

MINUTES BOARD OF ADJUSTMENT May 29, 2019

Minutes of the regular hearing of the Board of Adjustment, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Study Session 5:30 PM

| <u>Present:</u> | <u>Staff:</u> |
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| Chair David Lyon | Ryan Levesque, Deputy Director |
| Vice Chair James Frazey | Lee Jimenez, Senior Planner |
| Board Member Richard Watson | Brittainy Nelson, Administrative Assistant |
| Board Member Whitney Baker | Jeff Tamulevich, Code compliance Manager |
| Board Member Kevin Cullens | |
| Board Member David Naugle | |
| Board Member John 'Jack' Confer | |
| Board Member Joshua Tracy (Alternate) | |
| Board Member Robert Miller (Alternate) | |

- **Review of Minutes**
Chair David Lyon asked if anyone had anything in the minutes that need to be edited.
- **Loren Property Abatement Appeal**
Chair David Lyon asked staff if there were any updates. Mr. Jimenez stated that the City follows the same advertising as the Hearing Officer and since there was no post cards or posting for the abatement hearing, there was just the posting of the agenda, there was not any public input. There was a letter that was submitted with the paperwork from the neighbor to the north stating that they did not submit a complaint. Board Members inquired if there was a neighborhood complaint or did City staff spot the nuisance. Mr. Jimenez stated that he is only aware that it is complaint driven. Chair David Lyon stated that in the report it is stated that a complaint was made not by a member of City staff or Code Compliance, but that someone made a complaint. The City does not release the information of the person that makes the complaint. Board Members asked what the language of the City code for deteriorated landscape is. Vice Chair Frazey informed the Board Members that it is on page 35 of their packets. Vice Chair Frazey inquired if the Code Inspectors files complaints themselves. Jeff Tamulevich stated that they have the power to issue compliances proactively or reactively however in this case it was reactive. They received over five complaints about the dead tree in the front yard and the one in the backyard. Chair David Lyon informed the group that granting the appeal will remove the abatement and denial will be holding to what the Hearing Officer has approved.
- **Other comments & questions**
Ms. Nelson informed the Board members of the Council Chambers remodel and where they will be meeting starting in July.

Mr. Levesque informed the Board that there will be another Board Meeting on June 26, 2019.

Regular Meeting 6:00 PM

Present:

Staff:

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| Chair David Lyon | Ryan Levesque, Deputy Director |
| Vice Chair James Frazey | Lee Jimenez, Senior Planner |
| Board Member Richard Watson | Brittainy Nelson, Administrative Assistant |
| Board Member Whitney Baker | Jeff Tamulevich, Code compliance Manager |
| Board Member Kevin Cullens | Andres Laura Reyes, Code Inspector |
| Board Member David Naugle | |
| Board Member John 'Jack' Confer | |

1) Voting of the Meeting Minutes

Motion by Board Member Baker to approve the Meeting Minutes of February 27, 2019; second by Vice Chair Frazey. Motion passed on 7-0 vote.

Ayes: David Lyon, James Frazey, Richard Watson, Whitney Baker, Kevin Cullens, David Naugle, John Confer

Nays: None

Abstain: None

Absent: None

- 2) Request an appeal of the April 16, 2019 Hearing Officer's decision to approve the abatement of public nuisance items for the **LOREN PROPERTY**, located at 1220 South Mill Avenue. The appellant is Jody Loren. (**PL190096 / CE181300**)

Presentation from Appellant: Ms. Jody Loren

Ms. Loren stated that initial removal of the 80-year-old tree was brought to her attention within two days of purchasing her new home in April of 2018. The same thing happened when she purchased the property just south of her home in May of 2017 a notice was sent two days after the sale. She was informed by the code inspector that he does not write citations unless neighbors have complained about a certain matter regardless if it is in violation of code or not. She has asked for the names of the neighbors that were filing the complaint and was informed that the information could not be supplied to her. She wants to know how she can legally represent herself if she does not have the information or documentation to support the claim of the City. She has spoken with her neighbor Bryan Sandal and he did not call to make any complaints. She provided the signed letter from him. She has removed the tree stump in the front yard. She wanted to keep the tree stump to create art work and was told by Mr. Lara-Reyes that it was not permitted. She feels that it is prejudice for so many reasons one being that there are hundreds of stumps that are dead throughout the City of Tempe which many of the tree stumps have been there for years and they can remain if no one makes a complaint against them, as stated that tree stump has been removed. As for the tree in the backyard she has asked on occasions who has filed the complaint and was not given the information. She is aware that the only time a citation is given for items in the backyard is if someone made a complaint. She was informed by Mr. Lara-Reyes that he would not do anything about the tree in the backyard if neighbors weren't complaining. She would then like to see the proof of the complaints that have been filed. Not until she purchased the property has the backyard tree been an issue. She does have a tree that is dead in the backyard that has been there for years. However, she does not have a dead tree, the tree is full of life. That tree is the home of a honeybee colony and has been for numerous years. There are approximately 25 thousand bees in that tree and the tree

