

**CITY OF TAYLOR MILL
BOARD OF ADJUSTMENTS
DECEMBER 02, 2000
7:00 P.M.**

MR. MAXFIELD We are called to order for a Board of Adjustments Meeting. I don't have a final agenda. I left it at the office to reduce the time . . . I stand corrected. Well we get a break. Called to order, I did that part. Real quickly, has everyone had a chance to read the minutes that was present at the meeting and in fact do we have any motions to either approved as mailed or to amend?

VOICE I make a motion to approve the February meeting.

VOICE Second.

MR. MAXFIELD There's a motion and a second for the February 5, 1998 meeting minutes. All those in favor say aye.

Aye

MR. MAXFIELD Any opposed? And how about the November 5, 1998 meeting.

I make a motion those be approved.

MR. MAXFIELD Motion to approve. Do we have a second?

VOICE ... check and see if they were there. I can't second ...

MR. MAXFIELD Could you second it for a vote?

VOICE ... for our purposes of voting and for our ...

MR. MAXFIELD All those in favor say aye.

GROUP Aye.

MR. MAXFIELD Any opposed?

MR. MAXFIELD Those have passed.

MR. MAXFIELD Anything in the way of old business Ms. Cain?

MS. CAIN No.

MR. MAXFIELD That you can think of . . .

MS. CAIN No.

MR. MAXFIELD Anyone on the board?

MS. CAIN I just wanted to introduce Jack to everybody.

MR. MAXFIELD ...chance to meet Jack Osterhage. Our newest member that's been on for a year and his first meetings' tonight.

MR. MAXFIELD Anybody got anything in the way of old business? O.K. Let's move in to new business. It's the only new business I know of being Public Hearing number 1-4516 Valley View Lane. What we'll do first just from a procedural standpoint is have some discussion with the secretary who has some background for us on it when we receive packets in the mail and then we'll ask you to give us formally . . . are you the applicant Ms.?

MS. TUEMLER Yes I am.

MR. MAXFIELD We'll ask you to formally give us your name and address for the record and then you may have questions of us , we have questions of you and this interacts in that way. Following that, we'll hear anything that anyone from the quote unquote general audience would like to say, if they have questions or concerns or comments, things like that, and then we may have some follow up questions for you and then we move in to the final discussion amongst ourselves and at that point someone makes a motion to do something and then we vote. So with that in mind, why don't we get started. The request I understand is for Carol . . . line type of clearance for her deck. Is everything in here pretty much what you know?

MS. CAIN Yes. Everything is current to the best of my knowledge and has been reviewed by the Building Inspector and the City has no objections.

MR. MAXFIELD I noticed a letter at the end from the Sanitation District which was a very good point. Does he know to your knowledge right now, and I can check with the applicant are there any sewer easements or an easement?

MS. CAIN I don't believe so. No. And yes that was kind of a side note that they had just sent that note as a reminder. And they did not identify the problem that we've had. I don't know if that went out to each community or not.

MR. MAXFIELD It's a good idea. I'm glad they sent that out. That's something that easy for a group like us to not think of when (inaudible due to coughing) Ben, I think we're ready for you we'll just .. stand for me I don't think ... we're just a little less formal here than other types of hearings. If you would just give us your name and address for the record.

MS. TUEMLER I'm Cindy Tuemler, 4516 Valley View, Taylor Mill 41015.

MR. MAXFIELD Okay. Let me just give you a real thumbnail layman's . background or kind of what it is this board does' cause not many people deal with Board's of Adjustments. We don't have the authority to change zones, change zoning maps or change text in the zoning ordinances and those kinds of things. We do have limited authority to deal with certain issues, one of which is dimensional variances and there's some other things. And when we deal with those issues we have to address certain findings a fact. In those findings a fact for a case like this we'll typically address extenuating circumstances that you might have on your property, a typical person in your neighborhood or other people in the same zone might not had. . .so those are the kind of things you'll need to address with us and the contents will be taken in to consideration when working with this kind of ... So with that in mind I understand we had a sketch here of the deck,. Maybe you could, if you want to set me up for this and if there's anyone that would like to look that else didn't understand. You might help me understand which part's the house and which part's the ...

MS. TUEMLER This is the house.

MR. MAXFIELD Okay, the house is right here.

MS. TUEMLER The front of the house.

MR. MAXFIELD Okay.

MS. TUEMLER This is all the house. This is the pool.

MR. MAXFIELD Where's the existing deck?

MS. TUEMLER This is all deck right here.

VOICE All of this?

MS. TUEMLER Yes. . . there now ... not there

VOICE It's non existing.

MR. MAXFIELD This is the deck in question.

MS. TUEMLER The deck in question goes from the pool all of this rear yard is already pre-existing enclosed by a privacy fence surrounding it all. It is totally decked low. We're not talking like this height, The deck is, like I needed to make my lot usable. It was weeds rock grass concrete and now its deck from here to here.

MR. MAXFIELD What was deck prior to whatever addition was made.

MS. TUEMLER None.

MR. MAXFIELD Okay. So we had to begin with the house that went around here and it looks like you put some steps in, is this part of the deck here too?

MS. TUEMLER That was a deck porch that was pre-existing.

MR. MAXFIELD So that little piece was pre-existing and this part here is what you apparently started using, requesting a variance for. Okay.

 The deck's like three or four inches off the ground?

MS. TUEMLER No. It's higher than that. Maybe like a foot, maybe not quite, I don't know I mean, I've got a picture of it I can show you. Inaudible. That's how high off the ground it is.

MR. MAXFIELD I'll tell you what, for the moment we'll be happy to look at the pictures but if you guys want to say anything you welcome to say whatever you like. We'll wait just a few minutes till we can officially get you on record.

MS. TUEMLER That high off the ground Inaudible. And that's what it looks like, and it's all enclosed.

MR. MAXFIELD For practical purposes did you want it to sit nearly on the ground?

MS. TUEMLER Now we quit so the posts naturally you know I mean it's unfinished. It was supposed to be finished in May.

MR. MAXFIELD Would it be a reasonable statement to say that instead of lets say paving the yard to use it you decided to pave it with wood to make it usable?

MS. TUEMLER Yes. Actually we had paved some rock and mortar back there and it was just falling apart.

MR. MAXFIELD That's the nature of the topography back there.

VOICE I'm sorry. What did you just say?

MS. TUEMLER There was pre-existing rock, mortar back there that was falling apart and it was hard to walk on and it was just a mess.

MR. MAXFIELD Inaudible. . . this area. . . most of Taylor Mill anyway.

 And the privacy fence is yours as well?

