

**Perry City Special Uses and Appeals Board Meeting  
6:00 PM Tuesday, June 10, 2014  
Perry City Offices, 3005 South 1200 West, Perry Utah**

**Board Members Present:** Chairman Mark Stratford, Board Member Jim Felix, Board Member Kim Barnard, and Board Member Bruce Howard, and Board Member Jon Rackham.

**Others Present:** Codey Illum, Perry City Planner, Susan K O Bray, Minutes Clerk, Ben Small, Marianne Illum, June Wilkinson, Brad Wilkinson, Brett Henrie

**1. Approx. 6:00 pm - Call to Order, Opening Ceremonies, and Public Comment**

- A.** Call to Order and Pledge of Allegiance to the U.S. Flag  
Chairman Mark Stratford called the meeting to order and asked Board Member Howard to lead the Pledge of Allegiance.
- B.** Declare Conflicts of Interest, If Any  
Chairman Stratford asked for conflicts of interest. There were no conflicts.
- C.** Review the Agenda (and Possible Motion to Change the Order of Agenda Items)  
No changes to the agenda.
- D.** Approve Minutes for February 18, 2014

**MOTION:** Board Member Howard moved to approve the February 18, 2014 minutes. Board Member Rackham seconded the motion. All in favor.

**2. Approx. 6:05 p.m.-Special Use/Business Applications**

- A. Applicant: Ben Small, Location: Walker Springs Ph 2 Lot 17 /2302 S Madison Circle Perry, UT. Request for a 20' set back from front of property line. The current set back is 30' from front of property line.**

Ben Small expressed his appreciation to the board and their consideration to look at this. He said that they recently purchased this lot and staked it out and the house does not fit on the lot like it shows on the site plan. Mr. Small stated that the house is cocked quite a bit to stay with the side setbacks, front setback, and the rear setback. Chairman Stratford clarified that Mr. Small has already talked with Perry City about this issue. Chairman Stratford stated that you are not asking the board to review the decision that Perry City has made, but you are asking us to grant a variance. Mr. Small stated that he is asking for a hardship variance. Chairman Stratford said you are not asking us to change the decision that Perry City has made, you are asking for a different setback. Mr. Small is asking for a hardship variance based on the misalignment of the lot.

Board Member Howard asked what the proposal looked like. Mr. Small stated what they are asking is that the 20 foot setback in the front be granted so the house will actually turn because right now it is pinned on an angle. He said that the house will fit on the lot but it is not square to the street. He commented that it is severely cocked to the southwest. Mr. Small stated that basically the front door and the whole house sits to the southwest which does not align it to the street. He said it does not flow with any of the other homes on that street. Mr. Small stated that his surveyor is pinned with the setbacks and is not able to twist it anymore because of the size of the home. Mr. Small stated that the house fits on the lot, but the surveyor is trying to work with all the setbacks from the side, front, and rear he is pinned to where it will only fit facing to the

southwest. Mr. Small stated that is the hardship and it certainly does not flow with the homes that are in the cul-de-sac. Mr. Small said that if the 20 foot setback was granted they would be able to pivot the home to align it with the street in a more conducive manner to the other homes in the cul-de-sac. Chairman Stratford asked Mr. Small to show him on the projected site plan where the 30 foot setback line would be. Mr. Small showed him on the projected site plan. Board Member Rackham asked what the distance was from the back of the lot to the back of the house. Mr. Small stated that it is an additional 10 feet. Mr. Small stated that they would be able to pivot the house to align the street if they were granted the 20 foot setback. Chairman Stratford asked Mr. Small to tell him about the lot. He said is it flat, how much slope from side to side. Mr. Small stated that there is a dip in it. He said that the way it is built up at the sidewalk to the rear of the lot, he estimated a good 6 feet difference. Mr. Small stated that they are going to try to work with the conduciveness of the landscaping. Mr. Small stated that there is a significant drop on one side of the lot.