is completely full of honey. The bees travel at a higher-level frequency disturbing no one. She feels that the Board should be aware that there is a community that is endangering bees and to remove them the tree would be devastating. She does not want to disrupt the bees and their environment because someone supposedly made a complaint about the tree. A tree that is not visible outside of her yard. If you look at the pictures you cannot see the tree from the alley or the front yard. She has spoken with Beekeepers who have said this process of removing the trees is timely, costly and temporary because the bees will come back. Additionally, if the bees are removed from the tree since the tree is completely full of honey that rodents from miles away will travel because of the waste. It would be tragic to the honeybee colony. She is the neighbor directly south of the residential property in question. She has no neighbors in front of her only Bryan Sandal to the North of her property. Behind her is an empty lot. She feels that there are no neighbors that this tree is a nuisance to. You cannot see the tree from the property or the alley there is no nuisance being exhibited whatsoever. Mr. Laura-Reyes must get on top of his truck in the alley to get a picture of the tree that is how much you cannot see the tree. There are so many properties in Tempe that have dead trees in their yard. She has provided the board Members with photos of the properties that she saw driving around Tempe. These trees have been this way for years. She has even stopped and talked to a few of the residents and they have never been asked to take the dead trees down and they are in the front yard and not the backyard which is noticeable from the street. She is appalled that she must deal with this matter again and have been harassed over and over since the purchase of her home. She does not have a homeowner's association. Yes, there is the City Ordinance but if it applies to one it must apply to them all. Mr. Laura-Reyes told her over and over he does not write citations unless someone complains. She would like for the evidence so that she can represent her case in a legal matter. She feels that that this is pure harassment and nothing but unjust and against her constitutional rights to legally represent herself and her property. She would ask that the tree be allowed to remain standing. She would ask that the tree remain standing given the reasons stated today that her home is currently for sale and when sold she will have the tree relocated and the bees brought down. There is no reason to remove the bees at this point.

Chair Lyon asked the Board if they had any questions for Ms. Loren.

Chair Lyon acknowledged Board Member Cullens.

Board Member Cullens stated that Ms. Loren said she will remove the bees once the property is sold. He wanted to know why she is willing to move them then but not now.

Ms. Loren stated that if someone buys the home and lives in the home and request that the bees be removed then she will remove the bees. However, if the home is going to be torn down she will remove them properly.

Chair Lyon acknowledged Board Member Confer.

Board Member Confer stated the City had sent out a notice to abate on March 13 that has two sections of the City Code. He heard the arguments about the harassment and filed complaints. What he would like to hear is why Ms. Loren doesn't feel that the tree in the back violates the City Code 21-3-B8 that is in the notice.

Ms. Loren clarified that Board Member Confer was talking about landscaping that is dead, characterized by uncontrolled growth that shows slum like appearance dead trees, portions there of including stumps.

Board member Confer stated that is correct.

Ms. Loren asked you want to know why that does not apply to me.

Board Member Confer stated that is correct.

Ms. Loren stated it is not a nuisance, but it is a dead tree she agrees with that. However, you can't even see the tree. You can't see it from my neighbors or other properties. You can't see it from the alley. I don't understand how it is a nuisance.

Chair Lyon acknowledged Vice Chair Frazey

Vice Chair Frazey asked regarding the timing since this was submitted back on the 3rd about the tree stump in the front and the tree in the back was it the stump in the front was that removed recently.

Ms. Loren stated that is correct. This initially happened when she first bought the house. She tried for months to find somebody to remove the 80-year-old tree. That wasn't an easy task. It took her months to make that happen. Then she left the stump because she was going to carve it and she has exhibits to show what carvings she was thinking about doing. She was informed that she wouldn't be allowed to do that either that it had to be taken all the way to the ground. That has been taken down.

Vice Chair Frazey asked when the front yard tree was taken down, since March.

