

North Little Rock Board of Adjustment

Minutes

June 28, 2018

The meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:30 P.M. in the Planning Office (Conference Room B).

Members Present

Mike Abele
Tom Brown
Carl Jackson
Tim Giattina
Steve Sparr

Members Absent

None

Staff Present

Shawn Spencer, Planning Director
David Forstrom, City Planner
B.J. Jones, Administrative Secretary

Others Present

Daniel McFadden, Assistant City Attorney
Rodger Greene, City Building Official
John Pflasterer, City Fire Marshal
Dustin Free, Lieutenant Fire Marshal
Shannon Carroll, City Clerk's office
Chris P. Corbitt, PO Box 4368, Little Rock, AR 72214

Administrative

None

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting in April. Mr. Giattina seconded the motion and there was no dissent.

Old Business

None

New Business

1. **BOA Case 2018-4**. Appeal of administrative decision at an R-3 zoned property located at 5016 East Broadway Street.

Chairman Jackson swore in the applicant and all attending City employees who might speak before the Board. He asked them to swear their testimony is true and correct and to recognize they have been sworn pursuant to the laws of Arkansas and subject to perjury.

Mr. Forstrom explained that Mr. Corbitt had notified Planning by letter in February of his intent to appeal a staff decision regarding issuing a building permit for his property at 5016 East Broadway based on the zoning of the property.

Mr. Corbitt disagreed, stating that he is here just for denial of his building permit, not for zoning.

Mr. Forstrom noted that the property the permit was requested for is zoned R-3.

Mr. Corbitt reiterated he is here to review the denial of his building permit, not zoning.

Chairman Jackson interjected that this Board is here to listen to the applicant's appeal and give him a chance to speak.

Mr. Corbitt stated he had asked for a permit to do window and roof repairs, along with repairing door trim on apartment two. He estimated the work value to be approximately fifteen hundred dollars (\$1500.00). He stated his request was denied due to the property being commercial, though is it zoned R-3. Mr. Corbitt stated he then applied for a commercial permit, which was also denied. Mr. Corbitt continued by starting to explain a brief history, referencing pleadings and recordings, that he believes precipitated the denial starting Valentine's Day. He explained he needs to exhaust his administrative remedies with this Board before he can go to court. He deems the denial ludicrous and a denial of his

constitutional rights. He believes they cannot deny a permit, only approve or disapprove the work he has done. He added that if the City wants to inspect his property, they should issue the permit and inspect the work. He concluded he is looking at this as a simple building permit and they have charged him with seven violations.

Mr. Brown asked what violations he had been charged with.

Mr. Corbitt replied they had cited him with plumbing without a license, plumbing without a permit, building without a permit, constructing without a permit, engaging in business without a license and interference with Code Enforcement.

Mr. Brown asked if the applicant had engaged in those activities.

Mr. Corbitt hesitated.

Mr. Brown repeated his question and Mr. Corbitt replied in the negative.

Mr. Brown displayed a picture and asked Mr. Corbitt what it depicted.

Mr. Corbitt replied he could not testify to that.

When prompted again by Mr. Brown for an explanation of what was depicted, Mr. Corbitt responded that it looked like a photograph.

Mr. Brown was incredulous and Chairman Jackson asked for calm as Mr. Corbitt lashed out about the attitude of Mr. Brown calling him Mr. Jackson. Mr. Brown corrected him regarding his name and stated that he is asking the questions.

Mr. Corbitt suggested Mr. Brown just deny his request and let the applicant go about his way.

Mr. Brown asked Mr. Corbitt to be quiet and let him ask the question.

Mr. Corbitt responded that he would not be quiet and that it is his first amendment right to speak.

Mr. Brown asked the police officer in attendance to come forward to insure the peace and Officer Sorrells complied. Mr. Brown continued to inform Mr. Corbitt that this Board is here on his behalf to hear his complaint.