Chairman Stratford stated referring to the letter that was included in the packet it refers to a problem with the back door of the house if the house is pivoted. Mr. Small stated also what was discovered was that the proposed structure with its walk out basement foundation/rock retention will also add to the hardship regarding alignment and placement of the home. Mr. Smith stated if you pin this as a foundation wall, it would hinder further movement. Codey stated that Perry City allows this in their setbacks. Ben said that if they actually pin this instead of rock it, it will go over on the setbacks too. He showed a plan and how the house would be pivoted on the lot. He said by allowing a 20 foot setback in the front, the surveyor would be able to pivot the house. Chairman Stratford stated that if you were to build it the way the City has told you, you have to build it, the back of the house would still be parallel with the back of the lot. He said you would have to move it to the north and to the east. Mr. Small answered no. Chairman Stratford asked Mr. Small to show how the back of the house would relate to the rest of the lot. Mr. Small showed where the 20 foot setback would be, and showed where the surveyor is trying to square it against the property line. He said right now it is pinned because of the way the property line is. Chairman Stratford stated that he is leaving the southeast corner in the same location, and pivoting the northwest corner back to the north. Mr. Small stated that was correct. Chairman Stratford asked what would happen if he pushed the house back to the 20 foot setback line and still meet the 30 foot setback in the front. Mr. Small stated that it wouldn't work. Codey asked if it would fit in the 20 foot setback. Mr. Small stated that it would fit. He said it is a significant misalignment and he said it is not just pitched a little. He explained by bringing it up it allows him to shift the house to align it with the street.

Board Member Felix stated by bringing the house back to the 20 foot line, you will have a 30 foot setback in the front. Why would the house have to be turned? Mr. Small stated what he is proposing to do is to shift the house forward towards the street, so that he can turn the house to face the street. Mr. Small stated that it is an irregular lot size in its entirety. Chairman Stratford asked the way that he is proposing the house on the drawing is 30 feet from the back of the lot. He asked if he moved the house to the north so that the back of the house was only 20 feet away from the back property line, so it is exactly running along the setback line. Chairman Stratford asked if he could shift the house 10 feet to the north to meet that 30 foot setback from the front. Mr. Small stated that the way it sits right now it is sitting against the 20 foot setback. Board Member Howard stated that it does not show that it is sitting on the 20 foot setback on the

sketch. He said that's the problem. Chairman Stratford stated that Mr. Small needs to show the board how the city will allow the house to be built. Codey asked if this house could fit on this lot with a 30 foot front setback and a 20 foot back setback. Mr. Small stated yes.

Brett Henrie, Contractor, stated that the house would fit on the lot. He said right now everything is parallel in the back but the front door is not straight with the road. Mr. Henrie said the way it is drawn right now it looks like it is straight down the cul-de-sac, and that is the way they want to built it. He said in order for that to happen it needs to be turned slightly which would make about 30 feet on one corner and 20 on the other corner.

Mr. Henrie explained that they need the extra space in the back in order to turn the house slightly, which would encroach on the 30 feet setback. He stated that is why they are proposing to move the house forward. It would give a little bit more room on the south side and make it exactly on the north side. He said that the home will not be exactly the 20 feet or the 30 feet on the back. Codey explained that they have 128 feet on the south side and 131 feet on the north side so the lot is skiwampus. It is jogged a little bit and so he is trying to get it to fit. Mr. Small stated it is an irregular lot through and through. Chairman Stratford asked Mr. Henrie to show the way the city is approving it right now. Mr. Henrie stated that the city is approving it with the 30 feet setback in the front. He said to have it this way the front door is facing the neighbor's house to the southwest. Mr. Henrie stated in order to align the house; we need to encroach on the front setback. Mr. Small stated that a certified surveyor is telling us that the house can fit on the lot based on the setbacks of 30 feet in the front and 20 feet in the back and 8 and 14 feet in the side yards. He said based on these setbacks the house will fit on the lot. He said however in order to do that he had to keep the back of the house square with the rear setback line while at the same time touching the front 30 foot setback with the corner of the garage. Mr. Small stated this lay-out puts the house not square with the cul-de-sac in front, it is turned slightly. He said it puts the front door facing towards the existing house on the southwest lot. Mr. Small stated that we are locked and this is the way the house has to set on the lot.

Board Member Rackham said that the surveyor should have given him a drawing showing the 20 foot setback and one with the 30 foot setback.