MS. TUEMLER The one part of it is Mrs. Armstrong's the very I could show you which part is hers.

 Inaudible.

MS. TUEMLER This part, wait a minute, this part is hers, this is mine, all that.

MR. MAXFIELD Inaudible . . . property there.

MS. TUEMLER Her property is over here the whole rear privacy fence is mine.

MR. MAXFIELD Okay.

MS. TUEMLER It runs going through the yard. This little small part right here was there when I moved in.

 The privacy fence encloses the whole . . .

MS. TUEMLER It encloses the entire back yard. Yes it's entirely enclosed.

MR. MAXFIELD This part here is going down that way? Is that correct?

MS TUEMLER What's your question?

MR. MAXFIELD This element here, is that right about here?

MR. TUEMLER Yes, that is the porch now.

MR. MAXFIELD And the steps will . . .

MS. TUEMLER It was pre-existing and we have rails and everything up but we took them down because this is where a problem is coming in and I wasn't aware of this until Mrs. Armstrong called the City. What we decided to do, what I would want to give me more deck room back here 'cause initially this deck was existing and the steps ran

VOICE Inaudible.

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MR. MAXFIELD Thank you.

MS. TUEMLER Initially the steps ran down that way to the back yard, okay?

MR. MAXFIELD Which way?

VOICE Down beyond . . .

MS. TUEMLER Behind the house to the back yard. That's initially where the steps ran. Well I would lose a lot of deck room if I had left them there so what I was going to do, what I would like to do is bring just a landing a bit out a little further and run the steps down. Instead of having like this gate, this gate was my, that was my old gate when it was enclosed. Instead of having that gate there I was going to bring out just a section of the upper porch and run the steps down to . . .

MR. MAXFIELD This is what you're showing me in the plan view here?

MS. TUEMLER That's what I would like to do. Now if that was going to be a problem, I would be willing to leave this as it is and bring the steps this way and walk . . .

VOICE Is that a possible issue with one of your neighbors?

MS. TUEMLER Yes.

VOICE Okay.

VOICE inaudible I guess on these two homes on the picture that we have here is that you

MS. TUEMLER My home, Armstrong house.

VOICE So if you wanted to bring the steps out . . .

VOICES Inaudible.

MS. TUEMLER I wanted to bring

MR. MAXFIELD I'm going to ask that you be quiet just for the moment.

MS. TUEMLER This is the gate. This is my gate that I have sat up against okay and this is Mrs. Armstrong's gate to her back yard and her privacy fence.

MR. MAXFIELD Inaudible. . . so they can see what we're talking about.

MS. TUEMLER See there's the gate not attached. Okay there's the gate attached. What I wanted to do was bring just a landing out to the property line, not the entire upper porch just the landing a walkway to get the steps to down to this portion of the deck.

VOICE You follow it . . .

VOICE I understand what she said.

MR. MAXFIELD And we will hear from you.

VOICE Okay.

MR. MAXFIELD I guess our first part is to make sure we all understand what was there, what has gotten in before it got to us and what is left to do that the applicant would like to do that maybe the neighbor does or does not have an issue with so that we can mull about in a few moments. We . . . inaudible . . . up to speed to that . . . how do . . . inaudible

VOICE Have you basically the . . . inaudible . . . call a deck, the lower deck is that all in place now? Okay.

MS. TUEMLER And it was put in place after my mother . . . inaudible.

MR. MAXFIELD Why don't we get you on record then, your name is?

MRS. ARMSTRONG Louise Armstrong.

MR. MAXFIELD Louise is it?

MRS. ARMSTRONG Yes.

MR. MAXFIELD I need a piece of paper to scribble on.

MS. CAIN I'm sorry. Mrs. Armstrong can we get your address for the record please.

MR. MAXFIELD Your address please.

MRS. ARMSTRONG 4514 Valley View.

MS. CAIN Thank you.

MR. MAXFIELD Okay. We'll be happy to hear any comments or any . . .

MRS. ARMSTRONG We'll the first thing when we put the fence up between our yards the Building Inspector came with the permit and he told my husband it had to be moved six inches away from the lot line. Well that's the way my husband done it. Now if you'll notice her fence, it's jammed right up against my, I mean her . . . inaudible . . . deck down in the yard is jammed right up against my fence.

VOICE Inaudible.

MR. MAXFIELD It may be six inches onto your property, is what you're saying?

MRS. ARMSTRONG Yes. And she should be six inches away from the lot line like . . . inaudible.

MS. TUEMLER What is the building code for putting decks in?

VOICE Well actually the building structure the structure like a deck is quite a bit more. It would be from your side, it would be ten feet. Which is probably right where her house is.

MRS. ARMSTRONG Well see we have the ten feet between our houses now and I want . . . that's our fire space you know for safety and I don't want her building all the way over to the lot line.

MS. MEYER No, I think the ten foot ends on the lot line. I am her daughter.

MR. MAXFIELD Okay. And your name is?

MS. MEYER Judy Meyer. M E Y E R.

MR. MAXFIELD And what is your address?

MS. MEYER 3105 Hudnall Lane in Edgewood.

MR. MAXFIELD And your familiar with the property in question?

MS. MEYER I grew up there. Yes.

MRS. ARMSTRONG It'll be sixty years.

MS. MEYER I don't know if you can see from these pictures that this . . .

VOICE Here are your pictures.

MS. MEYER If this is allowed to exist as is it is very disruptive. This is where my mother's
bedroom window is.

VOICE Okay.

MS. MEYER And as you can see the entire building structure as is proposed is going to be
very intrusive on her privacy.

VOICE Is there an existing structure there?

MS. MEYER Never.

VOICE Off that side?

MS. MEYER Never.

VOICE Off that side, side door, steps or anything?

MRS. ARMSTRONG Yes. Yes.

MS. MEYER Just a small stoop.

MRS. ARMSTRONG A small stoop and steps that went to the backyard and steps went down . . .

VOICE Can we . . .

MRS. ARMSTRONG Look on the picture.

MS. TUEMLER That is the exact way it has been for the last ten years, the exact size.

VOICE So that stoop . . .

MS. TUEMLER Yes. Sorry.

MS. ARMSTRONG No.

VOICE Whoa, whoa, whoa . . .

MS. TUEMLER Let me finish. Okay. When we moved in to the house there was a concrete porch and steps that she's describing but that had existed for ten years. I mean they were dilapidated they were falling down, they were a hazard. My husband at the time, I'm now divorced, built this porch deck off the side and it has existed there for ten years, not a word, not a peep, not a hoot out of anybody. It's existed . . .