Mr. Corbitt interrupted, stating that Mr. Brown would not let him speak and had called an armed guard to silence him as if he is out of order.

Mr. Brown asked if he could speak now. He explained that he had asked Mr. Corbitt a question and the applicant had declined to answer.

Mr. Corbitt countered that he is here only about two building permits that have been denied and he is asking for a building permit. He asked Mr. Brown if he is denying the request.

Mr. Brown responded that it is not yet denied.

Mr. Corbitt asked for a yes or no so he could be on his way.

Mr. Able asked the date of the citation.

Mr. Corbitt responded it is dated February 14.

Mr. Giattina asked what type of business was being run without a permit.

Mr. Corbitt responded that he does not know what the allegation is.

Mr. Brown asked Mr. Corbitt if he owned the property.

Mr. Corbitt responded that he has a limited liability corporation that owns the property and he is the lawyer for the LLC. He does not own the property personally.

Mr. Giattina asked what type of business the LLC runs at the property.

Mr. Corbitt responded that the business run out of the LLC is a landlord business.

Chairman Jackson asked Mr. Corbitt if he has an office there.

Mr. Corbitt responded that it is more a residential office. Whether I have an office there or not they have charged me with engaging in a business. I hate to comment on that. I will say they have issued a business license there before that they denied they had. The license was issued to my partner, New Water Systems, a professional engineer named Andy Davis. He is a state representative right now but was issued the business license in 2009 or 2010.

Mr. Brown asked if Mr. Davis owned Lawenger while looking at a license Mr. Corbitt presented.

Mr. Corbitt replied in the negative.

Mr. Giattina noted that the license presented was issued the week after Valentine's Day.

Mr. Corbitt explained that a license had expired and he had renewed it.

Mr. Giattina asked if this is the license addressed in the violation notice.

Mr. Corbitt replied in the negative and explained that the violation notice accused him of running his law firm at the address.

Mr. Brown asked if he did run a law office there.

Mr. Corbitt responded in the negative.

Mr. Brown asked the address of the law firm.

Mr. Corbitt responded that the law office is run out of his home at 3920 Doral in Little Rock.

Mr. Brown stated that this Board can only agree or disagree with Planning staff decisions and cannot decide other matters.

Mr. Corbitt agreed and asked Mr. Brown if he agreed or disagreed, he had been denied a building permit.

Mr. Brown reiterated that this Board could only agree or disagree with Planning decisions.

Mr. Corbitt asked if the permit denial is within the scope of Planning.

Mr. Brown noted that the denial had come from the Planning Director.

Mr. Corbitt asked again if that is within the scope of Planning.

Again, Mr. Brown acknowledged the Planning Director had made the decision.

Mr. Corbitt questioned if it should be decided by Planning considering the definition of engineering is planning and he does not have an engineering license. He asked Mr. Brown if he is aware of that.

Mr. Giattina interjected that Mr. Brown is not under cross-examination.

Mr. Corbitt responded that he could agree or disagree and should have all the facts.

Mr. Brown responded that he would be asking the questions, that this is the Board's meeting not his.

Mr. Corbitt respectfully disagreed, stating the appeal of administrative decision is upon his request.

Mr. Brown reiterated that this Board could only agree or disagree with Planning staff decisions on the matter.

Mr. Corbitt responded that if the Board had no other questions, he would go about his business.

Mr. Brown corrected that he did have additional questions and referred to the previous question about what was depicted in the photograph.

Mr. Corbitt responded that he is currently under criminal indictment and would not answer that question.

Mr. Brown asked where he is under criminal indictment.

Mr. Corbitt responded that it is Judge Morley's Municipal court.

Mr. Abele asked the applicant to explain his original request for permit.

Mr. Corbitt replied that his request was for residential repairs to windows and roof in the amount of fifteen hundred dollars (\$1500.00).

Mr. Giattina noted that if the property is an office it is not residential.

Mr. Corbitt responded that it is zoned residential and he has never used it as an office.