Codey stated what Mr. Small is proposing to you is that it is a hardship. He said he would like to have them to be able to build the house the way they want too. He said a hardship is something you have no control over; they had control because they knew the setbacks when they purchased the lot. Mr. Illum stated that it used to be 30 feet in the rear and 30 feet in the front and in 2010 Title 45 was changed to 30 feet in the front and 20 feet in the back. Codey said he wanted to give them some options, but when it comes down to it he denied it because it did not fit our ordinance. He explained that we can't make variances for them just because they want the house to fit. He said we would have to make variances for all the homes that come in and then it sets an uneasy burden that the City cannot do. He said that the City needs to stick to the ordinances. If the City wants to change the ordinances then they need to follow a process to change it. Codey stated that they allow a 2 foot overhang into that setback. Mr. Illum stated that the foundation has to be at the 20 foot setback and the outside wall can encroach that by 2 feet to help them turn that a little bit. Codey stated that he could have an 18 foot setback in the back instead of a 20 foot due to allowing the 2 foot encroachment. Codey stated that usually it is 1 foot behind the property line and this subdivision is one foot in front of the sidewalk. Mr. Illum stated that it is already up so close because of what was approved in that subdivision before.

He stated that we need to make sure that we maintain the front yard setback of 30 feet. Mr. Illum commented that he has processed hundreds and hundreds of building permits with 30 feet in the front and 20 feet in the back. Chairman Stratford stated that it seems the structure could stay facing the way the applicant has proposed. He said it appears that the east setback line that the house could move back about 10 feet and potentially even east a few feet and would fit behind the 30 foot setback line. Codey stated that it is hard to tell because he does not have the width of the home. He said they told him that it would fit the 30 and 20 foot setback if allowed and give him an additional 2 feet to turn it a little bit more. Codey stated that he will lose square feet on the basement but maintain the same square feet on the top. Codey felt that the hardship does not exist because it has been 30 feet and 20 feet for the last 4 years.

Chairman Stratford stated that the applicant has said that it is the last lot in the subdivision and it won't be a problem in other areas. Codey stated once the City allows it one area it doesn't matter what subdivision. You have to do that with the entire City. He said once you allow it you have to allow it for everyone. Chairman Stratford stated that Mr. Small's point is that the subdivision was platted at a time when a special exception was given on the setbacks and that has been taken away. Codey responded by saying that we did give him the 10 feet. The only difference is we do not allow that in the front, we only allow it in the rear. Codey stated that now everyone is entitled to the 30 and 20 regardless if your lot is irregular or square. Codey stated this was approved by the Planning Commission a long time ago with a 20 foot setback as long as it met the ordinance of an irregular lot. He said not every lot in the subdivision met the ordinance.

Board Member Barnard asked why there was no documentation now. She said she remembers the subdivision because she was on the Planning Commission at that time. Codey stated that we gave everyone that reduction regardless if it was irregular or square. He said this home if it was set the way it was plotted at the time was 30 and 30 as long as Ed Johnson interpreted that it was irregular. Codey stated by definition this is a cul-de-sac and cul-de-sacs have zero irregular lots therefore this is a regular lot. Mr. Small stated that in the 2007 ordinance it states that lots in a cul-de-sac have irregular lot consideration. Codey stated by definition an irregular lot is not square. He said by definition this is a cul-de-sac, and cul-de-sacs have zero irregular lots. Mr. Small commented if the City has to allow every single applicant the same rights as my hardship, that's false. He said a hardship is individualized to the lot itself and to the situation. Mr. Small stated that a person does not have to be afforded that. He said the applicant has to come through the same process that he has to come through. Ben stated that the City cannot just grant it, there is a formality to follow. He said he is going through that formality just like any other person would have to go through the formality. Mr. Small stated that he has lived in Perry for 14 years; he has a beautiful home, with a beautiful setup. He said he does not want to go to this lot and have the house completely out of character in the way that the subdivision is. He said the other homes in the cul-de-sac have 20 foot setbacks. He said he understands that it was the ordinance at the time.

Mr. Small stated that this lot and this subdivision have a lot of history in the way that it was approved. He stated that the hardship for him is individualized to his circumstances, not to the future circumstances to others. Mr. Small said again that a certified surveyor said it will fit on the lot but is severely misaligned. Ben felt it is a hardship for him because they cannot get a

home to fit on that lot in that subdivision. He said in this exact subdivision others were granted variances and had to go through a variance process just like he is going through and they were granted the variances based on the individual circumstances. Mr. Small stated that there are other homes that are all sitting within the 20 foot setback, one recently. Codey stated that the City has not approved a variance in 10 years. Chairman Stratford stated his struggles. He said he gets the shape of the lot creates a challenge for the house he wants to build. The physical characteristics of the lot itself don't seem to be the problem. He said its' not like you have to cut into the hillside, its' just the house that Mr. Small wants does not fit into the space that the ordinance allows it to fit into. Chairman Stratford said that he wasn't sure if that was a special circumstance based on the land, as opposed to the lot lines. Mr. Small stated that he could understand that. He said the difference is that the irregular shape of the lot presents a challenge. He said what they thought would fit on the property square, did not. He commented that was the hardship circumstances.