MRS. ARMSTRONG My husband's great niece, when my husband was living at the time when they built that and he was going in to bad health and he didn't want to be arguing with the family so he never said anything about it. But then all of a sudden this year she decided to tear that down. It wasn't the one she had up, it was fine. But all of a sudden they decided to dismantle it.

VOICE Let's back up for just a second. It's kind of our job to some extent to play devil's advocate. Ten years ago was a building permit taken out for that?

MS. TUEMLER I doubt it. I didn't know I needed one then and didn't know I needed one now.

VOICE And the only reason I ask is that technically if there were a building permit taken out, right or wrong, then from the zoning standpoint you're pretty much grandfathered in even if something happened, if not you're typically allowed to replace it in its identical foot print if its deemed a maintenance consideration is its grown a little bit it could become part of an issue of what we're dealing with tonight.

VOICE In the bigger picture for what its worth . . .

MS. TUEMLER Unless she has pictures, I don't have any of the old porch.

MR. MAXFIELD Well you can kind of see where is used to lie down here just by the outline of the house but I don't know how far out . . .

MS. MEYER I can tell you my father built stairs for the neighbor's that . . . inaudible. And they ran out to the edge of this sidewalk and he built them according to building code and he built them over as close to the . . . inaudible. . . out to the porch to the lot line.

MR. MAXFIELD Okay.

MS. MEYER And when he built them, they were built according to building code and he built a wall so that when you walked out there was a retaining wall on the side of the stairs so that there could not be any accidents or falls incurred. And my father built stairs that were torn down ten years ago and they were according to the building inspection and the building codes. And my Dad was very familiar with the City of Winston Park and the City of Taylor Mill . . .

MR. MAXFIELD I'm not debating that. That's, there already gone so there's nothing we can do about those anyway. We just need to see how all this play in to . . . inaudible.

MRS. ARMSTRONG We'll I told him at the time that she was getting a little big with the deck that she tore down. And so its like I said he was going in to bad health and relatives . . .

MS. MEYER See the shadows on the house? That's exactly the stairway he built. That's the outline of the stairway. They went out to the front and out to the back.

MR. MAXFIELD How far did they come out from the house?

MRS. ARMSTRONG About three feet.

MS. MEYER About three feet. They came out to the end of this walk way. . .

MS. TUEMLER Unless you can prove that

VOICES Inaudible

MR. MAXFIELD Whoa, we're kind of getting off track.

MS. TUEMLER Can I say one thing and its not even on that track. As far as being intrusive on privacy our houses are so close together that's inevitable anyway. And bringing a section of porch to walk down the steps in to my back deck that's all enclosed is not going to be any less, or create any more havoc, than if I build the steps another way. So, that's just my opinion. I've been a good neighbor. I still want to try to be a good neighbor. I mean I still pick up this woman's paper every Saturday in the morning . . .

MR. MAXFIELD Let's see if we can work this issue out then. Let's see if we can work this out. Is there like a bottom line of what you would be more comfortable.

MS. MEYER We want it to be within the building code specs as they exist today and if you know naturally there has to be a stairway coming out of the porch as it existed and as it was built according to the original building code.

MR. MAXFIELD Okay.

MS. MEYER That's our expectation.

MR. MAXFIELD I understand.

MS. MEYER All of this she put in after my mother and I personally talked to Kevin Barbien about the entire issue, she kept on building. And he informed her then that she would probably have to tear it down.

MS. TUEMLER No he did not 'mam.

VOICES Inaudible.

MS. MEYER He told me, Kevin told me that he explained that if they continued building outside of the code they would probably have to tear it down and rebuild it according to the code of the City.

VOICE Can I ask a question? Is this your access to your yard on this side?

MRS. ARMSTRONG Yes.

VOICE 'Mam, I . . .

VOICE Inaudible . . . access from the other side of your house.

MRS. ARMSTRONG Oh yes. Of course.

VOICE Because I don't see a sidewalk here I guess is . . .

MS. MEYER That is her access on her air conditioner and that is her property and that is her access to her property.

MR. MAXFIELD Is there a way of looking at this to give us an idea of where the property line lies say relative to that fence in the back?

MRS. ARMSTRONG Yes. Right here where that post is.

MS. MEYER Well now wait a minute. Let's be more specific.

MRS. ARMSTRONG Right on that post is the property line.

MS. MEYER We need to be more specific.

MR. MAXFIELD My question was just in general.

MS. MEYER I would prefer that you not use the post, but you use my father's fence which is six inches in from the line of the property.

MR. MAXFIELD Inaudible.

MS. MEYER And as you can see that deck is extending on my mother's lot line, on her land actually.

MRS. ARMSTRONG Inaudible . . . against my fence.

MR. MAXFIELD Actually it looks like the header joist they've put in, they just haven't trimmed that yet. But that still may put it right on the property line.

MRS. ARMSTRONG Now there was a post in there.

MR. MAXFIELD When they build these decks they lay all this down then they'll take a circular saw typically and run it right down here.

MRS. ARMSTRONG They're finished with that.

MS. TUEMLER No we're not. Why are these posts up here? We're going to put a railing in and everything.

VOICES Inaudible.

MRS. ARMSTRONG She had a big post up in front of my window here right on that line.

MS. TUEMLER That's when we had to bring a portion of the deck out.

MRS. ARMSTRONG She was going to bring the deck all the way over to that window.

MS. MEYER She had it all the way over to the property line.

MRS. ARMSTRONG And I called Kevin and he made her ex-husband dig it all up. It was set in concrete all these things were set in concrete.

MR. MAXFIELD That's standard. Looking at this and I'm trying to just get it to a I guess what I tend to call a reality check. Let me play "what if". What if this piece were to remain but there were no steps over here, the steps went out the back or out the front which means its similar to what they had, it might come out a little further but it would least prevent that from tearing that down. I've come to two issues. One issue is this and then the other one is the deck itself.

MS. MEYER Well personally I don't know how wide this is so I would have to measure it. I have no clue. But I would think that . . . inaudible . . . 36" - 42" would be max.

MS. TUEMLER It's been that way for ten years.

MR. MAXFIELD Well I understand that. And that why I'm trying to get to a resolution. Bearing in mind that it has been this way for ten years, if you knew that no steps were going to happen here nothing was going to come past this line right here, and it was only going to happen out the front or out the back from this edge, not from this edge, would that make it more palatable for this particular issue?

MS. MEYER It depends on how you're going to address the issue of the entire deck.

MR. MAXFIELD I'm just trying to take it one step at a time and I understand that's part of the big picture for you, I can understand that too.

MRS. ARMSTRONG It can't go any further than that then.

MR. MEYER I think it's too wide actually.

MR. MAXFIELD I'm throwing that out as a proposal.

