

MINUTES

**City of Milton Board of Zoning Appeals
Regular Meeting
June 17, 2008 7:00 PM**

BOARD MEMBERS PRESENT: Chair Sandy Jones
Gary Willis
Scott Kilgore
Marcia Parsons
Walt Rekuc
John McRae
Todd Chernik

CITY STAFF: Angela Rambeau, Community Development
Mike Tuller, Community Development

AGENDA:

VARIANCES	
<i>Agenda item/Location/ Applicant</i>	<i>Request</i>
1. Call to order and pledge	
2. Election of Officers	
3. Approval of May BZA meeting minutes	
4.V08-017 12635 Crabapple Road Elizabeth Riordan	1. To allow roof vents to be unscreened and visible from the right-of- way (Article 12H(1).5.B,7)
3. V08-018 765 & 785 Broadwell Road Sally Rich-Kolb	Staff requests deferral until July
4. Adjournment	

MEETING CALLED TO ORDER

Chair Sandy Jones called the meeting to order.

PLEDGE OF ALLEGIANCE

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Chair Sandy Jones stated the first item on the agenda was the election of officers. She wanted to move this item to the end of the agenda.

Motion and Second: Chair Sandy Jones made a motion to move the election of officers to the last item before they adjourn. Todd Chernik seconded the motion. There was no discussion. Vote: 7-0. Motion unanimously carried.

Chair Sandy Jones called the next agenda item, approval of the May 20, 2008 Board of Zoning Appeals meeting minutes.

Board Discussion about not having the correct May 20th meeting minutes from Community Development and that they should defer voting.

Motion and Second: Walt Rekuc made a motion to defer voting on the May 20th meeting minutes until their next meeting in July. Marcia Parsons seconded the motion. There was no discussion. Vote: 7-0. Motion unanimously carried.

STATEMENT OF THE BYLAWS OF THE BOARD OF ZONING APPEAL

Read by the Chair Sandy Jones.

Chair Sandy Jones called the first variance to be heard, **V08-017**, 12635 Crabapple Road, Milton, GA.

Staff Angela Rambeau read the variance petition and stated the variance request was to allow roof air intake and exhaust vents to be unscreened and visible from the right-of-way (Zoning Ordinance, Article 12H(1).5.B,7) and that the zoning was MIX and was a restaurant in a commercial center, Cantina Del Mar. She stated the site was located in the Crabapple Crossroads Overlay District. She stated the Design Review Board reviewed the petition on June 3rd and had the following suggestions: (1) paint the vents to match the color of the roof metal awnings and (2) possibly lower the gooseneck air intake vent by 5 ft. or whatever was appropriate; and (3) and/or remove the existing one and replace it with another unit more in keeping with the Crabapple Overlay architectural requirements. Ms. Rambeau said that on June 5th Staff had a focus meeting with other plan reviewers. Those comments included the following: (1) vents were not shown on the submitted building plans; (2) work platform around the gooseneck exhaust vent is missing; (3) may not be possible to lower the vent height due to building codes; (4) a different style vent may be possible; and (5) may be possible to screen the vents with a 3-sided enclosure to match the building in lieu of the variance. Applicants stated justification for the variance was based on the following standards: (1) relief if granted would be in harmony with or could be made to be in harmony with the general purpose and intent of the zoning resolution, (2) applicants stated they were limited as to where the vents could be placed due to the design and layout of the building; and (3) hanging the vents and lowering the air intake vents would help the vents recede into the roof and provide a more harmonious view from the street.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Staff's Recommended Conditions: Should the Board choose to approve the application, Staff recommended the following conditions: (1) paint the vents to match the color of the roof or metal awnings, (2) replace the gooseneck intake vent with a style that is lower in height per approval of the chief building official, and (3) add a work platform to the exhaust vent as required by code.

Chair Sandy Jones asked if there were any questions for Staff.

Marcia Parsons asked Staff about the comments in the Building Plan Review Comments, regarding *requires further research in lowering the height*.