Board Member Rackham asked if this subdivision had covenants. Codey stated that it does. Board Member Rackham stated the reason why he is asking is he could put a different house and meet the setbacks. He said he understands that this is their dream house but they should have done their homework before they bought the lot, and now they are asking the City to violate their ordinances just so they can put their dream house on the lot. Mr. Small stated he can respect that but there was some history on what irregular lot sizes would entail, whether or not that is justified as doing home work . He said they got to this point based on the merits of that. Board Member Rackham asked when Mr. Small purchased the lot. Mr. Small stated that he purchased it in March of this year.

**Brad Wilkinson, Ogden:** Brad stated he was one of the developers of phase 1 and phase 2 in Walker Springs. Mr. Wilkinson gave some history of this development. He said back in February 2013, he had this lot up for sale for quite some time. Brad stated that he had it with a real-estate Broker (Caldwell Banker) and they called him a couple of times and asked if he had any trouble fitting houses on this lot. He replied "yes". He said they have had a couple of people interested in it and has lost sales because they have not been able to fit a standard size house on it because of the irregularity. Brad explained at this time he went into the City Offices and talked to the City Administrator, Duncan Murray. He said that Mr. Murray instructed Susan Obray and himself to go through the old ordinance books and find the old ordinances back in 2007. We did and Mr. Murray reviewed the ordinances. Brad said he does not know the law but based on what we presented he was going to grant the variance. Brad stated that he asked Mr. Murray if he needed to go through the board and Mr. Murray stated "No". Mr. Wilkinson stated that Mr. Murray told him that he needed to fill out an application and pay a fee of \$150.00 and told him that he would record it. Mr. Wilkinson said that he told his real-estate agent what was said and kept the lot up for sale. Brad stated that he sold the lot to Mr. Small under the pretence that it was done. Brad stated when Mr. Murray's contract was finished with the City; Mr. Murray called him on the phone a year later (February 2014). Brad stated that Mr. Murray asked him to remind him what they were doing on this. He said he went through it and they reviewed it again. Brad stated that he reminded him of the 20 foot setback. He said Mr. Murray said "oh that's right, I'm not going to be here much longer and I need to clean up a few things and I need to record this, I'll go do it now". Brad told him "oh, you haven't done it yet? Mr. Murray stated that he would take care of it. Brad stated that he felt it was still ok. He said in March of 2014 his

mother got a letter (June Wilkinson Trust) and a refund check with a \$150.00 saying it had been denied. Brad stated that he sold this lot on the pretence that it was taken care of by Duncan. Brad said that Duncan failed to record it. He stated that it took him one year to get back with them to say he had dropped the ball and he was going to get it recorded before he left. Brad said obviously he didn't do it. He said in his opinion this was done and taken care of in 2013.

Brad stated that they submitted the proper applications and paid \$150.00. He said the city cashed the check, kept the money and it wasn't until a year later that it was refunded back to them because Duncan didn't follow through with his job. He said they sold the lot on these pretences. Codey stated he wanted to clarify that Duncan Murray had no legal right to say what he said to them. He said he did not have the authority to do that.

Codey stated that he has looked for some documentation that says what the agreement was, and there isn't any. Codey said that there is no documentation of the agreement, no recording of the lot, the money has been refunded. He said unfortunately the agreement that Duncan said he would do fell through, but he had no authority to do what he did. He said as the City Administrator he can't do that unless it goes through. It needs to go through the Planning Commission and City Council to allow a variance. Codey said that Duncan was supposed to start the process of going through the Planning Commission and City Council. Brad Wilkinson disagreed. Chairman Stratford said that is why he asked at the beginning of the meeting the nature of the meeting that we are having tonight. Codey stated that Mr. Heiner denied it the first time and he denied it the second time.

Chairman Stratford said he wanted to know if they were appealing an administrative decision made by the City, whether it was Mr. Murray, Mr. Heiner, or Codey, or whether this was a request to them for a variance. He said because there is a different standard that we apply depending upon the nature of the request. Codey said that in his memo he defines what a hardship is and it makes it hard to meet that threshold. Chairman Stratford stated that he gets it that there is history with this. Mr. Small said the history influences decisions, based on homework which brings him to the hardship and the request for the variance. He felt they needed to go on the merits on the hardship that it has placed. He said the history ultimately comes in to play with the homework and the due diligence that was exercised in purchasing the lot. He believes the approval of the variance is to allow the house to come up to the 20 foot setback in the front. He said it justifies everything that took place in 2005 when the development was approved, when the ordinance was rescinded, and when the request to go back in and protect the 20 foot setback. He said we are dealing with the situation today that remedies and rectifies everything in the past through the variance process.