MRS. ARMSTRONG It is too wide. The deck . . . inaudible.

MS. MEYER I know that the building code specs were exactly , the concrete stairs were built exactly according to the building code specs because my father built them.

MR. MAXFIELD And this structure right here might meet building code but we're dealing with issues of zoning codes which deals with setbacks. Actually at the time this house was built I'm venturing to guess, there may not have even have been a zoning code.

VOICE Very possible.

VOICE Yes there was.

MRS. ARMSTRONG Absolutely. My husband has the permits for everything that he did. Around the house.

MR. MAXFIELD Including zoning?

MRS. ARMSTRONG Yes. My husband was a tax assessor.

VOICES Inaudible.

MS. CAIN Inaudible . . . in that area. Inaudible . . . 1940's or '50's or later than that?

MRS. ARMSTRONG What are you asking me?

MS. CAIN When was the house built?

MRS. ARMSTRONG The house was built in 1940.

MS. CAIN 1940. Okay.

MRS. ARMSTRONG It started in October in 1939 and it was finished in February in 1940.

MS. CAIN The reason I ask is that Taylor Mill was not actually incorporated until '57 so the City of Taylor Mill would not have had building codes. Now the City of Winston Park could have.

MRS. ARMSTRONG Yeah we did. My husband was the tax assessor.

MR. MAXFIELD Okay. I believe you. I'm trying to find a compromise here that we're . . . maybe both of you won't be real happy but one won't be elated and the other one won't be crying. So you can help us.

MRS. ARMSTRONG Well we've only got the ten feet of space there and . . .

MR. MAXFIELD Right, and that's why I'm thinking of the steps coming out in this direction

MRS. ARMSTRONG I would have about four feet left after she got done.

MR. MAXFIELD What if she did not do anything over here? Let's forget the deck for a moment.

MS. MEYER I don't see how she can do anything over there.

MR. MAXFIELD Well her original plan was to do that.

VOICES Inaudible.

MS MEYER I know what her original plan was but its not within the code so that's the main point.

MRS. ARMSTRONG Mmhmm. She's got to say off that deck down there. We got to get in there to take care of my plants.

MR. MAXFIELD Now the back of the deck . . . what comfort level do you have back behind the deck there? I mean in terms of . . . inaudible . . . six inches

MRS. ARMSTRONG It's up against my fence so . . .

MR. MAXFIELD Right. I understand that.

MS. MEYER I think the original building code should be enforced. And if you give on it you should give no more than 50% of the feet footage. So if it's supposed to be ten feet five feet is the max. That's fifty fifty. She's giving fifty, we're giving fifty.

MR. MAXFIELD Okay. Procedure comments. Does anybody have any questions for these two at the moment.

MRS. ARMSTRONG We've never had any problems with the neighbors like this before.

MR. MAXFIELD Things happen. People have dreams for their houses but other people live adjacent to them and don't see things the same way.

MRS. ARMSTRONG Their angry with me for calling Kevin Barbien but that was the right thing to do and they were going so fast with it I knew something was wrong with it and their building permit . . .

MR. MAXFIELD Inaudible . . . building permits, sometimes the contractor goes pretty fast but yeah . . . inaudible.

MRS. ARMSTRONG There were no contractors there. There was just two fellows, her ex-husband and another . . . inaudible . . . building that.

MR. MAXFIELD Okay. Well I appreciate your comments. Unless did you anything more you want to show us on this issue?

MRS. ARMSTRONG Just the fact that I want her to move back six inches from the lot line.

MS. MEYER No, no, five feet.

MRS. ARSTRONG No I'm talking about right here off this deck.

MS. MEYER No, five feet.

MRS. ARSTRONG Five feet off the deck . . .

MS. MEYER Fifty, fifty. It's suppose to be ten feet. You give five feet and she gives five feet.

MS TUEMLER That whole area has been . . . inaudible.

MR. MAXFIELD We're just about ready to get to that. I think what you daughter is saying is that the code right now says she has to be ten feet back and your daughter's proposing that well you won't argue if she comes five feet toward you as long as you get five of that ten feet that you normally would have gotten under ideal conditions.

VOICE Does her fence have to be five feet off then too?

MR. MAXFIELD Privacy fences setback for those I don't believe they have to be. There's a smaller setback for privacy fences.

MRS. ARMSTRONG Kevin said, or we had Finnell.

MR. MAXFIELD Ray Finnell, yeah.

MRS. ARSTRONG Yes. And he said four and a half to six inches the fence had to be away from the lot line.

MR. MAXFIELD Fences are different. There considered for some reason a different structure than a deck. And normally I think when a lot of these things were written it was originally based on the house, but these days decks and porches often become part of the house and that's why some people may disagree as to whether it's considered a structure but legally it is. Okay, well thank you.

MRS. ARMSTRONG Okay. Do you want me to leave my pictures?

MR. MAXFIELD Which ones are yours?

MRS. ARMSTRONG All of them.

MR. MAXFIELD Okay. I think two of them were Ms. Tuemler's. Which ones were yours? And we'll be happy to hear all too.

MS. TUEMLER This one, this one

MR. MAXFIELD Any of these?

MS. TUEMLER Let's me see. Mine are dated today.

VOICE 12/1? There's some dated 12/1.

MS. TUEMLER 12/1's are mine.

MS. CAIN If no one objects I'd like to add the pictures to the file.

VOICE Inaudible . . . think so.

MR. MAXFIELD Is it okay to submit that to the record?

VOICE Yes.

MR. MAXFIELD Okay. We'll just leave them all up here then. If you've got negatives you can just take those with you .

MRS. ARMSTRONG I don't have the negatives. They're home.

MR. MAXFIELD Okay that's fine. You can keep the negatives.

VOICE Inaudible.

MR. MAXFIELD You can just leave them out, we'll put them away later.

MRS. ARMSTRONG Thank you.

MS. CAIN Thank you.

MR. MAXFIELD Now Ms. Tuemler obviously you probably knew about this ahead of time but you knew about their concerns. Is there any modification to your design bearing in mind that somebody jumped the gun and didn't get the right permits anyway that you could maybe adapt to uh . . .

MS. TUEMLER Basically they were (not) proposed when (Jill listen)

MR. MAXFIELD Just moving the steps. This one here, take the steps off of this edge . . .
inaudible . . back edge . . .

MS. TUEMLER This edge down and just leave . . .

MR. MAXFIELD Nothing comes further out here.

MS. TUEMLER No.

MR. MAXFIELD What are these posts just haven't been cut yet because of the rail?

MS. TUEMLER We've got to make the rail. Yeah. Same way in the back.