Staff Angela Rambeau stated that had not looked at it yet but would after they bring in their plans from their architect and then they would sit down and review with them and see what the code requires.

Scott Kilgore asked Staff for clarity about the general purpose and intent of the ordinance. Wanted to be clear that the roof vents in the Crabapple Overlay District should not be visible and hidden from view of the road.

Staff Angela Rambeau stated that is what the ordinance says.

Chair Sandy Jones called the applicants up to present their application.

Elizabeth and David Riordan, 2180 Landsdowne Drive, Canton, GA

Elizabeth Riordan stated she owned Cantina Del Mar with her husband, David. Mrs. Riordan said the way the building was designed was such that the front of the building is actually the back of the building and the back door and kitchen is on the street. She said in addition their roofline was different than most of the other buildings, so it was virtually impossible to put the vent anywhere where it would not be visible from Crabapple Road either coming north or south. Also with the size of the building and it being two story, they had to put the appropriate size vents in to accommodate the kitchen.

Chair Sandy Jones called for public comment. There was no public comment. Asked the Board if there were any questions for the applicants.

Walt Rekuc asked if on the plans that the city approved for their restaurant, what had been approved and did they have to show anything regarding the vents and interior finish on the building.

Elizabeth Riordan said the biggest issues they had with their initial application was that the stairs were in the incorrect position for a fire exit for the upstairs. When the stairs had to be moved it completely changed the configuration of the kitchen to accommodate the fire code. She said when they spoke to their architect about

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

making sure they could get the proper drawings submitted to the city for the variance hearing, she asked him why he could not include it in the drawings and he stated because it was an existing building and he was only designing the interior, he did not include the vents in the drawings.

Walt Rekuc asked if their hardship was their need to have the staircase where it was and that caused their kitchen to be moved more to the center of the building and also because of the configuration of that village area.

Elizabeth Riordan state their space is unlike any other space in the entire shopping center. She said they submitted plans initially that were rejected and that set they way back. They were doing their best to get all the requirements met and did not realize with changing everything that they had failed to meet the requirements for the roof vents.

Scott Kilgore stated that with the building turned the way it was, was there anyplace the vents on the roof could have been placed where they would not have been visible from the street.

Elizabeth Riordan stated they would be visible no matter where they were located.

Scott Kilgore stated it appeared the vents would be visible no matter where they were put on the roof and with that in mind, asked applicants if they would consider screening them to meet the intent of the ordinance which was to hide them from view.

David Riordan stated that any thing you tried to screen them with would make it even more visible. He said it is a restaurant and they have to have exhaust systems.

Elizabeth Riordan said the vents also had to be accessible for cleaning and to be in compliance with the fire code as far as enclosing it.

Walt Rekuc asked applicants if they could make it like a fire place chimney with brick or stone on perhaps just two sides.

David Riordan stated it was also a very steep pitched roof as well. Said that if the gooseneck vent was replaced with a flat exhaust vent, that would take care of it.

Scott Kilgore said that would also make it where they would not have to screen it as high if they did screen it.

Board reviewed photos of vent with applicants.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Chair Sandy Jones stated they had clearly explained that they were very limited in their location for the vents and taking into consideration the comments of the fire department and fire marshal regarding the safety of their patrons. She asked if they had discussed any possible screening with their architect.

Elizabeth Riordan stated they had not talked with their architect about possible screening because they were waiting to talk to the Board to see what they suggested so when they did do something it would be in accordance with their suggestions.

Walt Rekuc asked if they owned the building or did they rent it.

David Riordan stated they rented it.

Walt Rekuc asked if the owner of the building had offered in anyway to help them.

David Riordan stated no.

Elizabeth Riordan stated the landlord had been very patient through this process, but not financially.

David Riordan stated when they took the property it was just a dirt floor.

Elizabeth Riordan said it was not their first restaurant, but when you do a build-out it is very challenging.

John McRae asked the applicants when they received their Certificate of Occupancy and if it was non-conditional and when they opened for business.