Mr. Giattina asked if he has used it as a home.

Mr. Corbitt replied in the affirmative.

Mr. Giattina asked when he had used it as a home.

Mr. Corbitt explained it has been used as a residence since he bought it.

Mr. Giattina asked if he is living there.

Mr. Corbitt hesitated and explained that he did not want to split hairs.

Mr. Giattina suggested that the question is an important one.

Mr. Corbitt agreed and explained that he lives a unique life style with residences in several towns and I live in those residences.

Mr. Giattina asked the address of his primary residence.

Mr. Corbitt clarified his domicile is in Conway, Arkansas. He stated his initial thoughts when he purchased the property on Broadway were to locate his office there but it was deemed residential so he never followed through with the plan.

Mr. Brown asked if the property was rented out to others.

Mr. Corbitt replied in the affirmative.

Mr. Brown asked to see the business license that had been presented and asked the applicant to pronounce the name on the license.

Mr. Corbitt complied and explained it was the combination of the words lawyer and engineer.

Mr. Brown questioned if this is a license to do business in the form of renting space to others.

Mr. Corbitt replied in the affirmative and noted that he rented the upstairs space from Lawenger.

Mr. Brown asked if he used the upstairs space as an office.

Mr. Corbitt asked him to define office. He added that he does not see customers there. He noted that the fire marshal had commented on his housekeeping, to say it is not the space you would bring a law client into. He summarized, saying it is storage.

Mr. Brown summarized his explanation by stating he does not use the upstairs space as an office.

Mr. Corbitt noted he has an alarm system that documents each time he comes in and leaves and will show he was only there twenty hours last year.

Mr. Giattina suggested that would not be a residence either but sounds more like a storage space.

Mr. Corbitt agreed.

Mr. Brown asked how many businesses use the address at 5016 E. Broadway.

Mr. Corbitt replied that Lawenger uses the address. He asked what the questioner means by "uses" the address.

Mr. Brown asked how many businesses use the address as their physical address.

Mr. Corbitt replied that no businesses use the address as a physical address and then corrected the response to one business uses the address. He added that Lawenger uses the address as a physical address.

Mr. Giattina asked if Lawenger has any other addresses.

Mr. Corbitt replied in the affirmative explaining his home address is used for Lawenger. He added that he installed a mailbox at the Broadway property to use as a mailing address instead of renting a post office box. He noted that the mailing address is also used for a registered agent for multiple corporations and LLC's he represents.

Mr. Brown asked how many apartments are located on the lower level.

Mr. Corbitt responded that there are five units at the property.

Mr. Brown asked if any of those spaces are rented as a bedroom only and not an entire apartment.

Mr. Corbitt replied in the negative.

Mr. Brown asked if any of the spaces share bathrooms or kitchens.

Mr. Corbitt again replied in the negative.

Mr. Brown asked for clarification that the applicant states no units share bathrooms or kitchens.

Mr. Corbitt agreed absolutely and added that Code officers had inspected most of the units.

Mr. Brown asked if the fire marshal had been denied access to the property.

Mr. Corbitt replied in the affirmative.

Mr. Brown asked why the applicant had denied access to the fire marshal.

Mr. Corbitt replied that the fire marshal needed a warrant to enter the property without permission.

Mr. Brown asked if he could question the fire marshal.

Mr. Abele asked if the applicant had applied for a commercial building permit.

Mr. Corbitt replied in the affirmative explaining that he made commercial application after being denied a residential permit.

Mr. Giattina observed that both permit applications presented by the applicant are exactly alike.

Mr. Corbitt explained that the amounts of the value of the work are different. He had changed the value when going from applying for residential permit to applying for commercial permit.

Mr. Abele questioned why the applicant asked for a residential permit but does not live there.