MR. MAXFIELD There's no roof structure going over this?

MS. TUEMLER No. No.

MR. MAXFIELD Okay. So your plan is to trim these down just the rail part on it.

MS. TUEMLER Exactly. The same with these back here, we're going to make a railing. So that nobody leans up against the privacy fence.

MR. MAXFIELD Now there is the issue of the setback on the deck itself. Which one of these pictures here . . . Yeah this is a good view here. Is this right here supposed to be the end of your deck?

MS. TUEMLER You know I have no idea.

MR. MAXFIELD It's typical when people build decks that they overhand these things and make a clean cut.

MS. TUEMLER Yeah. I mean if I can trim it off and . . .

MR. MAXFIELD Well it can be. This is supposed to be trimmed what is normally done and let's say they did trim it that still puts you right at the property line and the adjoining property owner does not have a real good comfort level with that so . . .

MS. TUEMLER Well she sure hasn't been back there in the last ten years worrying about . . .

MRS. ARMSTRONG Inaudible.

MR. MAXFIELD To us that's neither here nor there.

MS. TUEMLER I know, but

VOICE How does she paint that fence?

VOICE Inaudible

VOICE How would she get to it?

MRS. ARMSTRONG That's what I'm worried about.

MS. TUEMLER How do people get to any of it from the other side to maintenance it. They go around.

VOICE If your six inches off and she's six inches off that's a foot.

MR. MAXFIELD You can't get down in there to do repair. That's one of the reasons why the setback is typical requirement. From a construction standpoint it is possible to go back however many joists, probably about every 16" no more than 24" and take a circular saw there and put a header in. So I mean it's not a big deal.

VOICE How far does five feet take her back though?

MS. TUEMLER I really don't want to lose five feet of that deck.

MR. MAXFIELD I understand that but you know that's just something that wouldn't have been put in if the permits were in place so were trying to get a remedy situation without enforcing the full code.

MS. TUEMLER What can I do with that then once if I do remove the deck I mean . . .

MR. MAXFIELD You would, well in terms of the deck itself you put a header in here and stop it and you would have a space there and as far as what you could do with it I don't know. You could store garbage cans or lawnmowers. I don't know. That's up to the Commission.

MS. TUEMLER But nobody can see it.

MR. MAXFIELD The number one concern I guess, even if they were agreeing to it typically on this Board is the maintenance issue, how do you get down in there if something starts rotting how do you get down tin there to replace it, those kinds of things.

MS. TUEMLER Couldn't you replace it from the other side?

MR. MAXFIELD It depends on what needs to be done. What if they wanted to paint it?

MS. TUEMLER Come on over!

MR. MAXFIELD Well.

MS. TUMELER I mean I'll paint it. I mean . . .

VOICE But yeah this is for, we're talking homeowners.

MS. MEYER We have to think about the future people that might be involved.

VOICE It could be turned into storage for the swimming pool stuff too.

MS. MEYER You can't make decisions based on . . .

MS. TUEMLER Right where you walk in? See you'll be walking in right there. I mean that's not a very good idea.

MR. MAXFIELD This post here. Is this your original plan to trim that down and put a rail up here.

MR. TUEMLER No. If the steps will come down this way we were just going to put our . . . inaudible . . . gate. Probably build a different gate, a better gate. But that's my old gate.

MR. MAXFIELD Okay.

MS. TUEMLER I was just going to put it back up like it used to be.

MR. MAXFIELD Okay. And that would've got trimmed down to the height of the gate. This is the (inaudible) post here? Looks like it was sticking up higher than the fence is the only reason . . . inaudible . . . not much higher than the fence there. Okay.

MS. TUEMLER It's just attached to the gate.

MR. MAXFIELD If you take the steps off lets say the front or the back are you still going to gate this somehow?

MS. TUEMLER What I was just going to do is just bring the steps down here and walk around now.

MR. MAXFIELD Okay. so under that scenario you would not have a gate there?

MS. TUEMLER Well you know we would have a gate to open and shut you know. Yeah we would have a gate there. A gate just like has been there for ten years.

MRS. ARMSTRONG They have to have a gate because there's a swimming pool in the backyard.

MS. TUEMLER Exactly.

VOICE So your whole backyard is completely enclosed but its . . .

MS. TUEMLER Exactly.

VOICE Inaudible . . . the fence cut off.

VOICE Inaudible.

MR. MAXFIELD This way or that way.

VOICE Going backwards, back to the back yard I'm assuming.,

MR. MAXFIELD That'll go in to the deck

VOICE Yeah, but the deck probably won't, the five feet probably won't, probably be a deck there, this is ten feet.

MR. MAXFIELD I think the ten feet's like here to here, . . . inaudible . . . five because this gate up to this point. There's another . . . inaudible . . . there somewhere . . .

VOICE There's like 20' . . .

MS. TUEMLER Can't I just trim this off away from the property line however many inches and leave it is. Five feet, I think that's unreasonable.

VOICE Where does this start?

MS. TUEMLER Nobody sees it but me.

VOICE That's what I'm thinking.

MS. TUEMLER So it's only really penalizing me. And if I trim it back so they can maintenance their fence then I think that should satisfy this issue.

MS. MEYER Well maybe we should enforce the building code and only go back ten feet if she can't give . . .

MR. MAXFIELD There's a reason though this Board exists to grant certain degrees of relief

MS. MEYER I understand that.

MR. MAXFIELD In this neighborhood, or at least these houses here appear to have pre-dated, I'm guessing they pre-dated zoning codes as they now read today if they were built that long ago from my experience on zoning boards. So we have kind of a . . . I guess the density of the area is kind of grandfathered in. We don't . . . inaudible . . .

VOICE Do you know where this point is, or this existing stoop is away from the end of your deck? Is that . . .

MS TUEMLER I don't know. Inaudible.

MR. MAXFIELD Eyeballing it, it looks kind of like four feet from the edge of the porch to that point.

VOICE So basically the deck would begin at the where the steps run right out.

MR. MAXFIELD Yes, yes. If that's . . . inaudible . . . go back five feet . . . what is decided.

VOICE Yeah, I can live with that.

MS. TUEMLER It looks like it comes nine six out and seven that way.

VOICE What about the privacy fence though?

VOICE Can I ask you a question? Let's go back to the beginning. So basically you came in because you wanted to take your steps off of the deck toward her house.

MS. TUEMLER No. The steps would never go toward her house. The only thing that would have went toward her house is the upper part of that porch deck that's there.

VOICE The steps would have been off closer to her house.

MS. TUEMLER And the steps would have been, yeah, closer to her house but not toward her house. It would have been toward the deck. It would have went down and met the deck.