Elizabeth Riordan said they received their CO in the end of December of 2007 and it was non-conditional and they opened December 23rd of last year.

John McRae asked when the infraction was brought to their attention.

Elizabeth Riordan stated it was in early spring around February or March.

John McRae asked if they had priced any other option that may be available to them and whether they had researched the code.

David Riordan stated they had not priced anything but did research the code.

Walt Rekuc asked if there was a homeowners' association that reviewed their building or something like that.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

David Riordan said the owners of the building went before the Crabapple association before the City of Milton had been established.

Gary Willis asked applicants if the vents were up when they received their CO from the City of Milton.

David Riordan stated they were.

Chair Sandy Jones asked if there were any other questions for the applicants. There were none.

Chair Sandy Jones stated she was closing the public hearing and if there were any other questions for Staff.

John McRae asked at such time a Certificate of Occupancy is considered, was that brought specifically before the building department of the city and was there any other review with regard to design standards.

Staff Angela Rambeau stated it was requested from the building department and at that point it is assume that everything else had been done. She stated that like when the shell is completed, they would do a zoning review to make sure it meets with the overlay standards, but for an interior finish CO it was strictly building and fire at that point.

John McRae so this slipped through because it was such a minor detail it was not part of the true design intent in terms of color and finish on the exterior and that sort of thing?

Staff Angela Rambeau stated perhaps the City Plans Examiner, Dwight Williams, could examine in more detail what they would be looking for in the final inspection.

John McRae stated he was trying to establish the chronology of when the HVAC system hit in Milton, when the CO happened, versus the various reviews.

City Plans Examiner Dwight Williams stated the final inspection as far as the building department was concerned was basically just a technical inspection to make sure the lights and receptacles are working, all the equipment in the space works like the air-conditioning, the bathrooms have hot water, and same for the fire department. They have to make sure the exit signs are on and all emergency lighting works, sprinkler system has been tested, fire extinguishers, etc. , but basically is focused on the inside.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Walt Rekuc asked whether Community Development reviewed it for conformity before the CO is issued like signs or other zoning related issues.

Angela Rambeau stated they did not do zoning inspections for an interior finish CO.

Walt Rekuc stated he believed the whole problem has been because it was an interior finish and typically the exhaust vents and other vents are sometimes left as an after thought. Asked if these things like roof vents are typically reviewed as part of a building review.

City Plans Examiner Dwight Williams stated this was not a typical roof, as most around the area are flat roofs. He said with a flat roof with a parapet you would not see it from the street.

Walt Rekuc asked if he had approved the ones that were done on Birmingham Highway and Birmingham Road. Asked about the Milton Restaurant on Crabapple and Birmingham Highway.

City Plans Examiner Dwight Williams said most of those were approved by Fulton County and transferred to Milton.

City Plans Examiner Dwight Williams stated that was an existing restaurant.

Chair Sandy Jones asked about the overlay requirement for screening roof structures and whether that would typically come before them as part of a design package for review. Asked where zoning plays into something like this.

Staff Angela Rambeau said typically as a zoning reviewing, she would just check the zoning and use of the space and match it to the zoning case to see if there were any restrictions. She said she is not usually looking at anything technical about the building like the systems or anything of that nature. It is just to check to see if the use is approved and the zoning.

Chair Sandy Jones asked if Planning looks for use, Building looks for more technical operation, and the ordinance addresses location of roof vents and visible, whose purview would that fall into.

Staff Angela Rambeau stated the issue with this particular one was that the vents were not shown on the elevation.

Staff Mike Tuller stated the Board was raising some good points. He said that the City was only a year and a half old and has not experienced a lot of situations as this one. He said they did need to be more cognizant of the exterior finishes as they relate to the interior approval process of Certificates of Occupancy.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Staff Angela Rambeau said they can use this case as a learning experience and will know next time to look for them and if we do not see them, we will know to ask.