Ms. Loren stated that was completed when she was at the first abatement hearing.

Chair Lyon stated that he has a similar question to Board Member Confer. What Ms. Loren presented about receiving the names of the complaints and things he feels inclined to inform her that the City can't really do that. For example, if he were to complain about an old rusted out car in his neighbors' front yard or something and the neighbor find out it was him that complained about it comes over and beats him up or something. The City is trying to avoid situations like that and must protect those people. He is not surprised that they didn't offer that information. But he is confident they have that information on record. It is also a little bit immaterial; like Board Member Confer pointed out there is a letter of the law and the Board is supposed to make a judgment of does this apply. For whatever reason Ms. Loren happen to be the one in front of the Board Members instead of her neighbors. Ms. Loren is correct there are other people this could apply to just like some people get caught speeding and some don't. She is the one in front of the Board and it needs to be determined if it applies and makes sense. He would like to give Ms. Loren another opportunity to talk about that because the case that should be made is rather there is a good reason why the ordinance shouldn't be understood to mean her tree.

Ms. Loren asked I believe it to read that its claiming that it's a nuisance, correct.

Chair Lyon stated that she might say that. To his eyes it doesn't require that it is a nuisance. If someone notices it and says that's a dead or deteriorating landscape item, they could well be deemed to be correct saying this should be taken care of. He just wants to give Ms. Loren another opportunity to look at it and say this is why she thinks maybe it shouldn't be, however she can talk about it being a nuisance if there's other reasons she has.

Ms. Loren stated she believes that she is entitled to her right in court. She has been in the legal field for 30 something years. She knows she is entitled to her right in court. She also knows that if the information was given to her, she would have had the right to bring those individuals in and call them in for deposition and/or witness for court. Call them for whatever she needed to do to represent herself in court. That has not been given to her. She spoke with Mr. Laura-Reyes and his comment was they don't have that information they claim it is anonymous. How is she supposed to represent herself? How is she legally going to represent her case and ask the individuals how her property is a nuisance to them.

Chair Lyon stated that he has a question for staff when the meeting is over if Ms. Loren decides she wants to pursue further legal action what process would be next.

Mr. Levesque stated that the next recourse would be to appeal to superior court. That appeal filling happens with the superior court system.

Chair Lyon stated that so right now where the Board is in the process they are just here to make an interpretation as to whether Ms. Loren appeal should be upheld or not and at this level the Board does not hear from witnesses. The Board just try to talk through what does the ordinance say, and does it seem to fit in this case.

Chair Lyon acknowledged Board Member Baker.

Board Member Baker stated that she has a staff question could she be asking for a variance instead of just fighting this zoning abatement but go through the process to request a variance to this zoning rule is that a process that is available to her.

Mr. Levesque stated that a variance in this instance where the Zoning and Development Code identifies variances, that is not available to them. If they are aggrieved by the decision made by the filing of the compliant, the lodging of the violation of Code Complaints that is what this process of the decision is for through the Hearing Officer and the appealing process with the Board of Adjustment.

Chair Lyon stated that the Board powers are limited and sounds like what Ms. Loren is seeking is a level above the Board. The Board is just to there to ask the question did the Hearing Officer interpret correctly.

Chair Lyon acknowledged Board Member Confer.

Board Member Confer stated that he has a comment to hopefully help his understanding of the City process. That the people that complain do not have standing before the Board or any other Board. Like a police department. Police department versus, City of Tempe he is not sure they have standing there. That is his understanding from being on the Board for a couple of years.

Ms. Loren stated that there are people in the neighborhood that she is aware of who harass people all the time. She is sure that these complaints were anonymous. She has no doubt. That still doesn't allow her to present her case. She has been to court two times and not been able to bring in the right documentation. The right witnesses. To bring them up for depositions. She has not been able to do any of that based on the City of Tempe system.

Chair Lyon acknowledged Board Member Confer.

Board Member Confer asked in your mind what is the perfect resolution. The City Ordinance say no dead tees in the front or backyard. What is your resolution to avoid anything further in this process?

Ms. Loren stated that she would ask that the tree be allowed to stand until she sells the property.

Presentation by Staff, Andres Laura Reyes, Code Compliance

Mr. Laura-Reyes stated that this is the fourth time they have been to a meeting. The case has gone a couple of times in court where the party was found responsible for the dead tree. She was fined both times. Also, here for the Hearing officer when she approved the removal of the tree. Now they are here, and he really believes this is something that can be worked out and hopefully the Board will say yes to the City for removal of the dead tree.