MS. MEYER I'd like to say something.

MS. TUEMLER But they wouldn't be . . .

MR. MAXFIELD Just a minute.

MS. TUEMLER They wouldn't be any further out than what you have there presently.

MR. MAXFIELD I think originally this is where she wanted to put the steps and what we've been discussing is an option to put the steps something like this.

VOICE Okay. But this is the original deck here exactly so . . .

MR. MAXFIELD Well original . . . inaudible . . . prior to that . . . inaudible.

VOICE You really you're bring the steps over toward the lot line and then were going to go back.

MS. TUEMLER That's what i initially wanted to do. Yes.

VOICE So you will agree not to do that and bring them this way.

MS. TUEMLER Yes.

VOICE Okay. Okay.

MS. MEYER I'd like to say something. The concern about her property and her ability to get to it, when she was going with this design and coming out here you can see there wasn't any concern about how my mother was going to get to her property and how crowded she was going to make her on this side of the house by the bedroom window.

VOICE That's what we're trying to alleviate right now by moving the steps.

MS TUEMLER There's still a lot line there. She still would always have her land.

MS. MEYER I know, but when you got stairways next to your bedroom window and people are swimming at night I don't think it's very conducive to your well being.

VOICE That's why we're talking about moving them back here.

VOICES Inaudible . . . closely over here.

VOICE It doesn't make any difference, you have to get up and down the stairs. I don't have a small back yard.

MR. MAXFIELD Sounds like, assuming we take some action tonight, one action we could take is to be hard nose and say this is the code, you shall get no relief, we see no extenuating circumstances. Another option is we do understand there are extenuating circumstances, deal with findings and fact, and then make one of two motions. Possibly one motion would be, and I'm throwing this out here really for discussion, would be to create that six inches back from the property line type of buffer similar to what their fence is and move the steps around so they come out the front and they don't protrude out the side and another motion might be to do that same thing except instead of moving the deck six inches bring it back to four and five five feet, we might line it up with the edge of this stoop structure this would seem to be reasonable. Possibilities for consideration.

MRS. ARMSTRONG I think that's the best way to keep it with the stoop structure. But the deck should be moved back.

VOICE Paul, I have a question. We got a report from staff today about objections. What was the basis of that?

MR. MAXFIELD I just got a verbal.

MS. CAIN The City Council had no objection. The Building Inspection didn't indicate he had any objection either.

MS. TUEMLER I've got two other neighbors, my rear and side written affidavits, no objections. Can I get something else on the record?

MR. MAXFIELD Sure.

MS. TUEMLER In no way shape or form, did Kevin Barbian ever tell me that I was definitely going to have to tear this out. I had a hazardous situation in the back. There were floor joists down I

have kids, there's kids back there swimming and playing. I had to jack for that reason. It was a hazard. Right now this porch is a hazard. We got to walk out on the porch and step on a chair to get down.

VOICE Did the rocks come from excavating the swimming pool area?

MS. TUEMLER The rocks came from an attempt to do something with the yard. We mortared some rock in there. Just to try to make some type of usable yard back there and it was not usable.

MR. MAXFIELD Well one thing I guess we all have to be aware of is that you intended to check the zoning ordinance but . . . inaudible . . . just the patio. Is there a setback requirement for just a paved or concrete patio? Because for all practical purposes . . .

VOICE The patio is just a giant wooden patio.

MR. MAXFIELD In terms of a reality check, because a lot of your zoning ordinances were written twenty years ago and wood decks were more of a novelty back then.

MRS. ARMSTRONG Can I say something please? Kevin Barbien three times he asked for her to get another plan and she didn't do it and he told me three times they were probably going to have to make her tear it down. Now that was told to me by Kevin Barbian.

MR. MAXFIELD And she's appealed that to this Board. And this Board . . .

MRS. ARMSTRONG She's denying that . . . inaudible.

VOICES Inaudible

MS. TUEMLER I'm just saying talk to Kevin.

MR. MAXFIELD I thought it was you assumed that maybe he didn't tell her that. He might have told you that but it could become third or fourth hand comment by the time we get it and its just . . .

VOICES Inaudible.

MS. CAIN I was never informed that Kevin did or didn't tell you to take it out. I wasn't aware there had been a complaint until you called me Mrs. Armstrong. So maybe that's just a breakdown in communication with Kevin and I. But he indicated that it was not a problem.

VOICES Inaudible.

MRS. ARMSTRONG He evidently hasn't been talking to her, but he's certainly been talking to me.

MS. TUEMLER I haven't bothered him.

MRS. ARMSTRONG And he talked to my daughter too.

VOICE Is your back yard grass?

MRS. ARMSTRONG Yes. I have part of a patio where my steps come down from kitchen to the garage. There's a small patio there.

MS. MEYER The patio goes to the edge of the house and the other building goes . . .
inaudible.

MRS. ARMSTRONG It just comes up to my kitchen.

MR. FLISCHEL Paul, I would like verification then. We get the report from the staff that includes building inspections.

MR. MAXFIELD Was that including the Zoning Administrators comments I mean when there's under City Commission . . .

MS. CAIN I had not had a conversation with Kevin where he objected to the variance.

MR. FLISCHEL Okay. So when we get the initial report that there's no objections that's the official City's position then is that there's no objection to this variance.

MS. CAIN Right. And like I said Kevin never expressed to me that he had a concern over it and certainly I can see we raised some valid points this evening, but Kevin and I never discussed those points.

MR. MAXFIELD Well I'm going to consider, let's review the findings that we have to deal with, with whatever we do tonight. We have to affirm that the granting of the request for variance will not grossly affect the public health, safety or welfare or alter the essential character of the general vicinity of the real estate or cause a hazard or nuisance to the public or allow an unreasonable circumvention of the requirements of the zoning administration. Excuse me, zoning regulations. And that it arises from, the requested variance arises from a special circumstance which does not generally apply to land in the general vicinity or the same zone as the real estate in question. And that the strict application of the provisions of the zoning regulations which they are requesting a variance . . . inaudible . . . deprive the applicant for reasonable use of their land or create an unnecessary hardship on the applicant and if the circumstances of the application are not the result of actions of the applicant or the owner of such real estate subsequent to the adoption of the zoning regulations. I guess what I'm saying is that we need to take that into consideration in whatever we end up doing tonight whether it be a compromise, strict adherence or . . . inaudible.