Chair Sandy Jones stated she wanted to clarify that the hardship being asked for was the fact that the location of the roof vents because of the logistics of the building layout required them to be toward the front and also the fact that the current roofline is not a typical front and back roofline, but a side to side pitch and that is what was causing them to be visible, and the secondary part is addressing what needs to be done since it cannot be moved.

Staff Angela Rambeau stated it was the layout of the kitchen area.

Walt Rekuc asked the City Plans Examiner, Dwight Williams, about replacing the gooseneck vent with one that may be lower in height per approval of the chief building inspector. Asked if that was something that could work in that situation that could make it lower.

City Plans Examiner Dwight Williams stated there was probably something that the engineer could design and make sure it did meet the intent of the code.

Walt Rekuc wanted to ask the applicant if they had talked to their architect about looking at something lower.

Chair Sandy Jones stated she had already closed public hearing. She then allowed the applicants to answer.

David Riordan said he spoke with his contractor and they thought it could be done and not a problem.

John McRae asked applicants how expensive that process might and would the mechanical engineer do that on good faith.

David Riordan stated changing the vents would be very expensive and that we would have to pay the engineer to make any changes. Mr. Riordan said the screening would be expensive.

Scott Kilgore said he heard a lot of discussion about the chronology of the CO and what the city missed and what the city should have caught. He asked if Staff had caught this at the time of the issuance of the CO how would that have affected the applicant differently then if they as a Board were to deny this and require the vents to be screened now and would they have had a chance to change the vents for less of a financial impact than what the Board would be putting on them now?

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Staff Angela Rambeau said they would have given them comments or redlines, including the comment to move the vents or add some sort of screening, but that point she said she did not know what the cost of redesigning the exhaust system would have been, but they would have been given those comments during the review process.

Chair Sandy Jones asked if there were any additional comments. There was no additional comment. Closed the comment portion of the meeting and she said the table was open for a motion.

Motion and Second: Walt Rekuc made a motion that due to the hardship of the design related to the steps, the front door configuration, the two-stories, and the roof as it relates to the other portions of the building, that the applicants be granted relief and be allowed to keep the vents as they are provided they paint the vents to paint the vents the color of the roof awning and add the work platform to the exhaust vent as required by code. Seconded by Gary Willis.

Chair Sandy Jones asked if there was any discussion.

Walt Rekuc stated his reason for his motion was there is a point of asking for replacing it, but he did not feel that he noticed it as quickly as perhaps someone else did when he drove by on two or three different times. He said he did not notice the problem and was not convinced many other folks would either if a good paint job was done. He said he did not believe that it would make a difference if the intake vent was higher or lower, as it still would have to be painted and still would have to be somewhat up there on the roof. He said he could add that if it ever had to be replaced, that it be done with a lower profile, but he said he felt it was a situation where perhaps the city may have not helped as much by not reviewing it and that is why he decided not to go with the item 2.

Scott Kilgore questioned the definition of a hardship in this case. He said he realized the building presented a difficulty, but would have whether it came to the Board or whether the city had caught it or even if it had appeared on the original drawing. He said to him the difficulty has nothing to do with the interior, but the fact that the front and the back of the building are both facing the street and there is no natural place to hide the vents. He said he admits that is a difficulty, but was not sure it meets the definition of a hardship as the ordinance is pretty clear and says that you hide it and that it should not be visible from the street. He stated he thought there were ways of doing that that were not be unreasonably financially a burden upon the applicants. He said he questioned whether this was truly a legal hardship and did not feel they could make a case for harmony because the vents were visible from the street and anything short of screening them would not alleviate that situation.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Walt Rekuc stated he felt Mr. Kilgore was right in some respects, but he felt that the hardship also due to the fact that the city had a chance to review the plans, and come up with something that the applicants would not have had to spend the money on it to begin with had they known this and they could have perhaps redesigned the whole kitchen in a different location.

Scott Kilgore said he did not believe there was anything they could have done to the interior that would have made the vents not visible from the street with screening. Screening would have been a requirement to meet the ordinance no matter what. Did not believe that you could say the technicality would have made a difference.

