

**CITY OF MARQUETTE  
BOARD OF ZONING APPEALS  
OFFICIAL PROCEEDINGS  
July 11, 2024**

**MEETING CALLED TO ORDER**

A regular meeting of the Marquette City Board of Zoning Appeals was called to order at 7:00 p.m. on Thursday, July 11, 2024, located in the Commission Chambers of City Hall, 300 W. Baraga Ave.

**ROLL CALL**

Present: Chair Ms. Dombrowski, Vice Chair Ms. Hill, Mr. Patrick, Ms. Wright, Mr. Neumann, Mr. Clegg, City Planner/Zoning Administrator Dave Stensaas, and Zoning Official A. Landers.  
Absent: None

**MINUTES**

It was moved by Ms. Hill, seconded by Ms. Wright, and carried 6-0 to approve the minutes of June 6, 2024, as presented.

**ADDITIONS TO OR DELETIONS FROM THE AGENDA**

It was moved by Mr. Neumann, seconded by Ms. Hill, and carried 6-0 to approve the agenda with the addition of 14 pieces of correspondence for 01-APL-07-24.

**CITIZENS WISHING TO ADDRESS THE BOARD**

Sally Davis, 1711 Grandview Drive: I have the privilege of being your mayor this year and I have made it a mission as Mayor to attend at least one meeting of all the boards and committees, which is a bigger task than I thought it was, but I am learning a lot. Tonight, I am here to learn more about what you do, and thank you so much for your time, intelligence, and effort to be on this committee. Especially when you have such a large audience, this is a bigger audience than we get at the City Commission meetings. Again, thank you for your time and talents for serving the city.

**PUBLIC HEARINGS**

**01-APL-07-24 – Appeal of an Administrative “decision” for 7 Elder Dr. (PIN: 0780070) and 1414 W. Fair Ave. (PIN: 0512360)**

City Planner/Zoning Administrator Dave Stensaas: Marquette Medical-Dental Center Corporation (the applicant) has requested a public hearing to appeal a “decision” of the Zoning Administrator to the City of Marquette Board of Zoning Appeals (BZA), per provisions of subsection 54.1301(8) of the Land Development Code. Earlier this year, the applicant requested that the Zoning Administrator provide an interpretation of previous decisions rendered by the BZA regarding lots owned by the applicant, located along Elder Drive (addressed as 7 Elder Dr.), which were bound by decisions of the BZA to be used as a buffer area between their medical center campus and adjacent residential properties on Elder Drive. In reply, the Zoning Administrator directed

correspondence to the applicant advising that the BZA's decisions in this matter could have been appealed to the court of jurisdiction in accordance with the Zoning Ordinance in place at the time of the relevant hearings on the issue and that a legally-binding interpretation of BZA decisions such that the interpretation could change the allowable use of the subject property, is not an option for an administrative official of the municipality per Statute and the Land Development Code. The role of the court in such matters is stated in subsection 54.1404(E) of the LDC, and for many decades – going back to at least the time period of the BZA decisions in this matter - the Michigan Court Rules have provided for such an appeals mechanism. An administrative official is clearly not authorized to provide any type of interpretation of BZA decisions, which are quasi-judicial in nature and effect, no more than he or she is authorized to provide legal advice or act on their own interpretation of state laws affecting the field of their employment. The applicant is contesting the substance of the Zoning Administrator's reply to their request, per the provision of LDC subsection 54.1301(B), and for purposes of providing due process to the applicant the reply is being termed a "decision" so the applicant can explain this appeal to the BZA. He read the relevant subsections of the LDC, Section 54.1404(E) Appeals of Decisions of the Board of Zoning Appeals, and Section 54.1301(B)(1) Administration of Land Development Code and City Ordinances. Visuals of the staff report and attachments were shown.

Molly Phillips Ombrello, 115 S. Lakeshore Blvd, Suite A, attorney for the Medical Center and representing the applicant: My Clients own the adjacent lots 7 Elder Drive which are located to the North of the Medical Center building property. On behalf of my client, I made a written request for a determination by the Zoning Administrator, Mr. Stensaas, of an interpretation of the Zoning Ordinance. I did this pursuant to Section 54.1301(B)(8) of the Land Development Code, which provides that all interpretation and enforcement of this Ordinance shall be first presented to the Zoning Administrator. I made these requests for an interpretation in that communication to Mr. Stensaas:

1. Whether the MMDCC's sale of Elder Drive lots would violate LDC Section 54.1404(B)(6)'s requirements that any conditions and safeguard, when made a part of the terms under which variances have been granted, not be violated.
2. Whether the MMDCC's sale of Elder Drive lots would violate LDC 54.1403(B)(5)'s requirement that any conditions or safeguards made part of the terms of the special land use permit not be violated.

