

question of whether site constraints on a specific piece of property would create an unnecessary hardship by prohibiting or unreasonably restricting the use or property.

Mr. Berl stated that the denial of a variance in 2014 should not be viewed as precedent in this case, as the request at that time was for a two-story deck which would create outdoor living space on both levels. The proposed pergola would not create any additional outdoor living space.

Ms. Kleinman stated that if this was a recurring issue, then it should be addressed by council with a legislative solution in the DSO.

There being no further discussion, Chairman Sewell called for a motion. Following a thorough review of the application, including all supporting materials received in advance of the meeting, and all testimony received during the public hearing, the Board of Zoning Appeals determined that the language contained in the DSO regarding the definition of an “open deck” and “porch” were clear and unambiguous, and that the installation of a covering “of any kind” would convert the existing deck into a porch under the provisions of the DSO.

Based on these conclusions, Mr. Leggett made a motion, seconded by Ms. Kleinman, to accept the appeal as submitted by the Applicants. The motion to accept the appeal was **REJECTED** by a vote of 0-4. Therefore, the decision of the Zoning Administrator is hereby **AFFIRMED**.

ITEMS FOR INFORMATION / DISCUSSION

There were no items for Information / Discussion.

There being no further business, Mr. Fox made a motion to adjourn the meeting. Mr. Leggett seconded the motion. The motion was **APPROVED** by a vote of 4-0, and the meeting was adjourned at 3:52 PM.

Minutes Approved:

Lynda Stearns
Acting Secretary