjourn it also if you want to talk to some professionals about other schemes.

Mr. John Mattis stated that's not appropriate in this case.

Mr. Phil DeShannon stated this is definitely a unique subdivision without a doubt. We're aware of that. We're aware that **11** feet isn't – shouldn't be for anybody. It is what it is. It's there. It was approved. It's built. We're not looking for that. We were looking to be able to get a little extra storage to be able to accommodate our lifestyle and what we have going on and that's really what it was about. We weren't trying to do anything that's supposed to be there.

Mr. David Douglas stated nobody's accusing of doing anything wrong whatsoever.

Mr. John Mattis stated we understand why you're here.

Mr. Phil DeShannon stated it's unfortunate. All three, they have very similar scenarios and pretty much we all get along and work together.

Mr. Wai Man Chin stated I hope you're not making an application.

Mr. David Douglas asked do any of the people that came out want to be heard?

Inaudible.

Mr. Wai Man Chin stated so withdraw it?

Ms. Jennifer Hubbard responded withdraw it.

Mr. David Douglas stated so **case 2013-13** has been withdrawn. Thank you very much.

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ADJOURNMENT

Mr. John Mattis stated I move that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the meeting is adjourned.

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**NEXT MEETING DATE:
WEDNESDAY JUNE 19, 2013**