Walt Rekuc they could have said they could bring it all the way up to Crabapple Road and put a chimney chase going up the front of the building, but since they did not know about this during their plan submittal, they did not have any options for a solution, so now there is a situation that is a hardship that if the plans had been reviewed with that portion of the ordinance in mind, they would have perhaps designed it differently. He said now a lot of work will have to be done to the roof if they have to put up some type of screening to hide it and he said he believed if they painted it like the Milton Restaurant, it would not be as noticeable.

Chair Sandy Jones said she thought the question of hardship regarding the vents had been determined and there was a justifiable hardship as it was a fact that the vents had to be placed where they are currently located and therefore are visible from the road. She said part of the Board's guidelines they are not to look at precedence based on other establishments, and also those previous establishments were not under the City of Milton jurisdiction but were done by another municipal government when they were approved. She said their issue was enforcing the Crabapple Overlay District's Ordinance that stated roof structures were to be screened. She said it appeared the Board was all in agreement that it would not be logistically or financially feasible to try to have the vents relocated because there were no place to place them that would accomplish solving the problem. She said if this had been caught during the design phase it would have still been a variance and would still have had to come before the Board and presenting the same requirements and stipulations due to the roof structure and the adjacent buildings. She said there was a justifiable hardship in that there was no other place to put the vents where they would not be visible. The Chair stated they still had the duty to uphold the ordinance and evaluate what the ordinance states regarding the hardship to allow them to vary from the ordinance. She stated the ordinance does allow for screening and she agreed with Mr. Kilgore in that she was not sure what the hardship was that would prohibit any type of screening, and the applicants have not explored that possibility so the Board does not currently know what options would be available from either a logistic or financial standpoint. She said she believed they need to be able to rule that out before a motion should perhaps be made. She said the Board's charge was to hold to the ordinance unless there are extraordinary and exceptional

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

conditions. She said she did not feel that that had been demonstrated because it had not been explored yet by the applicants.

John McRae said the applicants' justification for a variance was based upon *relief, if granted, would be in harmony with or could be made in harmony with the general purpose and intent of the zoning resolution*. He stated unless he had an old copy, hardship was not mentioned, so before they go down that highway, in his opinion, he felt the conditions that are being debated would bring the revised overall look of the building to be in harmony with the intent of the zoning resolution. He said he thought it was in their purview to approve the variance based on the grounds that it does present a hardship, but he also thought they should consider what had been brought before the Board by the Applicants initially, i.e., they could bring this matter into harmony with the spirit of the resolution.

Scott Kilgore stated he took exception to that statement and said again like the issue of hardship, in his opinion, he thought that harmony was always going to be a subjective thing, but he thought the intent of the ordinance was pretty clear and that stated that roof structures were to be hidden and not to blend, not to match, but to be hidden. He stated that if that had been the intent than the ordinance would have included provisions for either screening *or* make it blend and it did not say that and he would see that roof vent when driving by whether it was painted or not.

Marcia Parsons said she felt they were all probably in agreement that they were not meeting what the ordinance specifies as far as screening and that is why the Board is here, to look at granting them a variance and to give relief and if granted would be in harmony. She said she did not see where it would be a detriment to the public whether it is screened or not screened. She said paint to her painting it would probably camouflage it pretty successfully in that area. She stated the hardship was probably the structure and shape of the roof and the placement due to the fire code issues. She said she believed their charge was whether they could make it in harmony with the ordinance.

Todd Chernik said to add to Ms. Parsons points and also to remind the Board of the Design Review Board's input and Staff's input, he would like to make a *friendly amendment* and in consideration of the applicants' engineer's suggestion that it would not be a significant expense to lower the gooseneck, to add point 2 back into the motion to replace the gooseneck intake vent with a style that was lower in height for approval of the chief building official, if Mr. Rekuc would accept the friendly amendment. Friendly Amendment seconded by Marcia Parsons.