Mr. Small stated that he stands by his statement that it is confined to this subdivision based on the history. He said that he disagrees with Codey. He said that is what variances are so that each submittal is afforded the opportunity based on individual circumstance. Chairman Stratford asked Mr. Wilkinson if he knew the depth of the lot and the center of the curve to the back of the lot. Mr. Wilkinson stated he did not. Chairman Stratford stated that the parameters of the lot are what confine it. Brad stated that they had a very difficult time selling the lot because it narrowed down the market extremely on what houses could even fit on there. He said that is why his real-estate agent asked if he ever thought about getting a variance and that is when he

came and approached Duncan about it. He said he does not know what the legal aspects are of what Duncan can or cannot do, but Duncan represented the City and the whole office staff was there Susan, Shanna, and Robin to witness this. He said we were all there together looking up the ordinances, Duncan went and did his study and said yes he can do this and would go and record it, and that all he had to do was pay \$150.00 and submit the application. Mr. Wilkinson said the check was cashed by the City. Mr. Wilkinson said therefore, he did what the City asked of him, and because Duncan represented the City, be it right or wrong this is how he sold the lot based on that information and what he did.

Mr. Small stated that it is 90 feet from the center of the curve to the back of the lot. Chairman Stratford asked what the City's minimum lot depth was. Codey stated that there is not a minimum as long as you have 10,000 square foot lot. Chairman Stratford stated that the City has a minimum lot frontage of 80 feet and a minimum lot area, but not a minimum lot depth. Codey stated that they think by the parameters that you can fit a house on the lot. Board Member Felix stated that you design a home to fit the lot. Mr. Small stated that this house fits in with the other two houses in the cul-de-sac that are on a 20 foot setback. He said the house fits in with what is existing. Mr. Small stated that he is sure that Perry City would want to make their subdivisions beautiful as well. He said if you drive down this road and see this house it is misaligned to the road, and further back than any other homes in the subdivision. Codey stated that all the homes have setbacks of 30 and 20. Codey stated the City would have given Mr. Small the setback of 30 and 20 at that time when they did the other lots, except we took away the options of the front yard setbacks. Mr. Small stated that they are 20 on the front yard setback.

Chairman Stratford asked if the lot dimensions or widths have changed since this subdivision has been approved. Codey stated that it has been the same since it was recorded. Chairman Stratford stated that he didn't mean this particular lot, but have the ordinances changed. Codey stated that the parameters of the R1 have stayed 10,080 in the front. He said the only thing that has changed is that we allowed homes to be 30 and 20 instead of 30 and 30.

Mr. Small stated that he could see if the house was too built on a straight street, 30 feet is more than doable. He said but in this cul-de-sac, this is where it presents a challenge, as well as an irregular lot size.

Board Member Felix stated when he builds a home he designs the home to fit the lot. He suggested that Mr. Small go back and redesign the house to fit the lot, or move the house to fit the lot. Mr. Small stated that he was given information about the lot. Mr. Wilkinson said that Duncan did, and he was a Perry City employee.

Board Member Felix said that the Planning Commission and the City Council have designated the instructions on how the lots and homes in this city will be built from now on regardless what was done in the past. Board Member Felix explained as a Board of Appeals, we have to do what the City has directed us to do.

Chairman Stratford said there is recognition to the law that under certain circumstances, called special circumstances, if they cannot enjoy a substantial property right, that other properties in the zone have, that would allow us to make a modification, if we determine it is consistent with the General Plan and the public interest. Chairman Stratford stated that he gets a sense from

Board Member Rackham that the lot wasn't owned prior to the time the change was made, so the lot was purchased with the understanding of what the regulations were. Chairman Stratford stated that Board Member Felix seems to feel the same way. Chairman Stratford stated that they understand that the house may have been designed based on the reliance or oral statements made from a City employee. Mr. Wilkinson stated that there was also a whole office full of witnesses. Chairman Stratford stated that they have also received evidence that the home, not necessarily the preference of the applicant can be placed on the lot and meet the setbacks that are currently in place. Board Member Rackham said that he felt the same way that Board Member Felix that you purchase the lot and build the house to fit to conform to the setbacks of the lot. He said that he looked at the plan that was presented, and it looks like it will fit on the lot. He said you look at the topographical map and none of the houses are square to the road. Board Member Rackham stated in his employment if it's not in writing it didn't happen. He said there might have been some verbal things that were said, but in business dealings you need to get things in writing. Board Member Rackham stated that we can't go by he said she said. Mr. Wilkinson asked where the City's responsibility on he said she said. He asked where Duncan Murray's responsibility is. Board Member Rackham stated that he does not see a hardship.