Mr. Corbitt replied that he had applied for residential permit based on the zoning of the property. He added that the code says you do not have to live there and the penalty for not pulling a permit is three times the permit price. Mr. Corbitt expressed his opinion that he should be issued a permit and then have the work inspected based on the permit issued. He added that he is of the opinion that you give up your rights when you purchase a permit and the permit is an invitation to come on the property and inspect for safety. He expressed frustration that code enforcement could tell one what to repair on the property and require a permit to do the repairs. He believes he has a higher duty than anyone does on this Board to maintain the property for safety. He referenced his code of conduct as an engineer to protect the safety and welfare of the public.

Mr. Giattina asked if the applicant believed there are safety issues with the property.

Mr. Corbitt replied in the negative and added that he carried insurance on the property. He stated that he believes what he does in the upstairs and whether or not he runs an office there is private. Considering such, he suggested he stood on his constitutional rights and told the fire marshal, however poorly, he denies access to the property. He justified the behavior, stating that if he were poked with a pitchfork he would turn around to bite. He also acknowledged the recordings of his behavior and language were terrible.

Mr. Giattina asked if one of the comments had been something to the effect that this property would go up like a tinderbox.

Mr. Corbitt replied that the remark had been taken out of context and was in response to the question from the fire marshal asking if he thought this property is a fire hazard.

Mr. Giattina expressed his opinion that such an answer is not a good one.

Mr. Corbitt agreed it might not be a good answer but justified the response, explaining that the property had been there ninety-five years and was no more at risk of fire today than it had been ninety years ago. He suggested the matter is

very simple in that it is retaliatory. He asked if they had seen twelve notices before for one property and accused code enforcement of spending an enormous amount of tax money. He is hoping this Board will be reasonable, rational and logical. He stated he does not understand the behaviors of the city departments involved. The only explanation to him is retaliation from city departments.

Mr. Giattina asked why there would be a need to retaliate.

Mr. Corbitt responded that he had told the fire marshal to go fuck himself.

Mr. Giattina agreed that is not good.

Mr. Brown suggested Mr. Corbitt apologize for those words.

Mr. Corbitt agreed but justified he was answering a question about what he had said. He added that he has a first amendment right to speak his mind.

Mr. Brown apologized to the secretary for the offensive language.

Mr. Corbitt asked if he should sugar it down.

Mr. Brown replied in the negative.

Chairman Jackson asked if the applicant would like to summarize his testimony to allow the Board to move on.

Mr. Corbitt just asked for an answer if he could have a building permit.

Chairman Jackson explained the Board needed to hear from the other attendees.

Mr. Giattina noted he might have follow up questions for the applicant after the other testimony.

Mr. Corbitt agreed.

Chairman Jackson called Shawn Spencer to testify.

Mr. Spencer stated that he is the Director of Community Planning. He suggested there is confusion regarding the differences between zoning and building codes. He agreed the property is zoned R-3 which is residential and has been zoned such for a long time. The zoning allows duplexes but the structure on this property has been grandfathered in considering it was built in 1933. There are no issues with the building and its zoning. The upstairs appears to have once been a commercial business considering the large plate glass windows similar to a storefront. The issue is a lapsed business license for over a year.

Mr. Giattina asked if that had been the issue causing the Valentine's Day incident.

Mr. Spencer responded that he did not know exactly when the license expired, only that it did lapse. The visit to the property on Valentine's Day had nothing to do with the business license. The citation written by the City Clerk's office was issued because there was no license for the upstairs property. The zoning for the property does not allow a business in the upstairs unit but the Planning staff suggested the applicant could make application for a special use permit. Staff also told the applicant they would support the request for a business on the upper floor.

Mr. Giattina asked who had notified Mr. Corbitt of the special use option. Mr. Spencer replied that he and Bill Brown, Assistant City Attorney, had called Mr. Corbitt and discussed the options. Special use was one of the options discussed.