VOICE I guess the sense that I get is I am struggling with whether or not this is deck or it is a patio type situation. The key element is obviously having the ability to, one of the key elements, is having the ability to work on the fence. Should there be any type of issues to do that in the future. And clearly there's an argument that with it abutting the fence or even six inches that could create some type of hardship. The fact that we let the deck which is so low to the ground, you know, what if it was blacktop instead of wood, would we still be here talking about this situation if it was four or five inches of concrete or blacktop or if it was wood. So that to me Paul is kind of an issue.

VOICES Inaudible.

MS. CAIN One thing you may want to consider we have received another application for a Board of Adjustment Hearing so we will be having one in January. I don't know if you were planning on going ahead and . . .

MS MEYER I really would like to get it taken care of. It's been going on since May.

VOICE Has there been any other one of our findings we have to look at is in terms of effecting the general vicinity of the real estate and the health and safety and welfare and those types of things. Has there been any other types of complaints in terms of this situation.

MRS. ARMSTRONG No. It just started in May and all I did was get the Building Inspector to come and see what was going on and he stopped it.

VOICE I guess I'm just trying to get to the bottom line. Is it the fact the deck or the fact that there's a pool there, no pools, you know people look.

MRS. ARMSTRONG The pool's all the way on the other side.

VOICE So you have no problem with that. That's not an issue.

MRS. ARMSTRONG No.

MS. MEYER The problem is you know extending on to close to my mother's property line and her ability to maintain her privacy, tranquility.

MRS. ARMSTRONG Along side that dining room window I have a lavatory and there's a small window in there. It would be an intrusion on my privacy.

VOICE Okay.

MS. MEYER My mother's house goes back farther in the lot than their house does. What they're trying to do on their side of the back yard porch area. Where on my mother's side it's really right across from her bedroom and dining room area. That's the difference.

VOICE So this side, I fully understand the steps would go when you come out your door and you would go down your steps on to the deck that's what that would be okay with you.

MS. TUEMLER You go front or back but not out toward my . . . inaudible.

VOICE Okay.

MR. MAXFIELD That was never an issue was it with you.

VOICE Well early on it was.

MS. TUEMLER Well if I can't have them out an over I want them back because I don't want to lose any deck. You see what I'm saying.

MR. MAXFIELD Oh yes. You're saying go toward the front instead of back.

MS. TUEMLER Exactly.

MR. MAXFIELD And that in and of itself I don't think they'd take issue with if they didn't for that small part of the issue they didn't want come in toward the Armstrongs

MS. TUEMLER Right. But what he just said was though was not that.

VOICE I said he could go directly down onto the deck but you lose space onto your deck is what your telling me which you would.

MS. TUEMLER Right.

VOICE You . . . inaudible . . . end up doing that. You wouldn't want to make people come out and walk around in the grass would you.

MS. TUEMLER Sure. Why not?

VOICE Really? I wouldn't.

MS. TUEMLER So let me see the pictures.

VOICE Sure.

MS. TUEMLER My point is I don't want to lose the deck. I mean my yard's not that big.

VOICE Well we don't have any pictures of the full deck do we?

MS. TUEMLER There is one.

VOICE Oh yeah. Looking back.

MS. TUEMLER Is this the other side of her house? Inaudible.

MRS. ARMSTRONG Inaudible.

MS. TUEMLER This is the other side of your house?

MS. MEYER Yes.

VOICES Inaudible.

MS. TUEMLER And like I'd said, as far as the maintenance issue on the fence I mean . . .
inaudible.

MS MEYER I find that unreasonable because we don't know how long she's going to be
living there. We're not getting in to any of that.

VOICE Inaudible . . . we all appreciate both sides of that issue.

MS. TUEMLER I mean you just don't know how long a person is going to be your neighbor.

MRS. ARMSTRONG I don't want the valuation of my property ruined. That's the issue too. We
don't have big lots. We only have 40 x 90.

VOICE How long have you lived there mam? I'm just curious.

MS. TUEMLER Eleven years.

VOICE Eleven years and

MRS. ARMSTRONG Sixty (inaudible). Its always been a nice neighborhood. A real nice
neighborhood. When people try to . . . inaudible . . . too close to you it's not nice anymore.

VOICE What's that land on the other side of Church Street as you come down from
like the end of your place and turn on to Primrose, you look off to the right of Church? What's all that
land back in there?

MS. TUEMLER Primrose to Valley View.

VOICE Yeah. I was down there the other day. If you look as you're coming down Church to turn left on to Primrose you look off to your right there's a whole bunch of land back over there. What is that?

MRS. ARMSTRONG That was a landfill at one time and then they did away with that and made a baseball field.

VOICE That's FOPA and all that down there.

MS. CAIN All that property is owned by the City of Covington.

VOICE Yeah. I played baseball and soccer back there. . . my kids do

VOICE What zone is this in?

MS. CAIN Is it not indicated on the . . . I believe it's RIC.

MS. TUEMLER How about if I just do what these guys . . . inaudible . . . Mr. Maxfield, just trim the deck back you know . . .

VOICE I wasn't necessarily advocating that.

MS. TUEMLER Well your suggestion. I mean . . .

VOICE I was posing that as one option.

MS. TUEMLER That would be my option of choice.

VOICE What we would have to do is a majority of us to go along with it.

VOICE And maybe I can and maybe I can't. Actually I wasn't really advocating one or the other. I was just kind of throwing some out for possibilities.

MS. TUEMLER I really don't want to lose five feet of deck.

VOICE I understand. But you need too understand too that none of will here if you had gone and gotten permits before hand so we're trying to do what we can.

MS. TUEMLER It was an honest mistake.

VOICE Well I know and that happens.

MS. TUEMLER I feel just about like that I'm doing stuff to my property to make it better and didn't realize I needed a permit.

VOICE We've all experienced.

VOICE It clearly is. It's a very nice looking

MR. MAXFIELD And you might have come for a variance even then if you found out you couldn't do what you wanted to do then you would have come back before us. That's a good point and may have asked anyway. At least it would have been done before . . . inaudible . . . set down . . . inaudible.

MS TUEMLER I'm not trying to make anybody's property . . .

VOICE Now your ex-husband will be really mad if he has to come back and redo stuff.

VOICES Inaudible

VOICE But this doesn't give me insight to anything does it?

MR. MAXFIELD Well of the structure setbacks. We were trying to look for the definition of deck vs. patio. I've never run into a case where the patio say a conventional concrete patio is considered any kind of structure to which told us we had to do any type of variance or that we had a request for one. And I'm just . . .

VOICE I guess . . . inaudible . . . she could put a picnic table on her grass at the same place as she could . . .

MR. MAXFIELD She could pave her whole back yard with the exact same footprint as that wood and nothing would be an issue. The difference is it would be concrete.

MS. TUEMLER Right. I wish I would have known. I would have done that. It would have been just as cheap, probably cheaper.