Chair Lyon acknowledged Vice Chair Frazey.

Vice Chair Frazey stated that he had a question in regard to the abatement, the abatement was signed off March 13 at that time it was 180 days to comply with the abatement six months from March, it had a referencing total cost of \$2527 since the stump in the front has been removed does the dollar amount change, and is this still in the 180 day time frame.

Mr. Laura-Reyes stated that the dollar amount was approved for the backyard.

Vice Chair Frazey verified that it was just the backyard.

Mr. Laura-Reyes stated that is correct because the dead tree in the front was corrected. The violation in the front yard was corrected at the Hearing Officer.

Vice Chair Frazey stated 180 days started on March 13.

Mr. Laura-Reyes stated that is correct for the backyard.

Vice Chair Frazey asked once the abatement is finalized, which that is the Boards job, is this a matter of public record. If the house is sold by the way the abatement goes to the new homeowner.

Mr. Laura-Reyes stated that he is not aware of that answer and asked for Mr. Tamulevich to come up.

Mr. Tamulevich stated that the lien would go towards the property so whoever purchased the property would have to take care of the lien.

Chair Lyon acknowledged Board Member Cullens.

Board Member Cullens stated that he has a question for Mr. Laura-Reyes he mentioned the front stump has been corrected there is no longer an issue in the front yard.

Mr. Laura-Reyes stated that he was instructed it must be cut to ground level.

Board Member Cullens stated that is not what was said in the hearing minutes on page 17 of there report it states Mr. Laura-Reyes stated that the front of the property has been taken care of the only thing that remains is the tree in the backyard.

Mr. Tamulevich stated that the estimate that was received from the landscape contractor does include the stump grinding of the stump in the front yard. If that was stated that was incorrect. It should have been that we also will be grinding the stump in the front yard.

Board Member Cullens stated that he has a concern with that because the official minutes state that Mr. Laura-Reyes says the front yard is in compliance. Then in the quote it has there is still a cost to grind the stump and it was said earlier that the cost was only for the backyard. But the quote says it's also for the front stump. So, to him to decide on a document that's not even correct. The quote now includes the front and the back yard when the statement from the Hearing Officer says the front complies.

Mr. Tamulevich stated that he is unaware of the statement. The codes state it needs to be removed per 21 3 B8 that was a part of the estimate and it was probably an incorrect statement made by the inspector at that time and it will be corrected.

Board Member Cullens stated that per the documents it states in CC21-3. B.8 it needs to be removed or cut to ground level has the stump been cut to ground level.

Mr. Tamulevich stated is correct.

Board Member Cullens stated on the record he has the documents that were given to the Board Members they are in conflict and the public record Hearing minutes are incorrect. And that the whole quote is being charged which is directly against what is said by staff in the public hearing.

Chair Lyon stated he will reserve his comment for later with respect to that and asked if any of the other board members have questions.

Chair Lyon acknowledged Board Member Confer.

Board Member Confer asked if the City received five or six complaints regarding which tress in the front or back or both for this property and when did those come in.

Mr. Laura-Reyes stated that they came in on March 8, 2018 for both front and back yard. Besides the original on March 8, 2018 four other complaints came in after that.

Board Member Confer asked when did those come in.

Mr. Laura-Reyes stated on May 11, 2018; July 12, 2018; July 31, 2018; and August 23, 2018.

Board Member Confer asked if they were all on the exact same thing.

Mr. Laura-Reyes stated that is correct.

Board Member Confer asked if there are quotes out of one of those that he can hear.

Mr. Laura-Reyes stated received web compliant for dead pine tree in front of the property, that was one. The other received web complaint a dead tree in the front yard. Several dead trees in the backyard, that was the second. Anonymous of dead tree in the front yard and backyard; that was the third. And received web complaint of the pine tree. Just different complaints at different times.

Board Member Confer asked where they all anonymous.

Mr. Laura-Reyes stated that is correct.

Board Member Confer asked how that gets delivered to the City.

Mr. Laura-Reyes stated that is over the phone via 311 or Online.

Board Member Confer asked if it could be the same person.

Mr. Laura-Reyes stated that yes it could be.

Chair Lyon acknowledged Board Member Watson.