The staff report authored by Mr. Stensaas and Ms. Landers on this appeal states that Mr. Stensaas's response to my request for interpretation directed by prior BZA decisions on this matter could have been appealed and that a binding interpretation of BZA decisions that changes the allowable use of the subject property is not a decision that the Zoning Administrator can make. That is not what Mr. Stensaas's response and interpretation actually said though, and the request that we made was not a request for an interpretation changing the allowable use of the subject property. Mr. Stensaas's actual response, which is included in the agenda packet, stated that his interpretation of the Land Development Code that a sale of 7 Elder Drive would immediately cause my client's property and 7 Elder Drive to become illegal non-conforming in accordance with the Land Development Code. Mr. Stensaas went on to reference in support of his interpretation of the 1977 BZA's requirement for lots 7-11 to be left "as is". The 1991 Planning Commission's condition that "additional evergreens and shrubbery" to be planted "...as a measure of screening for the residences in that area", which notably

was not a part of any listed condition with the 1991 permit but was instead part of an early 1984 letter from a City Planner, and a reference to several dozen, maybe over one hundred mature evergreen trees located at 7 Elder Drive which he believes to constitute required screening trees that must be maintained. That interpretation from Mr. Stensaas is what is being appealed to this board tonight. First of all, the 1977 variance condition that the Elder Drive lots be left "as-is", was issued for a variance that was never acted upon and had expired, and any conditions attached to that variance expired with it. Second, a special meeting was held after the 1977 variance was issued by the BZA during which the BZA clarified that the condition that the lots be left as is was intended to confirm that the parking lot on the Medical Center lot may not be extended onto Elder Drive lots 7-11. This clarification makes clear that the 1977 condition did not prohibit Elder Drive lots 7-11 from being sold as residential lots which is how they are zoned. The 1984 variance included a condition that additional evergreens and shrubbery be planted at the north and east corner of the parking lot, there was no requirement of plantings of evergreens and shrubbery on or retention of Elder Drive lots 7-11. Next, the 1991 conditional use permit included a stipulation that "appropriate evergreen plantings in the buffer be provided as addressed in the Medical Center's letter of March 11, 1991". The term buffer is not defined in that conditional use permit, nor is it defined in the reference to the March 11, 1991, letter, which included the following statement "In the spring we will have our gardener review the break in the screening and plant appropriate trees necessary to fill the hole directly across the street from Leslie Lovell's home". Even if the term buffer had been defined to refer to the entire Elder Drive lots 7-11 the condition to this conditional use permit does not specify that the Medical Center needed to retain ownership of those lots or that those entire lots remain completely full of trees or free of residences. Taking those references and turning them into a requirement that Elder Drive lots 7-11 need to be retained by the Medical Center in perpetuity without any placement of residences upon them extends any reading of the conditional use permit's condition much too far. The staff report goes on to state that an administrative official is clearly not authorized to provide any type of interpretation on BZA appeals which are quasi-judicial in nature and effect, no more than he or she is authorized to provide legal advice or act on their own interpretation of state laws affecting the field of their employment. I ask that the BZA reconsider that contention by city staff, if the BZA agrees that the Zoning Administrator cannot interpret a BZA decision, here that being those BZA decisions of the prior variance grants and the conditions attached to them, as well as the prior conditional use permit, how can the Zoning Administrator determine that violations of the Land Development Code which includes a requirement that a variance's conditions be followed have or have not occurred or issue civil infractions in the event of such violation. The Zoning Administrator was authorized to interpret the Land Development Code's requirement that variance and conditional use permit conditions be followed, and he did so. He simply did so incorrectly and that is what we have filed our appeal based on. We would request tonight that BZA overturn the Zoning Administrator's interpretation of the Land Development Code and determine that a sale of the Elder Drive lots 7-11 by my client would not violate the Land Development Code's Sections 54.1404(B)(6) or 54.1403(B)(5).

Ms. Wright: The 1977 variance, that is where this whole thing started, where you have to have those lots as a buffer, right?

Ms. Ombrello: That is the first referenced variance in the response.

Ms. Wright: That never went through because you never built the building.