Discussion on Friendly Amendment:

Walt Rekuc said the only reason he left that point off was he believed it was just another unnecessary expense to the owner. He stated again if the Applicants had known ahead of time they could have done something else, and he was looking at their costs and the fact it is a new business and there are tough times out there right

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

now in the restaurant business and other businesses and he did not want to cause them more expense in doing something, so that was why he did what he did. He said he just did not feel it was going to be so much out of harmony. Mr. Rekuc said if they did a good job in painting it that it would be fairly well hidden.

John McRae wanted to briefly agree with Mr. Rekuc. He said he had the same view and he felt with what they suggested it could be brought in harmony with the intent of the ordinance and any other conditions would bring unnecessary expense and a redesign could be costly and it was the Board's job to consider the application and with what has been presented, he believes it has been properly addressed.

Chair Sandy Jones asked if there was any additional discussion. There was no discussion. Vote in favor of the Friendly Amendment to lower the gooseneck vent: 4-3, with Scott Kilgore, Marcia Parsons and Todd Chernik in favor and Sandy Jones, Walt Rekuc, John McRae and Gary Willis voting in opposition. **Friendly Amendment failed.**

Chair Sandy Jones stated she felt there were two separate issues. (1) The hardship is the location of the roof vents and believed there was justifiable hardship relating to that matter, and (2) the second part was regarding whether to require screening or no screening or how to minimize or what to do given the current location.

Chair Sandy Jones asked if there was any additional discussion. There was no discussion. Restated the original motion to approve **V08-017** with the following conditions: (1) paint the vents to match the color of the roof metal awnings and (2) add a work platform to the exhaust vent as required by code. Vote: 5-2, with Chair Sandy Jones and Scott Kilgore voting in opposition. **Motion carried.**

Chair Sandy Jones called the next agenda item, **V08-018**, 765 and 785 Broadwell Road.

Staff Angela stated Staff was requesting that this petition be deferred until the July meeting as the Applicant had some issues that she needed to work out with Public Works before she has a complete site plan to bring forward. **V08-018 was deferred to the July, 2008 meeting.**

Chair Sandy Jones called the next agenda item, Election of Officers for the balance of 2008.

Gary Willis stated he wanted to make a motion before the elected officers that the Chair and Vice Chair positions will be for yearly positions only and you cannot run concurrent years, two, three or four years in a row. He said you could be reelected after you are not in that chair position for one year, but you would not be able to run for consecutive years.

Chair Sandy Jones asked Staff if he could make that motion or if that would be a change to the by-laws that would need to be brought up in New Business.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Staff Mike Tuller stated that would be his interpretation also.

Chair Sandy Jones said they did not have New Business as an agenda item and if they could add it.

Staff Angela Rambeau stated they could add it.

Scott Kilgore stated the by-laws were pretty specific as to how to make changes to the by-laws.

Walt Rekuc read from the by-laws. *You must include existing and proposed text, you must also include a statement of the proposed and intended affect of the proposed change and it must be held for 14 days before it is presented to the Board of Appeals for action.* He stated there had been some discussion with other board members about changing some dates and also about removing an officer and those procedures as well. He said he wanted to add those when they do this.

Board Discussion about Changes to By-laws and Terms of Office.

Chair Sandy Jones stated procedurally they could not discuss this tonight, but that the comments would be noted and they would follow the correct process.

Chair Sandy Jones moved on to the election of officers and opened the floor to nominations for the Chairman.

Scott Kilgore nominated Sandy Jones for Chair and stated she was doing a fine job. Seconded by Todd Chernik.

Walt Rekuc nominated himself for Chair. Seconded by Marcia Parsons.

Nominees gave brief statements regarding their nominations:

Chair Sandy Jones said she did not desire to go through her resume again and was honored the Board wanted her to continue as Chair and felt she had done a good job and served the Board well.