**MOTION:** Board Member Rackham moved to deny the applicant his hardship request. Board Member Felix seconded the motion. Roll call vote.

**Discussion:**

Board Member Barnard felt that it was not a hardship, and does not want to deny the whole thing. Chairman Stratford stated the motion was to deny the request.

Board Member Rackham stated or they could say denying him the opportunity to move the house forward to where he has a 20 foot setback.

Board Member Barnard stated that she would like to see the house twisted to fit within the setbacks. She said that would make it so it was squared up. But it doesn't sound like that is what they want to do.

Chairman Stratford said they have a motion pending. He asked Board Member Barnard if it would change her opinion if it was a hardship or not. Board Member Barnard said she still does not think it is a hardship. She said as far as denying the other part of this, she did not want to say no to that. She said she would like more information.

Chairman Stratford stated that the request is to reduce it down to 10 feet, so there is a 20 foot setback and not a 30 foot setback in the front; it is possible that the home could fit with something between 20 and 30 feet. Board Member Barnard asked if Codey already said there was a 10 foot setback that was already there. Chairman Stratford stated that the ordinance as it is right now says that they need a 30 foot setback in the front and that is what the city is enforcing. Codey stated that the 20 foot setback in the past was given by Ed Johnson to give to anyone who had an irregular lot at 20 and 30 setback. He said the City Council and Planning Commission changed the ordinance to give everyone the 10 foot reduction but they wanted to maintain it in the front at the 30 foot setback. Chairman Stratford stated originally the 30 foot setback was in the back of the lot and today there is a 20 foot setback. Chairman Stratford stated the 10 foot

give that the staff is referring to, is at the back of the lot not at the front of the lot. Chairman Stratford stated that it is recognized by the city ordinance that the 20 foot setback is in the rear, whereas previously it was 30 in the rear and 30 in the front. He said the City Council determined to give an additional 10 foot space but in the back of the lot and not the front of the lot. In exchange they illuminated the option for the applicant to ask for the additional 10 feet in the front. Chairman Stratford asked the board if the variance is based on the hardship, if you think there is not a hardship at all, and you want to see a different layout of the house, is that going to change your opinion of a hardship or not.

Board Member Barnard stated that her definition of a hardship is not the same as Codey's. She said Codey's is by law. Chairman Stratford said Codey can tell us what the law says, but you can interpret the law. Board Member Rackham stated another reason he does not see this as a hardship is that he can put any type of house on there he wants too. He said if that was the only house he could put on there then it would be a hardship. Board Member Rackham stated that he would have liked to see the house in the back position of the 20 feet. He said it would have given them a better idea of what it would have looked like. Chairman Stratford stated one of the options is to table this and not make a decision tonight and come back. He said his concern is simply about how does the house fits or doesn't fit, and it is not going to change. The question is whether it is a hardship. He said we would come back and look at different pictures, and would still be facing the same question of whether it is a hardship. He said if you think it is not a hardship, it is unlikely that your vote would change even if we saw a different drawing.

**MOTION:** Board Member Rackham moved to deny the request for the variance. Board Member Felix seconded the motion. Roll call vote.

Board Member Rackham	yes	Board Member Felix	yes
Board Member Barnard	yes	Chairman Stratford	yes

**Motion Approved:** 4 yes                      0 no

Chairman Stratford stated he doesn't think that anyone here wants them to have an ugly house; no one here wants to make your dream of having a beautiful house in a beautiful neighborhood not happen. He explained however, under the law even though you are confined by subdivision boundaries, and even though you potentially had some statements from Mr. Murray in the past, that those conditions are not unique enough to make this hardship special in compared to other lots in the city.

### 3. Questions and Adjourn

- A. Questions by Special Uses and Appeals Board Members  
None.

**B. Motion to Adjourn**

**MOTION:** Board Member Felix moved to adjourn. Board Member Barnard seconded the motion. All in favor.