Mr. Spencer suggested some of the confusion seems to stem from misunderstandings between zoning and building codes. Mr. Corbitt refers to the Municipal Code and that has nothing to do with zoning. The municipal code has two choices, residential and commercial. The city uses the 2012 International Building Code, nicknamed commercial and the 2012 International Residential code. These are the only two options. The first line in the International Residential code states it only applies to detached one and two family dwellings. The International Building code, commercial, applies to all buildings except detached one and two family dwellings. Staff has explained these differences to Mr. Corbitt on multiple occasions.

Mr. Brown asked if the 2012 edition of the codes is the latest the City uses.

Mr. Spencer replied in the affirmative.

Mr. Spencer wanted to clarify that the portion of the Municipal code that Mr. Corbitt refers to regarding homeowner residential permits does not apply to his situation. Staff has explained conditions for homeowner residential permits to Mr. Corbitt as well.

Mr. Spencer explained that the papers Mr. Corbitt presents as denied permits are only commercial applications for permits. He never completed the process by submitting plans or drawings nor did he pay a review fee. He has never been denied a permit, as he never completed the process to apply for a permit. Mr. Spencer showed the Board examples of other multi-family applications for commercial permits and explained they had submitted plans for review and been issued a permit 7-10 days later after the review process.

Mr. Sparr asked for clarification that the papers Mr. Corbitt is calling denied permits are not actually permits.

Mr. Spencer clarified that they are only incomplete applications that were never processed.

Mr. Giattina asked if he has never been denied a permit, why is he before this Board. If he has not provided what is required for a permit, what are we to decide?

Mr. Spencer suggested the applicant does not agree that the property requires a commercial permit. Mr. Corbitt wants a residential permit and staff could not comply with that request.

Mr. Sparr wanted to be sure the process had been fully explained to the applicant to get the correct permit.

Mr. Spencer responded that staff had tried to explain multiple times but the applicant did not agree with the staff decision.

Mr. Abele questioned what decision the applicant is appealing.

Mr. Spencer explained that the applicant disagreed with staff decision that the property must follow requirements for commercial buildings.

Mr. Giattina asked if the applicant could still get a special use permit.

Mr. Spencer replied in the affirmative and confirmed that the process was explained to Mr. Corbitt.

Mr. Spencer presented pictures of inside the upstairs unit at the property.

Mr. Giattina asked for clarification that city officials had been inside the upstairs unit.

Mr. Corbitt interjected that the fire marshal had kicked in the door of the unit.

Mr. Spencer asked that the applicant not interrupt during his testimony and noted that the fire marshal is present to address that matter. He reiterated that the applicant could apply for a special use permit to run an office at the location or storage for a rental business. He added that the applicant would need to have a business license for that property. The license he currently has is not for the referenced property, only a license to be a landlord. There is no license for a business at that property.

Mr. Giattina asked if he had the proper license to rent the apartments.

Mr. Spencer replied in the affirmative and added that the units are non-conforming. He added that they have not been in the units yet, though there have been complaints that the space might be used as a boarding house. That was the initial complaint prompting research into the property. The applicant has stated there are five units there with five bathrooms and five kitchens. We are waiting for access to confirm that statement.

Mr. Spencer stated that R-3 zoning does not allow a law office or other offices therefore staff would recommend applying for a special use. He added that staff would support the request due to the appearance and location. The property looks like commercial frontage and is too close to the street at five feet to make an acceptable apartment.

Chairman Jackson asked Mr. Spencer if he as a representative of the City would give the applicant a special use permit.

Mr. Spencer replied that staff would help guide him through the process but staff does not vote to approve the application. Approval would have to come through City Council but staff would support the request.

Chairman Jackson asked for clarification if the applicant could operate an office in the space if the special use was approved.

Mr. Spencer replied that he would need an additional business license for an office. He added that the space could not be used as a home.

Mr. Giattina asked why the space couldn't be a home.

Mr. Spencer explained that there is no kitchen, which is one of the requirements. He suggested that Mr. Corbitt's statement that placing a bed in the unit made it a residence is not true.