Ms. Ombrello: Correct.

Ms. Wright: Did it ever show up after that then? Or when did it show up after that?

Ms. Ombrello: When did the variance show up or the condition?

Ms. Wright: Yes, the condition of those lots again. The 1977 variance was not built, so when was another one?

Ms. Ombrello: The next time it is referenced in Mr. Stensaas's response to this request for an appeal of an interpretation, was in 1984.

Ms. Wright: Ok, what happened then?

Ms. Ombrello: In 1984 a variance request was made and a condition that "additional evergreens and shrubbery be planted at the north and east corner of the parking lot".

Ms. Dombrowski: I am wondering why it came to the BZA and not the courts. I am confused about, even if you explained it, the decision we are making about the decision and why it didn't go straight to the courts.

Ms. Ombrello: Section 54.1404(A)(1), provides that the Board of Zoning Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance. So, our position is that there is an error made by the determination issued by Mr. Stensaas, so we have taken this appeal to the Board of Zoning Appeals.

Ms. Dombrowski: So, in the end, if we say we disagree that does not mean the lots are available for sale, correct? That still has to be decided by the court, we are just saying this decision made by the zoning official was not made correctly.

Ms. Ombrello: So, we request that the BZA overturn the Zoning Administrator's interpretation of the Land Development Code and determine that a sale of the Elder Drive lots would not violate the Land Development Code's Sections 54.1404(B)(6) or 54.1403(B)(5). These are the sections I first read talking about the requirement that conditions and safeguards of a variance that has been granted not be violated and the requirements that the conditions and safeguards made part of a special land use permit or conditional use permit not be violated.

Ms. Hill: If we were to say we would appeal it then it would overturn the 1995 decision, which we cannot overturn. We don't have the power to overturn the 1995 decision. I know stated the mention of a 15-ft buffer, well when I read the 1995 decision it does say the lots, not just the 15-ft buffer, which would mean the entire lot.

Ms. Ombrello: In 1995 there appears to have been a vote taken at the BZA, it is unclear why that vote was taken and how that came to the BZA at that time period, and a review of the minutes from the 1995 BZA hearing indicates that there were references that were incorrect to prior variance requests and conditional use permits that were granted.

Ms. Hill: At the time the 1995 decision could have also been appealed and it was not, so if the Medical Center felt that was wrong, they could have appealed it at that time to clarify the 15-ft buffer and not just the lots.

Ms. Ombrello: It is unclear what the Medical Center would have been appealing in 1995, to the best of our understanding based on the record before us, there was no appeal that was properly in front of the BZA at that time period. So, it is not clear that there was a clear avenue of appeal to be taken.

Mr. Stensaas: I do not agree with the attorney's finding, and I would like to present my opinion on that. So, the property owner was sent a letter by our Planning/Zoning Technician on 9/15/22 which stated a sale of 7 Elder Drive would immediately become illegal nonconforming in accordance with the Land Development Code. That is not an interpretation of a BZA decision, that is an interpretation of the Land Development Code. If someone takes an action that is in contravention of a BZA decision it would immediately cause a nonconformity. Any kind of action like that or if someone builds on a building that is nonconforming, it will increase the nonconforming nature of the building. So, I do not agree that I made an interpretation of any of these BZA decisions, and my statement that I cannot make an interpretation such that it would change the possible uses of the property.

Staff read 12 pieces of correspondence against the appeal from the following:

- Brandon Evans, 20 Elder Drive
- Karen and Jim Anderson, 30 Elder Drive
- John Clark, 21 Elder Drive
- Clara Hardie, 21 Elder Drive
- Nicole Holder, 6 Elder Drive
- Carol Johnson, 19 Elder Drive
- Jean and Peter Milakovich, 34 Elder Drive
- John Moschetti, 66 Elder Drive
- Jessica Stevenson, 25 Elder Drive
- Eric Stordahl, 1505 Garfield Avenue
- Beth Tegge, 23 Elder Drive
- Suzanne Williams, 51 Elder Drive

Staff read 2 pieces of correspondence in favor of the appeal from the following:

- Nathan Joyal, 1407 N. McClellan Ave
- Matthew Songer, President of the Board of Directors for the Upper Peninsula Medical Center

*Chair Dombrowski opened the public hearing for comment.*

Ronald Beauchamp, owner of 5 Elder Drive and residents of Escanaba: I looked

through 180 some pages of information and it seems clear to me that for the last 50 years, whenever this property 7-11 have come either to the Planning Commission or the Board of Zoning Appeals, it's clear that this property is required to remain green space but nowhere in that information did I see that the Medical Center retain ownership of the property. In my opinion, they should be allowed to sell it, but the new owner must be made aware that the property shall remain greenspace, it is not buildable. If a neighbor wants to buy the lots and stick some picnic tables on there they should be allowed to. If there is some 501(C)3 tree organization that wants to buy the property and keep it as a green space for whatever reason they should be allowed to. Perhaps the City could get a DNR grant and buy the property, or if they are able to maybe the Medical Center would want to donate the property to the city and take a tax credit of some kind.