VOICE Well why didn't you look . . . Well I mean that's something you could have done anyway.

MS. TUEMLER I was sick. I know. I went with decking. I considered it. But I mean I just . . . had I known that fact I would have done that.

MR. MAXFIELD That's one of those reality checks that maybe you can find. Sometimes I look right past it and don't even . . . definitions . . . inaudible.

VOICE Inaudible.

MS. TUEMLER I just figured what's the difference. Concrete/wood?

VOICES Inaudible.

MRS. ARSTRONG If the Building Inspector got her permit and found out about that . . .

VOICE But that's what I'm saying she could've come back then before construction and said I want to have this right to bring my deck up this far. Can I have that? And we would just be doing the same thing only without the decking on the ground.

VOICE That's usually what happens.

VOICE In other words she's under some pressure because it's something that might have to come up a little bit.

MR. MAXFIELD Now we're checking again to see if there's any definition on or differentiation between a wood deck and a concrete patio from the zoning standpoint.

VOICE That's not that deep.

MR. MAXFIELD Inaudible . . . that the steps go down there.

VOICE Inaudible.

VOICES Inaudible.

VOICE Yeah. Yeah. Yeah. That's what I'm . . . inaudible. That the sense I'm getting . . . inaudible . . . steps about this big.

VOICES Inaudible

MR. MAXFIELD We have some discretion to make that definition. I think that we need to bear in mind that if we decide one way or another what a deck is or isn't relative to a patio that we would want to be consistent on the Board if other people come in with similar type of things right down at the ground.

VOICE Structure. Anything constructed or erected the use of which requires more or less permanent location in or on the ground or attachment to something having a permanent location in or on the ground including buildings, mobile homes, signs and fences but not including earth work ditches, canals, dams, reservoirs, pipelines . . .

VOICE Telephone, telegraph, . . . inaudible . . . pools, driveways or curbs.

MR. MAXFIELD Closest thing we got there is driveways and that's not even . . . inaudible . . . that just says if your driveway cape . . . inaudible. That's the only thing for liking a flush patio to a structure.

MR. FLISCHEL Is Kevin normally supposed to be . . .

MS. CAIN Yes.

MR. MAXFIELD See what he had, may have gotten . . . inaudible.

MR. FLISCHEL I know, but what puzzles me, what I would like to get cleared up is on here with your testimony saying that there was a problem. On the other hand we got staff reports saying there wasn't.

MR. MAXFIELD She's saying she's not aware of any.

MR. FLISCHEL I know. But that's what I'm saying.

MS. CAIN And that's why I indicated you may want to wait until January because we do have to have another meeting. It's the first Thursday obviously.

MS. MEYER Okay. I would agree to that. You know what I would like. I would like the proposal, cut it back and the steps. You know what she would like. And then why don't we talk to Kevin and then can you just notify us by mail that we have to come back and do this all over again.

MR. MAXFIELD You'll have to come back but by law we would need to notify all the adjoining property, basically the same people got notified for tonight's hearing, will get notified for next month and then . . .

MS. TUEMLER Inaudible . . . it might help talking to him.

MS. MEYER It certainly . . . make a decision that is . . . inaudible . . . go again, previous to this somewhere in the past or set precedence that for future decisions that may not be practical.

MR. MAXFIELD We do that all the time. That's our purpose.

MS. MEYER Do you always hold up you're . . . inaudible . . . decision tonight if someone else comes along with the same scenario would you still uphold the same decision?

MR. MAXFIELD We would bear in mind that we've done this, whatever we did.

MR. FLISCHEL Inaudible . . . fences with this. That's was really about three or four years ago.

MR. MAXFIELD Yes. There were special . . . inaudible.

MR. FLISCHEL This is not unusual and it's perfectly within our purvue to be able to grant these things. That's why we're here. We can grant a variance to

MR. MEYER any kind of . . .

MR. MAXFIELD There are some things we can't do and sometimes people ask and we just say we vote to the effect that that's not within our authority.

VOICES Inaudible.

VOICE The other thing too, I would, you're neighbors so you see each other and you talk and to some degree I guess related from what I heard tonight. If there is some type of compromise that would be reached that's not even occurred tonight I'm just saying if you could please let us know that too. So I'm not saying you have to do that I'm not telling you or I'm not advising you but I'm just saying if . . . because we will make a decision.

MS. MEYER I understand what you're saying.

VOICE We're going to make a decision here and where we are now is somebody's not going to be satisfied likely. That decision . . . we got three options and then it appears you know that neither one, so I'm just saying that, if there is any room for compromise, there is any way to work it out, I really encourage some type of compromise, because I . . . there's . . . you were here tonight there's arguments both ways.

MR. MAXFIELD I think the chances of this Board making her take it all the way back ten feet are pretty, I'm surmising, pretty slim. It's possible the Board may want her to take it back four feet or the level of courses. It's just as possible the Board may say trim off six inches and leave the steps like we talked about. All these things are possible depending on which one the Board chooses you're going to be much less happy than maybe they will and vice versa. So if there's some in between and you just work that anyway which I'm saying just let us know if something does happen.

VOICE Could be one of those options that may save time but that's up to you all.

MS. TUEMLER I agree. It'll save you time and . . . inaudible.

VOICE Obviously this is what we do and we're going to follow that but . . . inaudible.

MS. TUEMLER Well isn't that what you were saying in the beginning when we . . . inaudible . . . as far as trimming it back six inches?

MS. MEYER No, five feet.

MR. MAXFIELD Maybe you can get . . . inaudible . . . for the next one. We'll see what happens. But anyway, I think given the fact there were some conversations that clearly happened between the

Zoning Administrator and you and them and we're getting conflicting stories it would help if we could get some more concrete evidence.

MS. CAIN And I apologize that he's not here.

MR. MAXFIELD Well if you'd have known we could've have maybe rescheduled the meeting or something if we knew about these things or the level of them With that in mind . . .

MR. FLISCHEL Make a motion we table until next month.

VOICE Second.

MR. MAXFIELD There's a motion and a second. All those in favor say aye.

VOICES Aye.

MR. MAXFIELD Okay. Referred, uh. It will help to get all this testimony in so we know what's going on.

MS. MEYER What day are we talking about next month?

MS. CAIN The first Thursday of the month.

VOICE January 6th.

MR. MAXFIELD Same time, same place. Thank you very much and I know these things are frustrating when you're that close together but hopefully we can come to a resolution

MRS. ARMSTRONG It's always been nice living there in the area and I don't want to be crowded. My husband and I built the house and bought the ground because there weren't any houses around there

VOICES

END