Mr. Brown asked if a bathroom is required for a residence.

Mr. Spencer replied in the affirmative and added that he believed there is a bathroom in the unit.

Mr. Abele summarized his understanding of the question before the Board to be determining if the unit can be considered residential.

Mr. Giattina expressed doubt that there has been a formal denial to precipitate the applicant's appearance before this Board.

Mr. Spencer expressed a desire to have the matter resolved and suggested the denial of a residential permit seems to be the applicant's primary complaint

though he never properly applied for a commercial permit, which would be required.

Mr. McFadden from the City Attorney office summarized that the matter before this Board is a determination if the property is considered commercial or residential. He cites Mr. Spencer's explanation that the property is considered commercial in accordance with the fire code.

Mr. Brown again reminded the Board that their only matter to vote on is whether to agree with the staff decision or disagree. He added that he would still like to hear from the fire marshal.

Chairman Jackson excused Mr. Spencer and called the fire marshal to testify.

John Pflasterer, Fire Marshal and Dustin Free, Assistant Fire Marshal stepped to the front.

Mr. Pflasterer stated that Dustin Free was the initial contact from the Fire Marshal's office to be involved in this matter.

Mr. Brown asked about the accusation from Mr. Corbitt that the Fire Marshal had busted his door down.

Mr. Pflasterer replied that they had obtained an administrative search warrant after the continued refusal of Mr. Corbitt to allow access.

Mr. Brown asked to see the warrant.

Mr. Free wanted to clarify that they did not kick the door down but rather used tools to remove the door. With minimal damage, they had also secured the door before leaving.

Mr. Pflasterer added they had pictures of the process before and after.

Mr. Abele asked why the Fire Marshals were at the property.

Mr. Free explained they were there in response to a complaint, asking for an inspection. He added that no one was there when they arrived so he notified the electric department for owner contact information. He stated he called Mr. Corbitt, who agreed to meet him in thirty minutes. Twenty minutes later Mr. Corbitt called back and refused to come. That is the recorded conversation presented to this Board.

Mr. Abele asked what kind of complaint was made and where it came from.

Mr. Brown asked if it was a citizen's complaint.

Mr. Pflasterer explained that the complaint had come through Neighborhood Services.

Mr. Giattina asked what the complaints were documented.

Mr. Free responded that one of the complaints was a concern that the property was being used as a boarding house or drug house with a lot of traffic and that the outside of the property was not being maintained. Upon arrival, they examined the exterior and noted structural damage. There was also an electrical cord run from one apartment into another apartment with a missing meter on the side. He presented pictures of the outside and the door removal. Based upon observations of the exterior it was determined an inspection of the inside to be warranted and contacted Mr. Corbitt.

Mr. Pflasterer added that all commercial businesses are inspected by the fire department on an annual basis in North Little Rock to maintain ISO ratings and safety.

Mr. Abele asked when the last inspection had been done at this property.

Mr. Free responded that before February 14, access had been denied multiple times over the years.

Mr. Pflasterer noted that the apartments on the lower level would not be inspected the same as commercial properties.

Chairman Jackson excused the fire marshals and asked the building inspector to come forward to testify.

Rodger Greene introduced himself as the Building Official for the City of North Little Rock.

Chairman Jackson asked Mr. Greene to state his findings at the property.

Mr. Greene responded that he had seen evidence of new construction at the property when he visited on February 14. There was evidence of repairs in the upstairs unit on the exterior and no permits had been obtained.

Mr. Giattina asked what type of repair was observed.

Mr. Greene explained that he observed new siding on the front of the upstairs under windows. Without an inspection, he is concerned for water, termite or structural damage that has been covered up. Therefore, he issued a citation for working without a permit. There has also been plumbing work done without a permit as evidenced by a ditch with a new water service leading to the building.