Dennis McCowen, 27 Elder Drive: I would like to note in the applicant's request the first date noted was 1977, I think we need to go back further than that. If we look at the property when the Medical Center corporation first bought the property, they had to have recognized the necessity of those lots as a buffer zone, otherwise there would have been no reason for them to purchase the Elder Drive lots because those were already platted. They would not have been part of the same land description as the larger property that the Medical Center has been built on. Now that recognition of the buffer zone carries forward. I noted also when the letter that was read from the President of the Board of the Medical Center corporation, at least two references to the necessity of a buffer zone on the Medical Center property. So, I think our solution here is really very simple, we need the Medical Center corporation to replicate the buffer zone that now exists on those residential lots, and move further south onto their parking lot property. This is not unreasonable, there is already reference to requirements that different plantings be made within that section of the property, and it has been accepted as such. At such time that the buffer zone is replicated on the Medical Center property outside of those residential lots then is an appropriate time for those lots to be put up for sale.

Brandon Evans, 20 Elder Drive: You read my letter, but I just wanted to further add that it strikes me as a little strange to say that the Zoning Administrator cannot interpret prior decisions of the BZA but if he accidentally does that opens everything up. I do not think it works that way. Even if you did redo something it would not undo the 1995 decision, and so you just had two conflicting decisions. I do not think you can do what is being asked. I do not think the Zoning Administrator could make an interpretation of your prior decisions.

Eric Stordahl, 1505 Garfield Drive: My parcel adjoins directly to the buffer zone lots. I would like to point out that we all know this is about raising money for the Medical Center which now has a large vacancy problem. I am sympathetic to that, however, I do not think it is right that the adjoining property owners should have to bear the cost or the brunt of the Medical Center's financial problems, especially when they already negotiated with the owners, my parents at the time, and I own that property now, what was going to be done in order for them to support them building the addition to the Medical Center. I would like to also point out that the original Medical Center, according to their website, was built in 1965. That is the same year as the house that I am living in was built, and that we moved in. I do not recall that the original Medical Center building

actually being there when we moved in, but it could have been the brick one, that rumor has that they want to tear down. So that was almost 60 years ago, seems to me within the 60-year time period they should have made plenty of revenue from the property already. I do understand that they want to maximize their property, and the value of their revenue, but I do not think they should do it by backing out of agreements they have already made with us.

Marc LeBeau, 4 Elder Drive: The buffer zone was to exist in perpetuity is something we heard when we purchased our land as well. It was one of the reasons we thought this was a very ideal situation, and we would like the retention of the buffer zone. It is indeed important because they have heavy equipment that they use to move snow. I have spoken with Mr. Wakkuri in the past about the problems that that thing creates for the homeowners along Elder Drive, and have had very limited success with that. I do think that the buffer zone does help to reduce some of that problem and so the removal of that or clearing of that in order to put in some homes, which creates a greater havoc with the heavy equipment that they use to move the snow.

Chelsea Hausmann, 53 Elder Drive: We purchased our home in 2014, but this is my childhood home and I have lived there essentially my whole life. I am here tonight to request that you deny the Medical Center's appeal to separate and sell 7 Elder Drive as five individual lots. This rezoning would remove the buffer of greenspace between the Medical Center and Elder Drive. It would have a negative impact on the entire neighborhood, and the Medical Center would be violating a legal commitment that they made many years ago. I ask that this Board keep the neighborhood structure as it was initially intended.

Cheryl Hill, 1510 Garfield Avenue: I am a lawyer and Ms. Ombrello did a great job in her appeal. I was ready to argue every point, however, the letters you received this evening are very good as well. Mr. Evans, who I know is an attorney, did an excellent job. All I want to say to this board is that the Medical Center got the benefit of many different variances, and I believe it was Ms. Hill, Ms. Dombrowski, and Mr. Stensaas pointed out, not in the same way that I would, but they do not get a second kick of the cat, the matters were decided. The appeal should be denied.