Walt Rekuc stated he appreciated the job she had done. He stated he believed he had a lot more experience in dealing with a lot of the issues and he had tried during many of their meetings hammer out some resolution to come up with solutions to the sometimes difficult cases. He said often the Board turned to him to make the motions. He said he tries to always come up with something harmonious to the neighborhood. He said with his background and number of projects, it added more experience and he has been in front of these different Boards all over the metro area and saw how they did things so believed that widened his experience as well.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

Vote: 6-1, with Walt Rekuc voting in opposition. **Motion carried.**

Chair Sandy Jones called for nominations for the Vice Chair.

Gary Willis nominated Walt Rekuc. Seconded by John McRae.

Chair Sandy Jones nominated Todd Chernik. Seconded by Marcia Parsons.

Todd Chernik stated he wanted to be brief and said everyone on the Board was qualified as board members and believed over the past year they had all learned the good and the bad during the meetings. He said the key thing he wanted to say was the level of objectivity in striving for efficient meetings was something he held near and dear and tried to demonstrate and hoped to continue as Vice Chair.

Walt Rekuc reiterated his position and said in the event of the absenteeism of the Chair he would be willing and able to fill the role of the Chair for the same reasons stated previously. He said he believed he would do the job well and only thing he could say was he had not missed any meetings and said he knew Todd had missed a few, but that was the only negative he would state. He said he knew the reasons were work related, so he understood that.

Vote: Marcia Parsons, Gary Willis and Walt Rekuc voting for Walt Rekuc and Scott Kilgore, Sandy Jones and Todd Chernik voting for Todd Chernik, and John McRae abstaining. Vote: 3-3-1.

John McRae stated he did not feel he had enough background on the candidates for this position.

Board stating that if City Attorney was present he would state that was not a sufficient reason and that he had to vote or they would be there all night.

Chair Sandy Jones told Mr. McRae that he had been involved in different boards and different capacities, and stated the BZA was a quasi-judicial board and what they do and how they conduct the meetings, what they say and all of that was important and especially their comments in relation to what is in their purview and what is not.

Chair Sandy Jones took another vote for Walt Rekuc as Vice Chair. Vote was 4-3, with Marcia Parson, Gary Willis and Walt Rekuc voting for Walt Rekuc and Scott Kilgore, Sandy Jones, Todd Chernik and John McRae voting for Todd Chernik. **Motion carried** for Todd Chernik as Vice Chair.

Chair Sandy Jones stated there was no new business so she would like to adjourn the meeting.

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

ADJOURNMENT

Motion and Second: Chair Sandy Jones moved to adjourn the Board of Zoning Appeals meeting. Seconded by Marcia Parsons. There was no discussion. Vote: 7-0. Motion unanimously carried.

Meeting adjourned at 8:06 pm

Date Approved: _____

Approved By:

Francesca Ivie
City Clerk's Office

Sandy Jones, Chair
Board of Zoning Appeals

**City of Milton Board Zoning Appeals
Minutes Regular Meeting
June 17, 2008**

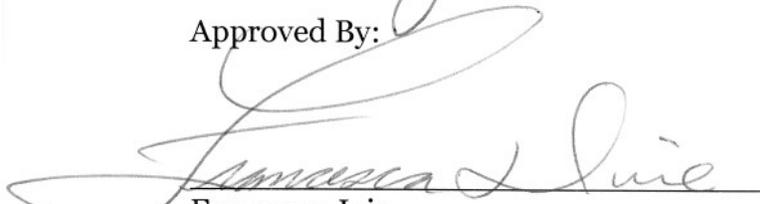
ADJOURNMENT

Motion and Second: Chair Sandy Jones moved to adjourn the Board of Zoning Appeals meeting. Seconded by Marcia Parsons. There was no discussion. Vote: 7-0. Motion unanimously carried.

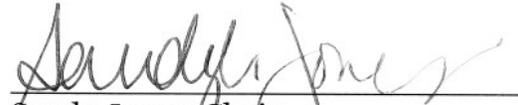
Meeting adjourned at 8:06 pm

Date Approved: July 15, 2008

Approved By:



Francesca Ivie
City Clerk's Office



Sandy Jones, Chair
Board of Zoning Appeals