It was installed illegally without a permit. No licensed plumber would have done the work the way it was done, above grade. There was an attempt to protect with insulation but that will freeze. That work will have to be totally re-done by a licensed plumber the right way. Based on that observation I issued a stop work order. My intention was to have them acquire the necessary permits and move on with the work getting the required inspections.

Mr. Corbitt agreed the permitting is the only reason he is here.

Mr. Giattina explained he just wanted to get the entire context of the matter. He asked Mr. Corbitt if he is willing to get the special use permit.

Mr. Corbitt replied that he does not know why he needs a special use. The law firm is not based in that building and the engineering office is not located there either.

Mr. Giattina suggested they should be able to resolve this matter.

Mr. Corbitt agreed and explained that he was working through the problems from the February 14 inspection and two weeks later discovered he had been charged with seven different violations and is defending that in municipal court with Judge Morley. He stated he has been working with David Forstrom and informed him he intended to dispute the warrant, which is not a warrant, but an affidavit as there is no notary. He added that after the door was kicked in, his level of trust is lowered. He stated he does not trust the government. He added he is here hoping the Board can be rational and logical and that he would love to resolve the issues. He asked for a work permit.

Mr. Giattina asked Mr. Corbitt if he is willing to get the special use permit.

Mr. Corbitt responded that he would get the special use permit but it needs to be honest and truthful.

Mr. Giattina agreed it should be honest but does not believe it is honest to call the space a residence.

Mr. Corbitt stated it is not a business to him, as he is not holed up in there seeing clients. He defines the space as a 3600 square foot man cave that his wife does not come to. He added he likes the tenants and represents some of their kids. It is a peaceful place for him. He also noted there is no parking.

Mr. Giattina suggested that cooler heads must prevail moving forward and cautioned Mr. Corbitt against cussing City employees. He advised working with City officials to come to an agreement.

Mr. Corbitt responded that was his intention until his door was kicked in.

Mr. Giattina suggested that kicking the door in is an allegation.

Mr. Corbitt called it an illegal search.

Mr. Giattina asked if the City is still willing to work with a special use permit application in this matter.

Mr. McFadden interrupted, stating he is legal counsel assigned to this Board making the Board is his client. Therefore, it is his duty to inform the client of his conversations regarding this matter with Mr. Kevin Lemley who is representing Mr. Corbitt.

Mr. Giattina asked Mr. Corbitt if that is his attorney.

Mr. Corbitt responded in the affirmative.

Mr. McFadden noted that he has sent multiple emails to Mr. Lemley regarding progress in this matter but only occasionally receives any response. He stated that there has been no communication since April from Mr. Lemley. He suggested Mr. Corbitt should have a paper trail on those communications and offered that he could produce the trail as well.

Mr. Corbitt disagreed whole-heartedly. He stated there have been court dates every thirty days and they have extended the court dates to try to work something out. Suddenly Mr. Corbitt suggested moving forward with a special use. He stated he would name the law office as his business in the special use application.

Mr. Spencer added that the special use could just be for an office. It did not matter what type of office. It could be for an office and storage.

Mr. Corbitt stated that is not how it was explained to begin with, but that it was necessary to be specific. He added that he is willing to do whatever is necessary.

Mr. McFadden added that there had never been a requirement of a specific business to be named. He noted that the special use matter has nothing to do with the matter of whether the building is residential or commercial.

Chairman Jackson thanked everyone for their participation.

Mr. Brown formed a motion to uphold the decisions made by the Planning Director, Shawn Spencer regarding the property at 5016 East Broadway.

Mr. Sparr seconded the motion.

Mr. McFadden asked for clarification of the motion and Mr. Brown repeated his motion to agree with the decisions made by the Planning Director.

The motion passed with a unanimous vote.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Brown moved for the Board to adjourn at 2:20 pm.

Mr. Sparr seconded the motion and there was no dissent.

PASSED: July 26, 2018 **RESPECTFULLY SUBMITTED:**


CARL JACKSON, CHAIRMAN