Carol Johnson, 19 Elder Drive: It comes down to character, and being good neighbors, we really value our neighborhood. The Medical Center needs to also be a good neighbor. We purchased our house with the understanding that that buffer would be there in perpetuity. So, talking to your neighbors and being a good neighbor is the way to resolve issues. This is not the way to do it.

John Petrasky, 63 Elder Drive: I have lived there since 1997. I was actually involved with the Medical Center prior to that, I had lived in Menominee at the time and knew the Medical Center staff. Certainly, all the informal representations to me, because I asked about Elder Drive as we were thinking about moving to Marquette, that that area was a buffer zone and that is what the intention of that was. That was directly from the Medical Center executive staff at that time. I have seen it referenced in some of the minutes of meetings that go back to that timeframe in the 280 pages online. If the Medical Center wants to move forward, it seems to me they can always go to court.

They have done it before, sometimes they are successful and sometimes they are not. Maybe that is the appropriate outcome here. I really appreciate all of your efforts here to try to dig through this and understand what is going on. I do have a lot of confidence in the City of Marquette staff. We have been here for a long time, and I have had multiple issues that I have dealt with city staff, and I have never had staff that I thought why did they hire that person. I have always been impressed with the people I have dealt with and thought that their intentions have always been genuine, and it is that way with this issue too. So, I wish you would uphold the staff's position.

*No one else wished to comment. Chair Dombrowski closed the public hearing for comment.*

Mr. Patrick: What is this parcel taxed at, are they taxed as an empty residential lot?

Ms. Landers: As a vacant parcel.

Ms. Wright: Would they be able to come to our board, like the gentleman said move the buffer back, and then sell those lots as homeowner residential lots?

Ms. Dombrowski: Are you saying remove the parking?

Ms. Wright: Remove the parking lot and build the new buffer and sell those lots. Since they do have available parking in that other area.

Mr. Stensaas: This is something that we discussed, and we are always looking for ways to try to help solve problems. This is obviously a problem for the Medical Center, in their view, and they need to try to figure out a solution too. We think that is a reasonable way to try to resolve this, it is not a guaranteed way to resolve it but the same idea that a development proposal that removes some of the parking lot on the north side of that building could be made into a new buffer area. They could appeal to the Board of Zoning Appeals for a variance to allow for the previous buffer area to be allowed to be free from the previous condition placed on it. I would say looking at this record it is really clear, at least from the 1991 hearing, that there was a stipulation that those plantings and that buffer would be provided. There is a clear record in my mind that this is required. I do not think it is ever the intent that land be considered in a perpetual state of vacancy, or any other perpetual state due to a development action that something conditions cannot change or that something that might change in the law, the community, the development itself. When be considered at a future time to then re-evaluate the conditions that were put upon it at one time by a board. There are other properties in the community like this that have had these kinds of conditions put on them where we could see that it would make sense that now with conditions having changed over the course of many years, a new decision could be rendered by a subsequent development proposal.

Ms. Wright: So, they could come to our board and have a new plan to show what they would do to sell these properties?

Mr. Stensaas: Yes, I believe so. We have kind of gone through some scenarios with

that and talked to the City Attorney and we think that is a potential option.

Mr. Patrick: Keep in mind you build a new buffer zone and then you give it 20 years to mature, and then you have a buffer zone.

Mr. Stensaas: It would be up to the board to determine whether it is an appropriate buffer zone or not.

Mr. Neumann: So, what would be the limiting factor with that proposal? Parking standards given the square footage of the commercial space, do we have any sense of the parking standards for a building of that size?

Ms. Landers: With the extra parking lot off of McClellan Avenue they would meet the parking.

Mr. Stensaas: It might depend on what their proposal is, it might require a lot less parking if part of the proposal was to remove much of the original structure, which is probably past its useful life and may be considered for commercial. Or what if part of it was turned into a residential facility? Lots of potential development or re-development scenarios.

Mr. Neumann: Lots of hypothetical solutions but parking would be one of the most significant controlling factors, and it seems there is ample parking given the commercial square footage.

Mr. Stensaas: The proposal might not be to sell the lots as they are platted, they could propose to leave 40-ft of those mature trees there, so you still have a large canopy buffer area.