Board Member Watson stated that he has a general statement. The Board has had this before where multiple complaints come in and they have no way to authenticate whether one person or multiple people said something. The volume of complaints starts to become somewhat suspect. The complainant may have come from a neighbor that they don't get along with and that person is using different media because you stated phone and web as input types. This provides a problem establishing the uniqueness of the complaints.

Public Comment:

Karyn Gitlis – Tempe Resident

Ms. Gitlis mentioned that the appellant Ms. Loren owns several properties in the area the property in question, The Tempe Woman's Club, and the property to the North of the Woman's club. Ms. Gitlis did not file a compliant against Ms. Loren however when she heard about the case going to the Board of Adjustment she did go and investigate and had no problem identifying the nuisance. Ms. Gitlis informed the Board of Adjustment that Ms. Loren has several pieces of property up for sale for 5 million dollars, the reason Ms. Gitlis brought that to the Boards attention is because Ms. Loren is trying to get someone to buy the property and develop it which Ms. Gitlis found out from Ms. Loren website. With that Ms. Gitlis doesn't see a reason that Ms. Loren doesn't remove the objects and wish that the Board denies Ms. Loren appeal.

Public Comments Closed

Chair Lyon advised the appellant that she could come up and respond to the public comment.

Ms. Loren stated that regarding the stump she agrees that she was under the impression that the stump was fine where she has it and feels that it should not be an issue anymore. She feels that the information that Ms. Gitlis provided was not relevant to the case. Ms. Loren stated that Mr. Laura-Reyes said that the first compliant came in on the 8th of March and then again in May and July then why wasn't she cited for both the trees she was not cited for the tree in the backyard till January.

Commission Discussion

Chair Lyon stated that Mr. Laura-Reyes is not on trial. If he were to have said the code says that everyone is to go and set their house on fire that would not make that statement binding it would be a terrible thing to say, however in this case he thinks if there was a mistake made there was a mistake made it doesn't change what the code says or the fact that a decision was made and the Board is there to consider what does the code say, and was it interpreted correctly in the Hearing Officers decision. From where Chair Lyon is coming from he thinks he needs to ask the Board to consider those facts and the other things are immaterial.

Chair Lyon acknowledged Vice Chair Frazey.

Vice Chair Frazey stated that in his opinion is that yes, the ordinance is in place and does need to be followed. He thinks that since the tree in the front has been removed and cleared up that should be taken into consideration if the amount was part of the abatement that amount should be adjusted. His recommendation would be that the abatement be approved with adjustments that the stump in the front is taken care of in the amount for the backyard tree needs to be adjusted.

Chair Lyon acknowledged Board Member Baker

Board Member Baker stated that they cannot do that because the stump is still there. There is a real large stump and it has been brought down, but it is still not up to code. The code says it must be down to ground level. This bid is to bring it down. She has seen the stump it is about 18 inches and to bring it to ground level must be part of the bid. She doesn't think the bid itself is incorrect. She believes it is what is in noncompliance with this code.

Chair Lyon asked staff what is in the bid.

Mr. Tamulevich stated that the scope of the work includes removal of the dead tree in the backyard. The stump grind dead tree, stump in front yard. It also includes the Police officer on site during the abatement. Those are the three things it includes.

Chair Lyon asked what the dollar amount is.

Mr. Tamulevich stated that the dollar amount is \$2,527.

Chair Lyon clarified to the Board that Mr. Tamulevich statement did not say cutting down a tree or large stump in the front yard and grinding. That Mr. Tamulevich is just grinding. Chair Lyon believes that applies to the current condition.

Chair Lyon acknowledged Board Member Watson.

Board Member Watson stated to the point that Board Member Baker made if the Board were to say only the removal of the tree in the backyard she'll still be in violation. There would be a subsequent citation that would feel like harassment. Board Member Watson feels it should be done with one decision not multiple.

Chair Lyon acknowledged Board Member Cullens.

Board Member Cullens asked how many days of the 180 days of the abatement request has gone by, how many days does the owner have to get both the items abated.

Mr. Levesque stated that the validity of the appeal period, abatement of the 180 days occurs on the date of the Hearing Officers decision. The City is partially into that period. The ability to abate or in an instance where code compliance had to re-abate the project during that period.

Chair Lyon clarified that the 180 days started on March 3 or whatever the Hearing Officer date of decision was.

Which was April 16, 2019

Mr. Levesque stated that is correct.