Ms. Dombrowski: In reading through all of the case histories, zoning has come a long way, so now decisions are made thoroughly talking about every condition that is met when you read the old 1977 or 1984, we have come a long way in defining things, so it does not come into question like this. Tonight, it is not about whether we like something or not, that is not what we are deciding, it is whether or not in this case talking about the appeal and just that decision. Just make sure we are talking about that side of it because theocratics are great but...

Mr. Neumann: In thinking about this, the Zoning Administrator is an administrative official, he/she/they really have very little authority, almost no authority to make decisions outside of the ordinance or past decisions. It's the elected official, the appointment boards that have that authority. I think in a situation like this our job with an appeal is to look at whether or not that administrative official, the Zoning Administrator, applied the ordinance and the record of past decisions that were made, did they apply it reasonably and not acted outside of their scope or authority. As we look at that record, the applicant's attorney seems to agree in the communication to Mr. Stensaas in April 2024, that there was a Planning Commission condition requiring a buffer associated with the conditional use permit approval, that was 1991. I think the statement was made earlier that loose reference to buffer, is not defined, but I think that

is a fairly commonly understood term, dictionary definitions would be sufficient in a time when an ordinance is silent in an actual definition. That is an acceptable way to proceed, it is a term that is commonly used to indicate separation or prevention of incompatibility between antagonistic things, people, or whatever. So, a buffer is something to prevent harm from one cause to another. I think it is unfair to characterize that term as being loose and undefined at the time. Certainly, now it has been defined within the current ordinance, perhaps it was not defined at the time of that decision. We are just looking at whether an administrative official acted within his or her authority that the ordinance provides and did not act in an unreasonable way. I do not see that staff did in this case.

Ms. Hill: I agree with everything you have said, and I want to note in the appeal packet there were meeting minutes from the Medical Center from a community meeting in which they in the meeting minutes describe them as the buffer lots. In the 2004, BZA agenda they were called the buffer lots adjacent to Elder Drive contains 1.55 acres, and it is part of the zoning variance, the total acreage. There is plenty of evidence or notes here that describe them to multiple variances. As stated, before we do not have the power to overturn old variances, those all have to be done through the appeal process, and the courts. It was mentioned the other opportunity is doing a different variance redeveloping the site to make it compliant with all the old variances that it is tied to. So, there are ways to satisfy everyone, and I do not think we can overturn any decision.

Mr. Clegg: I would tend to agree. The packet was very comprehensive, but the question is that if the Zoning Administrator made an incorrect decision. Mr. Evans in his letter said that telling the property owner there are consequences to a sale is not preventing a sale. Going back to our inability to overturn a previous BZA decision, I think our course is clear.

Mr. Patrick: What are the options here tonight, if we approve their request then they can go ahead and sell the lots for development, correct?

Ms. Dombrowski: I still do not think so, it would then turn it over for the courts to decide.

Mr. Patrick: If we deny the appeal, what are their options?

Mr. Neumann: The applicant would have a period of time to appeal our decision to the Circuit Court.

Mr. Patrick: They had that opportunity previously and they did not pursue that, correct?

Ms. Hill: The only appeal I saw was the 1995 fence one.

*It was moved by Mr. Patrick, and seconded by Ms. Hill, and carried 6-0 that after conducting a public hearing and review of the supporting documents for 01-APL-07-24, the Board of Zoning Appeals does not find that the request demonstrates the standards found in Section 54.1404(A) of the Land Development Code and hereby approves 01-APL-07-24 as presented.*

### **CITIZENS WISHING TO ADDRESS THE BOARD**

Ronald Beauchamp, owner of 5 Elder Drive: I do think you made the right decision, nothing has changed since the last time this subject property has been before this board. The owner does have lots of options, as you pointed out, and they're free to move on to those options.

Brandon Evans, 20 Elder Drive: Thank you for volunteering, I agree with the decisions and also agree with Judge Hill that Ms. Ombrello did an excellent job.

Eric Stordahl, 1505 Garfield Drive: Just want to add to the Medical Center representatives, who are new, just be good neighbors. Do not try to change things that are going to hurt your neighbors. Just be good neighbors, you have been pretty good neighbors up to now, and please continue to be that way.

### **BOARD MEMBER COMMENTS**

Ms. Wright: I was just wondering if everybody who was opposed to the residential area having houses on this property, if they would still be opposed to having houses if they put a new buffer zone in?

### **ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,



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Andrea Landers  
Zoning Official  
Community Development Department,  
For the Board of Zoning Appeals