Chair Lyon acknowledged Board Member Baker

Board Member Baker stated that leads her to another concern with the quote. Her concern is that there is a live bee colony and you can't just go cut down the tree. You must take into consideration and hire professionals to move the bees. The tree would have to be removed in a certain manner which may explain why it is so expensive, but she is not sure that it has been addressed and that really concerns her because she does live in the neighborhood and is worried about her pet and the kids in the area. She believes that the City must really consider the ramifications of what this could do for future lawsuits if there are any injuries considering that so many people are allergic to bees. What she is concerned about is does the City have a true quote for an abatement because there are liability issues that haven't been addressed.

Mr. Tamulevich stated that Board Member baker has a good point. The situation is that when the landscape contractor went out to provide the city with the bid they weren't even aware of the beehive at that time. What the City would do in a typically situation like this is hire a professional bee company to do this prior to the removal of the tree. Now the question is who pays for it and in many situations like this the City may end up eating that cost. The City does want to do it right and professionally and the City will. The beehive is not a part of the original request, but he will guarantee that it will be done correctly.

Chair Lyon acknowledged Board Member Confer.

Board Member Confer stated that the Board has seen cases where you have the anonymous calls come in and they are not aware of if it is one person or many. From him personally reviewing the facts, he would be asking questions of staff. He understands there is a complaint party one or six but what about the other stumps in the neighborhood. Would the Board be setting a precedent here to were going to proactively go out and start citing all the others? In the pictures there's a dirt lot behind it with a dilapidated building what if anything is being done with that. There's a lot of things going on from the fact pattern and the rule. There's a dead tree City code says it must be corrected and found down to the ground. He believes that is a lot of things going on around this case and he is not very comfortable with it.

Chair Lyon acknowledged Board Member Cullens.

Board Member Cullens verified that Mr. Tamulevich informed the Board during the Study Session that Code Compliance does not issue notices for the backyard unless there is a complaint. Which is the reason that the backyard is an issue.

Mr. Tamulevich informed him that is correct.

Chair Lyon acknowledged Board Member Baker.

Board Member Baker asked if the City proactively cite if the code violations are in the front or this zone just one where they wait for complaints.

Mr. Tamulevich informed the Board that the City does have the right to proactively address yards in the front anywhere in the City however in this case it was by complaints nothing was done proactively.

Board Member Baker stated that she feels like the Board might be setting a precedence here because she can simply off the top of her head tell you houses in that neighborhood with trees that are dead in the very front yard. And she understands that this is a very good example of what the zone was written for she is not going to argue does this meet this and that's really what the Board must think about, but she is a little uncomfortable as well.

Chair Lyon stated that he feels a little differently and he brought up his speeding analogy. Where he thinks the police officer who pulls over a person who is doing 81 miles per hour and gives them a ticket is upholding a precedent that says you are not allowed to speed. The rules and laws are there for a reason and the thought is hopefully everyone will obey them even though it can't be enforced on everybody all the time. The officer may have that guy pulled over writing a ticket and more cars go speeding by that doesn't make it okay. What Chair Lyon sees is a determination was made if the property has a dead or deteriorating landscape, the city thinks it should be cleaned up that the rule. It fits the description with the two trees. In his opinion somebody just happened to notice and say something. The City looked at the property and said that something should be done about that property.

Chair Lyon acknowledged Board Member Watson.

Board Member Watson asked if there can be a note or stipulation if the Board were going to uphold the abatement and to amend that the bees will be removed properly in compliance with the best method possible for the bees.

Chair Lyon asked staff if that is a something that can be stipulated.

Mr. Levesque stated that it can be. Also stated that if it pleases the Board the City will also note in the record and this meeting minutes will address the issue of the beehives in the tree.

Chair Lyon clarified to the Board that denying the appeal will have the effect of upholding the Hearing Officers decision.

Chair Lyon called for a motion:

Motion by Board Member Naugle to deny the appeal of the April 16, 2019 Hearing Officer's decision to approve the abatement of public nuisance items for the **LOREN PROPERTY**; second by Baker. Motion passed on **6-1** vote.

Ayes: David Lyon, James Frazey, Richard Watson, Whitney Baker, Kevin Cullens, David Naugle

Nays: John Confer

Abstain: None

Absent: None

Mr. Levesque stated that there will be a Board of Adjustment Meeting on June 26, 2019.

Hearing adjourned at 6:52 pm

Prepared by: Brittainy Nelson, Administrative Assistant
Reviewed by:



Ryan Levesque, Deputy Director

RL:bn